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Seeds of Justice: Gaps in the Protection of Agricultural Workers in Jordan

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Introduction

The agricultural sector in Jordan is characterized by a distinct and multidimensional legal and operational context, reflected in the nature of labor relations, which are marked by a high degree of flexibility, heavy reliance on seasonal and daily labor, and the prevalence of small and medium-sized agricultural holdings. In addition, informal employment arrangements—where the roles of employers and intermediaries often overlap—contribute to weak contractual documentation and create challenges in clearly defining legal obligations and responsibilities.

In this context, the Agricultural Workers Regulation No. (19) of 2021 and its amendments represents a significant regulatory framework aimed at structuring this relationship. It establishes clear legal provisions governing employment contracts, working hours, leave entitlements, and employer obligations. This regulation reflects a qualitative legislative shift toward integrating agricultural labor into the formal legal system, after it had long remained within the informal economy, in line with national efforts to regulate the labor market and strengthen social protection.

However, this legislative progress faces both practical and structural challenges. Despite recognizing the principle of social protection coverage, its actual impact remains limited due to its linkage to higher-level legislation. Specifically, Article (59/D/1) of the Social Security Law No. (1) of 2014 restricts the coverage of workers in agricultural holdings to work injury and maternity insurance only, pending a decision by the Council of Ministers to expand this scope. This limitation creates a gap between the regulatory ambition of the system and the actual insurance framework, resulting in a state of "partial coverage" that does not translate into comprehensive social protection.

An applied reading of the sector reveals that the effectiveness of legal provisions is influenced by several structural and field-level factors, most notably weak contractual documentation, reliance on informal labor mediation, and limited inspection and enforcement mechanisms. These factors often result in compliance that is partial or merely formal. Accordingly, this paper provides an applied legal analysis that links legislative provisions to practical implementation realities, emphasizing that strengthening the system's real impact requires enhancing its enforcement mechanisms and expanding the scope of social protection to ensure institutional sustainability.

This paper adopts a descriptive and analytical approach, based on the interpretation of relevant legal texts and their linkage to the practical realities of the sector. This is achieved through a critical review of legislative sources, official reports issued by the Ministry of Labor, national and international technical reports—including those of the International Labour Organization—as well as field studies and human rights reports issued by Tamkeen for Legal Aid and Human Rights.

Through this methodological approach, the paper aims to provide a comprehensive analysis highlighting the structural gaps in the regulation of the sector, including the widespread nature of informal employment, weak documentation of labor relations, continued reliance on informal intermediaries, and the complexity of employment chains. These challenges are directly reflected in daily working conditions and contribute to lower levels of compliance, ultimately limiting the effectiveness of the legal and regulatory framework governing the agricultural sector in Jordan.

First: General Legal Framework

The agricultural sector in the Hashemite Kingdom of Jordan constitutes a fundamental pillar of national security in its comprehensive sense. It is not merely a productive economic activity, but also a safeguard for national food security, a key driver of rural development, and one of the primary sources of employment in governorates outside the capital. The importance of agriculture has further intensified in light of current geopolitical and climate-related challenges, prompting the government to position the sector at the core of the Economic Modernization Vision to enhance the resilience of the national economy.

At the operational level, available data reflects the significant reliance on this sector. According to statements by the Ministry of Agriculture in March 2025, the total number of individuals engaged in agricultural work is estimated at approximately 220,000 workers. This workforce includes around 160,000 Jordanian workers—comprising landholders, family labor, and seasonal workers—as well as approximately 60,000 non-Jordanian workers, who form the backbone of operational activities across many agricultural systems.[1]

1 Source of the statement: Al Mamlaka TV (official website and news channel).Date of the statement: 17 March 2025 (the news was published early morning on 18 March 2025). Occasion: Interview with the Minister of Agriculture, Eng. Khaled Al-Hanifat, on the program "Sawt Al Mamlaka."

Despite this strategic importance, the sector faces a complex reality in relation to social protection. While legislative efforts have been made—most notably through the issuance and implementation of the amended Agricultural Workers Regulation of 2025—a significant gap remains between actual workforce figures and officially registered data. According to the Social Security Corporation, as of January 2026, the number of workers effectively covered under the social security system did not exceed 18,761 workers.[2]

This disparity highlights a structural challenge, as the total number of registered workers represents less than one-third of the non-Jordanian workforce alone (60,000), leaving nearly 200,000 workers—both Jordanian and non-Jordanian—outside the social protection system. This gap places a critical responsibility on regulatory and human rights institutions to reassess compliance mechanisms and ensure that economic development in the sector is accompanied by parallel progress in decent working conditions, safeguarding workers' dignity and protecting them against occupational and social risks.

The Agricultural Workers Regulation No. (19) of 2021, issued on 14 March 2021, established a legal framework governing the relationship between workers and employers by defining rights and obligations and setting clear rules for regulating working conditions. This contributed to integrating agricultural workers into the formal legal system and reducing reliance on informal employment practices. However, due to identified legal gaps, the regulation was amended through Regulation No. (9) of 2025, issued on 11 January 2025.

The importance of this regulatory framework extends beyond its legislative function, as it also seeks to regulate employment chains within the agricultural sector, which are characterized by multiple actors and overlapping roles. These include agricultural landowners, intermediaries (such as shawish), and workers. This complexity directly affects working conditions, including the nature of employment arrangements, job stability, wage levels, working hours, and access to social protection.

This overlap directly affects working conditions, including the nature of employment arrangements, job stability, wage levels, working hours, and the extent to which workers benefit from social protection.

2 Social Security Data (February 2025): The Ministry's media spokesperson, Mohammed Al-Zyoud, announced that the number of agricultural workers covered by social security increased to 18,761 workers (male and female) following the implementation of the amended Agricultural Workers Regulation for the year 2025. This is based on data issued by the Social Security Corporation in January 2026.

From a legal perspective, this regulation reflects the consolidation of the principle of minimum protection, as its provisions constitute mandatory rules that cannot be waived or undermined by agreement. This is in line with the general principles of the Jordanian Labour Law No. (8) of 1996 and its amendments, which aim to protect the weaker party in the contractual relationship and promote balance between its parties.[3]

At the practical level, this framework is intended to facilitate a transition from unregulated employment patterns—based on oral and undocumented arrangements—to formal employment relationships grounded in clear and written contracts. This shift is expected to enhance clarity regarding rights and obligations, reduce disputes, and contribute to better regulation of employment chains within the agricultural sector by defining the roles and relationships between employers, workers, and intermediaries.

However, achieving this transition remains challenging due to the nature of the sector. Key constraints include the multiplicity of work sites, the small scale of agricultural holdings, the widespread prevalence of seasonal employment, and the limited capacity of inspection and enforcement mechanisms. These factors contribute to a gap between the legal framework and actual practice, where compliance often remains partial or formal, thereby limiting the regulatory and protective impact intended by the system.

3 Agricultural Workers Regulation No. (19) of 2021, as amended; Jordanian Labour Law No. (8) of 1996, as amended.

Second: Agricultural Labor Contract

The Agricultural Workers Regulation No. (19) of 2021 and its amendments regulates the agricultural labor contract as the cornerstone of employment relations in the agricultural sector. It defines its essential elements and establishes rules governing the form and proof of the contract, with the aim of enhancing contractual clarity, reducing disputes, and ensuring a minimum level of legal protection for workers.

In this context, Article (3) of the Regulation sets out key provisions governing agricultural labor contracts. Notably, it stipulates that the contract shall be considered fixed-term if a specific duration is agreed upon or if the nature of the work is temporary or seasonal. It also requires that the contract be concluded in writing, in Arabic and in a language understood by the worker, with two copies provided—one for each party. At the same time, the Regulation recognizes the worker's right to prove their rights through all legally recognized means of evidence in cases where a written contract is not available.[4]

This regulatory framework reflects a dual legislative approach, aimed at strengthening contractual documentation on the one hand, while maintaining flexibility in evidentiary requirements on the other. This approach takes into account the specific nature of the agricultural sector, which is characterized by high levels of informal employment, and seeks—at least in theory—to reduce the risk of rights being lost in the absence of formal documentation.

However, an applied reading of the sector reveals that the effectiveness of these provisions remains limited due to weak compliance with written contract requirements. Employment patterns based on daily and seasonal labor, as well as oral agreements, continue to constitute a significant portion of the sector's reality. This undermines the practical role of the labor contract as a tool for regulating employment relationships and, in some cases, reduces it to a formal framework that does not reflect actual working conditions.

4 Agricultural Workers Regulation No. (19) of 2021, Article (3).

At a deeper level, this challenge is closely linked to the nature of employment chains within the agricultural sector, which are characterized by multiple actors and overlapping roles. Informal labor intermediaries (shawish) play a central role in recruiting and distributing workers, as well as determining daily working conditions. Reports by the International Labour Organization, alongside national literature and field-based evidence—including reports by Tamkeen for Legal Aid and Human Rights—indicate that a significant proportion of agricultural workers enter the labor market through such unregulated mediation.

This pattern of employment effectively reshapes the contractual relationship outside its direct legal framework. Rather than a bilateral relationship between worker and employer, it becomes a multi-party arrangement, in which the intermediary exercises a de facto role without being subject to clear legal regulation. As a result, actual working conditions—including wages, working hours, and job stability—are directly affected, and the effectiveness of the labor contract as a regulatory tool is significantly diminished.

This reality also raises a fundamental legal challenge related to the allocation of responsibility for contractual obligations, particularly in cases of disputes or violations. In the absence of a clear legal definition of the intermediary's role within the contractual relationship, it becomes difficult to determine which party is legally accountable for breaches of workers' rights. This ambiguity weakens accountability and limits the effectiveness of enforcement mechanisms.

In light of the above, enhancing the effectiveness of the agricultural labor contract requires more than the existence of formal legal provisions. It necessitates addressing structural imbalances within the implementation environment by developing flexible documentation mechanisms suited to the nature of agricultural work, regulating the role of intermediaries within a clear legal or licensing framework, and linking these reforms to effective monitoring and enforcement tools. Such measures would contribute to better regulation of employment chains, strengthen compliance, and transform the labor contract from a formal instrument into an effective mechanism for ensuring the real protection of workers.[5]

5 Notes on the Agricultural Workers Regulation No. (19) of 2021 are based on the experience of Tamkeen for Legal Aid and Human Rights' team in working within the agricultural sector, in addition to conducting interviews with employers and workers in the sector.

Case Study[6]

1. Subject of the Case

   The case concerns the prosecution of a farm owner for violating the provisions of Article (73) of the Jordanian Labour Law, specifically for employing a minor (a 14-year-old Syrian refugee in agricultural work) who had not reached the legal minimum working age of sixteen. The case was initiated based on an inspection report issued by a labor inspector.

2. Proceedings and Defendant's Arguments
   - The defendant denied the charges brought against him.
   - The defense argued the absence of a contractual relationship between the farm owner and the minor, asserting that a "crop-sharing (inclusion) agreement" had been concluded with another party (a contractor/ intermediary), who was responsible for recruiting workers and managing their employment conditions.

3. Legal Reasoning of the Court

The court's decision to declare the defendant not liable was based on two main grounds:

First: Procedural Defect in Establishing the Violation

The court found that the inspection report lacked sufficient evidentiary basis. The labor inspector had relied solely on the minor's **oral statement** to determine his age, without verifying official documents (such as a birth certificate). This prevented the court from properly assessing the age element and rendered the report based on assumption rather than verifiable fact.

Second: Absence of Elements of an Employment Relationship (Subordination and Supervision)

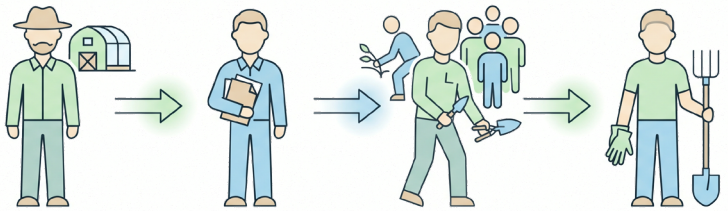
The court ruled that the Labour Law did not apply in this case due to the absence of the essential elements of an **employment contract**, as defined under Article (2) of the law. Testimonies confirmed that the farm owner had transferred responsibility for the crop to another party. Accordingly, the elements of **legal subordination (supervision and control)** and **remuneration** were attributed to the contractor rather than the landowner. As a result, the legal relationship of the minor and other day laborers was deemed to be with the contractor, not the farm owner.

6 Al-Quweirah Magistrate Criminal Court Case No. 267/2020

4. Outcome

The court declared the defendant not liable, as the legal definition of "employer" did not apply to him under the circumstances of this case.

This case clearly illustrates how the ambiguity of legal roles and the multiplicity of intermediaries in the agricultural sector (farm owner → contractor → labor intermediary (shawish) → worker) can result in the erosion of legal accountability.



- Impunity: Verbal crop-sharing arrangements are used as a legal cover to evade responsibility for labor rights violations, including child labor.
- Inspection and Enforcement Gaps: The ruling demonstrates how deficiencies in inspection procedures—such as the failure to attach official documentation or written contracts—can undermine cases before the judiciary.
- Worker Vulnerability: The absence of written contracts leaves workers—particularly minors and migrant workers—in a highly precarious position, as they are unable to clearly identify their legally responsible employer in cases of violation or injury.

Third: Working Hours and Leave

The Agricultural Workers Regulation No. (19) of 2021 and its amendments governs working hours and leave within a framework that seeks to balance the protection of workers' rights with the operational demands of agricultural production. It establishes general limits for working hours, rest periods, and leave entitlements, in line with the fundamental principles of the Jordanian Labour Law No. (8) of 1996 and its amendments.

However, the specific nature of the agricultural sector imposes a distinct operational context compared to other sectors. Agricultural work is closely linked to uncontrollable natural and temporal factors, such as farming seasons, weather conditions, and biological production cycles. As a result, the regulation of working hours in this sector does not always follow a fixed or regular pattern, but is instead characterized by a high degree of flexibility and fluctuation. Working hours may intensify during certain periods—such as harvest seasons—and decrease during others.

Within this context, several challenges emerge that affect the practical implementation of legal provisions governing working hours and leave. One of the most significant challenges is the nature of seasonal and daily labor, which makes it difficult to adhere to fixed limits on working hours, particularly when work must be completed within narrow timeframes dictated by agricultural cycles. In addition, the widespread prevalence of informal employment contributes to the lack of accurate documentation of working hours, limiting the ability to monitor compliance or prove violations.

Furthermore, the calculation of working hours becomes more complex within agricultural employment chains. In many cases, workers are transported to work sites by intermediaries or employers, yet travel time is not counted as part of working hours, despite being an inherent part of the worker's obligations. This effectively extends the working day without corresponding compensation. The absence of clear regulation governing overtime in the agricultural context further contributes to a situation in which additional working hours remain informal and largely unregulated.[7]

7 Field Reports; Tamkeen for Legal Aid and Human Rights.

Accordingly, the challenge in regulating working hours in the agricultural sector does not stem from the absence of legal provisions, but rather from the need to adapt these provisions to the sector's specific characteristics. This requires the development of flexible and measurable implementation tools that take into account the nature of seasonal work, employment chains, and field conditions, in order to ensure effective protection of workers' rights without undermining the requirements of agricultural production.

Fourth: Social Security Coverage

The inclusion of workers in the agricultural sector under the provisions of the Social Security Law raises a legal issue concerning the relationship between the Social Security Law No. (1) of 2014 on the one hand, and the Agricultural Workers Regulation No. (19) of 2021 on the other, particularly in light of the overlap between legal texts and differences in practical application.

From a legal perspective, the Social Security Law clearly defines the categories subject to its provisions. Article (4)(A) stipulates that all workers subject to the Labour Law are mandatorily covered. Since agricultural workers have been brought under the scope of the Labour Law through the Agricultural Workers Regulation, they are, in principle, included within the categories automatically covered by social security under this provision.[8]

In cases where the Labour Law does not apply to certain categories of workers, Article (4)(C) authorizes the Council of Ministers, upon recommendation from the Board of Directors of the Social Security Corporation, to extend coverage to additional groups. This reflects a degree of legislative flexibility, allowing for the gradual expansion of social protection in line with economic and social considerations.[9]

Accordingly, the inclusion of workers in agricultural holdings under social security provisions does not necessarily require a separate decision by the Council of Ministers, as long as they fall within the scope of the Labour Law. In such cases, coverage is established by operation of law, without the need for additional regulatory intervention.

8 Social Security Law No. (1) of 2014, Article (4/A); Agricultural Workers Regulation No. (19) of 2021, as amended.
9 Social Security Law No. (1) of 2014, Article (4/C).

In the practical context, Circular No. (41), issued on 17 July 2021 pursuant to the provisions of Defense Order No. (24) of 2020, introduced amendments to the scope of agricultural workers' inclusion under social security provisions.

In practice, this represented a retreat from the mandatory inclusion stipulated under the Agricultural Workers Regulation No. (19) of 2021, which required their coverage under all social insurance schemes.

Specifically, Article Three of the Circular allowed agricultural holdings to suspend the application of old-age, disability, and death insurance, maternity insurance, and unemployment insurance for all or some agricultural workers who were otherwise required to be enrolled.

These workers were to be covered by such insurance schemes starting from 1 January 2023, while maintaining the mandatory inclusion of occupational injury insurance during the transitional phase. As a result, actual coverage during that period became limited to occupational injury insurance only for those who did not wish to expand coverage.

With the beginning of 2023, maternity insurance was added to the scope of actual coverage for agricultural workers. Consequently, the practical implementation became focused on occupational injury and maternity insurance, while the remaining insurance schemes (old-age, disability and death, and unemployment insurance) remained contingent upon a future decision to be issued by the Council of Ministers based on the recommendation of the Board of Directors of the Social Security Corporation. This reflects that the legislator linked the expansion toward full coverage to an independent administrative/regulatory decision, rather than providing for the direct and immediate implementation of the Agricultural Workers Regulation itself.

However, the partial application of insurance coverage, whereby agricultural workers are limited in practice to only work injury and maternity insurance, raises a significant legal concern regarding its consistency with the governing legislative framework. The Social Security Law does not provide a general mandate to the Social Security Corporation or the Council of Ministers to segment insurance coverage in this manner, except in narrowly defined cases explicitly provided for in the law.

While the law grants the Council of Ministers the authority to determine covered categories under Article (3)(C), and allows limited exceptions from maternity and unemployment insurance under Articles (43)(B) and (49)(B), these powers do not extend to the broader fragmentation of insurance coverage across other schemes, including work injury insurance. This raises questions about the legal basis and consistency of such practices with the provisions of the Social Security Law No. (1) of 2014.

In this context, it is important to emphasize that agricultural workers are, in principle, already covered by work injury and maternity insurance, as they fall within the categories subject to the Social Security Law when eligibility conditions are met. Therefore, the core issue does not lie in the inclusion under these specific insurance schemes, but rather in the extent to which they are fully covered by additional social security benefits, and how this coverage is interpreted and applied in practice.

Consequently, any practical limitation of coverage to work injury and maternity insurance—if implemented outside explicit legal provisions or without a clear legislative basis—raises concerns related to the principle of legality and the hierarchy of legal norms, particularly when such limitations are based on executive decisions or temporary measures, including defense orders, without clear alignment with the law.

It also raises questions regarding the legal basis of certain administrative practices or public statements that imply restricting coverage to specific insurance schemes, despite the absence of a clear legal foundation for such limitations within the broader legislative framework.

In conclusion, workers in agricultural holdings, once subject to the provisions of the Labour Law, are in principle covered under the Social Security Law and are entitled to benefit from its insurance schemes without unlawful fragmentation. However, the practical challenge lies in ensuring that implementation is consistent with the legal framework, and that executive policies and administrative interpretations are sufficiently clear to guarantee comprehensive and coherent social security coverage in line with the law.[10]

10 Notes on the Agricultural Workers Regulation No. (19) of 2021 are informed by the practical experience of Tamkeen for Legal Aid and Human Rights' team in the agricultural sector, complemented by interviews conducted with employers and workers in the sector.

Fifth: Obligations of Employers

The Agricultural Workers Regulation No. (19) of 2021 and its amendments imposes a range of obligations on employers, including regulating contractual relationships with workers, complying with provisions on working hours and leave, ensuring safe and healthy working conditions, and adhering to social security requirements within the applicable legal framework. These obligations aim to reinforce a minimum level of protection for workers in the agricultural sector.

However, the specific nature of the agricultural sector—particularly the prevalence of small-scale holdings and the instability of production patterns—makes the practical implementation of these obligations relatively complex. Compliance often requires administrative and organizational capacities that may not be readily available to many employers in this sector. This is further compounded by the seasonal nature of agricultural work, which results in flexible and irregular employment patterns that may affect levels of compliance with legal standards.

In addition, the widespread use of informal labor intermediaries (shawish) contributes to further complexity in contractual relationships. The involvement of intermediaries creates overlapping roles and responsibilities between the actual employer and the intermediary, thereby weakening the clarity in identifying the legally responsible party for obligations related to wages, working conditions, and occupational safety. This overlap creates practical challenges in applying the principle of accountability and limits the ability of regulatory authorities to trace responsibility and enforce legal provisions effectively.[11]

Accordingly, the issue extends beyond the existence of legal obligations in formal terms to the mechanisms of their implementation within a fragmented and multi-actor employment environment. This necessitates the development of regulatory and oversight tools that take into account the specific nature of the sector and clarify responsibilities within employment chains, thereby enhancing compliance and reducing the gap between the legal framework and its practical application.

11 Notes on the Agricultural Workers Regulation No. (19) of 2021 are informed by the practical experience of Tamkeen for Legal Aid and Human Rights' team in the agricultural sector, complemented by interviews conducted with employers and workers in the sector.

Sixth: Housing Conditions for Non-Jordanian Workers

With regard to housing for non-Jordanian workers (Article 9), the Regulation links the employer's obligation to provide adequate accommodation to two conditions: either the nature of the work or the existence of a contractual provision. This linkage grants employers a wide margin of discretion in determining when housing becomes mandatory, without establishing clear minimum standards for accommodation or specific health and safety requirements.[12]

As a result, this may lead to significant variations in implementation, particularly in small agricultural holdings or remote areas, where adequate housing may be replaced by substandard alternatives that do not meet basic human and living standards.

Seventh: Legal Nature of Acts Related to Forced Labor, Coercion, Threats, Fraud, Document Confiscation, and Physical and Sexual Abuse

Article (13) of the Agricultural Workers Regulation No. (19) of 2021 and its amendments represents an important regulatory step by including a range of serious practices—such as forced labor, coercion, threats, fraud, confiscation of travel documents, and physical and sexual abuse—within the scope of regulatory violations. However, despite its procedural significance within the framework of administrative inspection, this classification does not fully reflect the legal nature of these acts as defined and criminalized under relevant Jordanian criminal legislation, particularly the Penal Code No. (16) of 1960 and its amendments, and the Anti-Trafficking in Persons Law No. (9) of 2009 and its amendments.

On the one hand, the Penal Code criminalizes many of these acts, addressing forms of coercion, threats, and physical assault as offenses punishable under criminal law, and providing a general framework for the protection of personal liberty and physical integrity. On the other hand, the Anti-Trafficking in Persons Law serves as the primary legislative reference in addressing exploitation linked to forced labor, coercion, abuse of vulnerability, and document confiscation, explicitly criminalizing such practices and classifying them as serious offenses against individuals requiring stringent legal accountability.

12 Notes on the Agricultural Workers Regulation No. (19) of 2021 are informed by Tamkeen for Legal Aid and Human Rights' experience working in the agricultural sector.

Accordingly, limiting the classification of these acts to violations under the Agricultural Workers Regulation creates a legal gap in qualification, as it reduces acts that fundamentally affect human dignity, freedom, and physical integrity to the level of administrative infractions, rather than subjecting them to their appropriate classification as criminal offenses.

This discrepancy leads in practice to multiple levels of response without a clear legal linkage within Article (13) to the relevant criminal legislation, thereby weakening coherence between legal frameworks and affecting the consistency of application by both regulatory and judicial authorities. Furthermore, the absence of explicit legislative cross-referencing impacts the level of protection afforded, as some cases may be handled administratively through the Ministry of Labour without activating the criminal justice pathway, which provides broader safeguards for victims, including criminal investigation, prosecution, and deterrent sanctions.

This constitutes a shortcoming from a rights-based perspective, particularly in the context of agricultural labor, which is characterized by relative vulnerability and limited access to justice mechanisms.

Therefore, a comprehensive legal approach requires not only reliance on the regulatory framework established by Article (13), but also its explicit and systematic linkage to the Penal Code No. (16) of 1960 and the Anti-Trafficking in Persons Law No. (9) of 2009. Such integration would ensure proper legal classification of these acts, strengthen the effectiveness of legal protection, promote legislative coherence, reduce inconsistencies in legal interpretation, and ultimately contribute to a more comprehensive and accessible path to justice.[13]

13 Notes on the Agricultural Workers Regulation No. (19) of 2021 are informed by Tamkeen for Legal Aid and Human Rights' experience working in the agricultural sector.

Eighth: Implementation Challenges

Despite the regulatory framework provided by the Agricultural Workers Regulation No. (19) of 2021 and its amendments, the practical application of these provisions reveals a set of structural challenges rooted in the nature of the agricultural sector itself, as well as in the broader economic and regulatory environment. These challenges extend beyond the scope of legislative texts and are reflected in the widespread prevalence of informal employment, weak contractual documentation, heavy reliance on informal intermediaries, limited field inspection capacity, and low levels of effective social security compliance.

The interaction of these factors contributes to the formation of a complex operational environment, in which the practical enforceability of legal provisions is significantly constrained. As a result, achieving full compliance remains contingent upon the strength and integration of institutional and regulatory mechanisms capable of translating the legislative framework into effective practice. This is consistent with findings reported by the International Labour Organization and the Jordanian Ministry of Labour, which identify these issues as persistent structural challenges within the agricultural sector.

Field-based evidence, including interviews with workers in the agricultural sector, indicates that employment arrangements are characterized by highly flexible but largely unregulated patterns, predominantly seasonal and daily in nature, particularly within small and medium-sized enterprises. This leads to a widespread reliance on unwritten contracts or informal working arrangements that are shaped by immediate production needs. Consequently, contractual relationships lack stability and are subject to frequent change, creating a clear gap between the formal legal framework—which presumes structured contractual relationships—and actual practices, which often remain undocumented.[14]

14 Interviews conducted by Tamkeen for Legal Aid and Human Rights' team with male and female agricultural workers and employers during the period 2025–2026.

The agricultural work environment is also shaped by a range of economic and environmental constraints, including seasonal production cycles, weather fluctuations, rising operational costs, and crop losses in certain seasons. These factors directly affect the capacity of employers to consistently comply with regulatory requirements. In response, employers often resort to flexible employment arrangements based on daily or mobile labor, which further undermines the stability of employment relationships and limits the feasibility of implementing obligations tied to long-term contractual continuity or comprehensive social security coverage.

In addition, field observations indicate that workers frequently move between different farms in search of better employment opportunities or higher wages. As a result, most workers are not engaged in long-term employment relationships with a single employer. This mobility complicates the alignment between practical realities and legal requirements, which generally assume a more stable employer-employee relationship. Consequently, this affects the applicability of provisions related to formal contracts and consistent social security coverage.[15]

With regard to working hours and leave, there is a noticeable divergence between the legal framework and prevailing operational practices. In agricultural regions such as the Jordan Valley, working hours are often extended and distributed across morning and evening periods, with breaks during peak heat hours. This pattern reflects environmental and climatic realities that shape the organization of the working day and create an operational context that does not fully align with conventional legal models based on fixed working hours, thereby limiting the literal application of certain provisions.

Field testimonies from female workers in the agricultural sector further highlight additional challenges related to working conditions and daily realities. Some workers are exposed to health risks associated with harsh climatic conditions, often without adequate protective measures or comprehensive insurance coverage. There are also variations in wage levels depending on the nature of work, farm conditions, and working hours, in addition to practices such as wage deductions in cases of sick leave. Furthermore, limited awareness of the governing legal framework and the scope of social protection contributes to a knowledge gap, which weakens workers' ability to claim their rights or effectively benefit from existing protections.[16]

15 Interviews conducted by Tamkeen for Legal Aid and Human Rights' team with male and female agricultural workers and employers during the period 2025–2026.

16 Interviews conducted by Tamkeen for Legal Aid and Human Rights' team with male and female agricultural workers and employers during the

In light of the above, it is evident that implementation challenges in the agricultural sector result from a complex interaction between the seasonal nature of work, the fragility of employment patterns, the multiplicity of actors within employment chains, weak documentation practices, and limited legal awareness, alongside constrained inspection and enforcement mechanisms. Addressing these challenges therefore requires more than the existence of legal provisions; it necessitates the development of flexible and context-sensitive implementation approaches that are capable of adapting to the specific characteristics of the sector, strengthening compliance mechanisms, and achieving a balance between the protection of workers' rights and the sustainability of agricultural production.

period 2025–2026.

Executive Framework for Regulatory Oversight and Occupational Safety in the Jordanian Agricultural Sector: Occupational Safety and Health Instructions and Inspection Instructions (2021)

First: Occupational Safety and Health Requirements and Measures in Agricultural Worksites (2021)

The Occupational Safety and Health Requirements and Measures in Agricultural Worksites Instructions (2021) constitute the direct executive framework for implementing the provisions of Article (11) of the Agricultural Workers Regulation No. (19) of 2021[17]. These instructions translate general legal obligations into specific, enforceable requirements applicable within agricultural workplaces. They are characterized by adopting a comprehensive preventive approach, focusing on the management of occupational risks rather than merely responding to incidents after they occur. This reflects a legislative shift toward promoting a safer and more sustainable working environment in the agricultural sector.

At the level of core obligations, the instructions place direct responsibility on employers to provide appropriate protective and preventive measures, particularly personal protective equipment (PPE), including protective clothing, gloves, masks, and other necessary tools—especially in work environments involving pesticides and hazardous chemicals. This obligation extends beyond mere provision to ensuring the adequacy, suitability, and consistent use of such equipment, thereby establishing a continuous internal monitoring responsibility for employers at the workplace level.

The instructions also emphasize the importance of the human factor, requiring employers to organize training and awareness programs for workers on occupational risks and prevention methods, in addition to providing clear guidance within workplaces. This obligation is particularly significant given the nature of agricultural labor, which often includes seasonal workers or individuals with limited experience, making training a critical tool for reducing occupational accidents and improving behavioral compliance.

17 Instructions on Occupational Safety and Health Conditions and Measures at Agricultural Worksites for the Year 2021.

With regard to infrastructure, the instructions establish specific standards related to the provision of adequate sanitary facilities and, where applicable, suitable worker accommodation, including requirements for ventilation, lighting, and access to safe drinking water, as well as gender-separated sanitary facilities. This reflects a legislative recognition that occupational safety and health extend beyond direct workplace hazards to include living conditions that indirectly affect workers' health and dignity.

However, when these obligations are assessed in light of practical realities, a gap becomes evident between the legislative framework and actual implementation. Many agricultural enterprises—particularly small-scale operations—face challenges related to cost constraints, limited resources, and insufficient awareness of required standards. As a result, compliance is often partial or inconsistent. Furthermore, the relatively informal nature of the sector, combined with the prevalence of seasonal employment, limits the feasibility of achieving full compliance without effective and continuous regulatory oversight.

Accordingly, while these instructions represent a progressive regulatory framework in terms of substance, their practical impact remains closely tied to the state's capacity to strengthen enforcement mechanisms, enhance awareness among employers and workers, and link compliance to effective incentives and sanctions. This is essential to ensure that these provisions move beyond theoretical legal obligations and become practical measures that reduce occupational risks and improve the overall quality of the agricultural work environment.

Second: Inspection Procedures for Agricultural Activities Instructions No. (8) of 2021

The Inspection Procedures for Agricultural Activities Instructions No. (8) of 2021 [18] constitute the regulatory instrument that operationalizes the oversight component of the Agricultural Workers Regulation No. (19) of 2021[18]. These instructions grant the Ministry of Labour clear authority to monitor employers' compliance with the Regulation and related instructions through an inspection system that combines guidance, monitoring, and a graduated enforcement approach.

The significance of these instructions lies in the broad powers granted to labour inspectors, including access to agricultural worksites, review of records, and the ability to conduct individual interviews with workers. These powers enable inspectors to assess actual working conditions and identify practices that may constitute violations of workers' rights or breaches of occupational safety requirements. This oversight approach enhances transparency within the workplace and reduces the likelihood of concealed violations.

The instructions further adopt a dual inspection mechanism, combining both regular and unannounced visits, alongside responsiveness to worker complaints. This expands the scope of oversight and strengthens the ability to detect violations in a timely manner. Such diversity in inspection tools is particularly suited to the agricultural sector, which is characterized by geographical dispersion and multiple worksites, thereby requiring a flexible and decentralized regulatory approach.

From a procedural perspective, the instructions are based on the principle of gradual enforcement, beginning with advisory and warning measures, followed by a corrective period, and ultimately leading to the formal recording of violations and the initiation of legal action in cases of non-compliance. This approach reflects a regulatory balance between encouraging voluntary compliance and enforcing legal discipline where necessary. However, its effectiveness depends on the seriousness of implementation and the continuity of follow-up after corrective periods are granted.

18 Instructions on Inspection Procedures for Agricultural Activities No. (8) of 2021.

Despite the clarity of this regulatory framework, practical implementation reveals several challenges, including limited human and logistical resources available to inspection authorities, the wide geographical scope of the agricultural sector, and the difficulty of accessing remote locations. In addition, the presence of a significant portion of agricultural activity within the informal economy limits the ability of inspection mechanisms to achieve comprehensive coverage. The effectiveness of inspections is also influenced by factors such as employer cooperation, levels of legal awareness, and the willingness to comply without coercive measures.

Accordingly, while the inspection instructions represent a central pillar in enforcing the Agricultural Workers Regulation and occupational safety requirements, their practical impact depends on strengthening the institutional capacity of inspection bodies, expanding their reach, and linking inspection outcomes to an effective follow-up system that ensures sustained compliance. This is essential to transform inspection from a procedural formality into a genuine regulatory tool that enhances compliance and improves working conditions in the agricultural sector.

Comparative Analytical Approach: The Agricultural Sector in Jordan Between Sectoral Specificity and Comparative Experiences

Comparative experiences in several European countries—such as Spain, Italy, and France—demonstrate the adoption of advanced regulatory approaches in addressing the specific nature of agricultural work. These approaches include flexible mechanisms for regulating working hours, expanding social protection coverage to include seasonal workers, strengthening inspection and compliance tools, and linking legal protection to agricultural production chains rather than solely to individual employment relationships.

These models are based on recognizing the inherently unstable nature of the agricultural sector and the resulting fragility of employment relationships, which has led to the adoption of more flexible and comprehensive legislative and institutional interventions.

When applied to the Jordanian context, these experiences highlight potential avenues for strengthening the regulatory framework of the Agricultural Workers Regulation No. (19) of 2021 and its amendments, particularly through enhancing oversight mechanisms and expanding the scope of responsibility to include intermediaries and indirect employment chains. Such measures could help reduce evasion of legal obligations.

These models could be adapted in Jordan by developing more robust mechanisms for the formal registration of employment relationships, and by linking compliance to access to services or incentives, thereby promoting voluntary compliance and reducing informal employment.

However, the application of such models in Jordan faces several structural challenges, including the prevalence of small agricultural holdings, the widespread use of informal intermediaries, limited institutional capacity for field-level inspection, and the incomplete inclusion of agricultural workers within social protection systems. Additionally, the seasonal and intermittent nature of agricultural work presents challenges to adopting conventional models based on stable employment relationships.

Accordingly, the transfer of international experiences should not be approached as a direct replication, but rather as a **carefully adapted process** that takes into account the economic, social, and institutional context in Jordan, in order to ensure effective implementation and sustainable impact.[19]

Comparative Framework: European Models vs. Current Situation in Jordan and Proposed Adaptation

19 Reports on Agricultural Labour in Europe.

Area of Comparison	European Model (Spain, Italy, France)	Current Situation in Jordan	Proposed Development (Adaptation)
Legal Status Definition	Linkage to production chains, with joint liability between farm owners and suppliers.	Legal ambiguity due to multiple intermediaries (shawish) and reliance on informal agreements.	Regulation of intermediaries (shawish) through a formal licensing system that defines their legal responsibilities as secondary employers.
Registration System	Unified digital databases linking actual working days to social security coverage (e.g., Spanish model).	Documentation gap resulting from informal employment and absence of written contracts.	Comprehensive digital integration: Establish a unified database linking the Ministry of Labour and Social Security Corporation to digitally document employment contracts.
Social Protection	Mandatory and flexible coverage extending to seasonal and migrant workers.	Limited coverage (approximately 9%) and challenges in employers' ability to comply.	Amendment of Article (59) of the Social Security Law: Adopt a gradual inclusion approach that balances social protection with the economic capacity of small agricultural holdings.
Inspection and Oversight Mechanisms	Risk-based (targeted) inspections, as implemented in Italy.	Conventional inspection approaches facing limitations in institutional capacity and availability of field data.	Smart inspection systems: Direct oversight toward high-risk areas and activities based on administrative data analysis.

Area of Comparison	European Model (Spain, Italy, France)	Current Situation in Jordan	Proposed Development (Adaptation)
Nature of Employment Contracts	Legal recognition of unstable employment patterns, combined with minimum protection guarantees.	Predominantly informal or oral contracts, facilitating evasion of legal responsibility (e.g., Al-Quwayrah case).	Mandatory registration mechanisms: Link access to government incentives and services (e.g., water or agricultural input subsidies) to the existence of documented employment contracts.

Derived Policy Directions for Strengthening the Jordanian Framework

Building on the above comparative analysis, a set of policy directions can be identified to support the gradual development of the Jordanian regulatory framework in a manner that is consistent with its institutional context:

First: Strengthening Digital Registration Systems for Agricultural Workers

This can be achieved through the establishment of a unified national database linking the Ministry of Labour and the Social Security Corporation, enabling the documentation of employment contracts, tracking of actual working days, and reducing discrepancies in official data across institutions.

This approach is particularly important in the Jordanian context, as it addresses the documentation gap resulting from the informal nature of employment relationships. International experiences—particularly the Spanish model—can be adapted to align with local institutional structures and the existing capacity for digital integration.

Second: Gradual Expansion of Social Security Coverage

This requires reviewing Article (59) of the Social Security Law to enable broader inclusion across different social insurance schemes for workers in the agricultural sector, while taking into account the seasonal and unstable nature of agricultural employment.

In the Jordanian context, this approach faces challenges related to varying levels of employer compliance capacity. Therefore, a phased approach is necessary—one that balances the need for enhanced social protection with the economic realities of small agricultural holdings, ensuring sustainability without undermining operational flexibility.

Third: Regulating the Role of Labour Intermediaries (Shawish)

This involves subjecting intermediaries to a formal legal or licensing framework that clearly defines their responsibilities and brings them under regulatory oversight. Such regulation would help address unregulated practices that undermine transparency in contractual relationships.

Relevant international models regulating agricultural labor mediation can be adapted to the Jordanian context. Regulating this role represents a critical entry point for reducing exploitation and ensuring clarity in the allocation of legal responsibilities among different actors within employment chains.

Fourth: Adopting a Risk-Based Inspection Approach

This entails directing inspection efforts toward areas and activities with a higher likelihood of non-compliance, rather than relying solely on conventional general inspection models.

Implementing this approach in Jordan presents challenges, particularly due to the limited availability of structured field-level data. Accordingly, it requires the development of administrative data analysis tools to support regulatory decision-making, drawing on international experiences such as those in Italy, while ensuring the gradual strengthening of institutional capacities in this area.

Fifth: Strengthening Institutional Coordination Among Relevant Stakeholders

This can be achieved through the development of integrated electronic systems and data-sharing mechanisms between the Ministry of Labour, the Social Security Corporation, and other relevant entities. Such integration would help standardize procedures, reduce regulatory gaps, and improve the overall coherence of implementation.

Institutional coordination is particularly critical in the Jordanian context, given the multiplicity of entities involved in enforcing the provisions of the regulatory framework. The absence of effective coordination weakens implementation efficiency and limits the ability to monitor compliance in a comprehensive and consistent manner.

In light of the above, it is evident that strengthening the Agricultural Workers Regulation in Jordan does not require a complete overhaul of the legal framework. Rather, it necessitates enhancing implementation tools, expanding institutional integration, and adopting flexible regulatory approaches inspired by international experiences, while carefully adapting them to the structural characteristics of the agricultural sector in Jordan.

This underscores that the effectiveness of legislation is not determined solely by the modernity or sophistication of its provisions, but by its capacity to interact with the institutional and economic environment in which it is applied, and to generate tangible impact in terms of compliance and the protection of workers' rights.

Conclusion and Recommendations

The Agricultural Workers Regulation No. (19) of 2021 and its amendments represents a significant legislative step toward regulating labor in the agricultural sector. However, its practical effectiveness remains closely linked to its ability to adapt to the structural characteristics of the sector and to translate legal provisions into applicable and enforceable practices.

The analysis highlights that one of the most pressing implementation challenges is the continued limitation of social security coverage, as the scope of inclusion remains partial. This constrains the realization of comprehensive social protection for workers in the agricultural sector.

Recommendations

- **Review the Social Security legal framework** to expand coverage across all insurance schemes for agricultural workers.
- **Develop detailed implementing instructions** regulating employment contracts and clearly defining the relationship with labor intermediaries.
- **Adopt a risk- and season-based inspection approach**, while strengthening field visits to ensure effective compliance.
- **Develop flexible documentation tools** (e.g., simplified contract templates and records) tailored to the nature of agricultural work.
- **Strengthen institutional coordination** between the Ministry of Labour and the Social Security Corporation to ensure consistency in implementation and more effective and sustainable protection.
- **Enhance digital registration systems** for agricultural workers through the establishment of a unified national database linking the Ministry of Labour and the Social Security Corporation.
- **Regulate the role of labor intermediaries (shawish)** by introducing a formal licensing system that defines their legal responsibilities as secondary employers.
- **Adopt smart inspection systems** by directing oversight toward high-risk areas and activities based on administrative data analysis.
- **Introduce mandatory registration mechanisms** by linking access to government incentives and services (e.g., water or agricultural input subsidies) to the existence of documented employment contracts.

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E-mail: Media@tamkeen-jo.org
www.tamkeen-jo.org

Al-Madina Al-Munwra St,
Building #197 | 3rd Floor

Tel:+ 962 5539501
Mobile: + 962 797847997