

Foreign Workers in the Jordanian Labor Law

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Abstract: Determined to develop further, Jordan signed some bilateral agreements regarding foreign labor welfare. The said agreements, such as the one with the United Arab Emirate (UAE) which regulates the job contracts and grants some labor rights for the Jordanians, or with Germany which facilitates the access of Jordanian professionals to the German economy and education, paved the way to apply pressure on their foreign labor labor-markets. Moreover, foreign professionals are generally not covered by the Jordanian Labor Law, as their labor contracts rely on the foreign law and regulations. Likewise, the jobs of the top executive-level, which are approximated at \$2,340 USD, are also excluded from the legal framework. Domestic workers are generally not protected as the domestic labor market is not regulated, through what is known as social exclusion and other forms of human rights violations. On top of that, forced labor and human trafficking continues to occur under different forms and schemes; the new legislations, legal frameworks and penalties are drafted and enforced to limit this phenomenon which is generally targeted to foreign workers.

Keywords: foreign labor welfare, German economy, Jordanian Labor Law, foreign workers.

1. INTRODUCTION

Jordan is home to many foreign workers. The latter has contributed to the socio-economic development of Jordan, and has had a profound impact on the local culture and consumption patterns. In fact, foreign workers are vital to the success of the Jordanian economy. They have provided Jordan with cheap labor, which has enabled the country's growth and sustained its competitiveness in the global market, as the Jordanian labor market exports garments and other consumer products to Europe and the United States. This business propels the national economy and has proven profitable to both the investors and the state, which is set to receive a share of this revenue in the form of VAT and import duties on the goods. In return, the workers scarcely receive wages that propel them out of poverty.

1.1 Purpose of the Study

The aims of this article are as follows: review the development of the Jordanian legal regimes regulating the work of foreign workers; analyze the foreign workers who are protected by the Jordanian labor law; and address two main inquiries regarding the foreign workers working in Jordan.

The second type of foreign worker, who is a national of a country that does not belong to the GCC, falls under the Jordanian labor law, the Jordanian social security law, and the foreign labor law and its implementing regulations. Jordan has signed a series of bilateral agreements with many countries for regulating labor of foreign workers considering the need of the local market with foreign work and to ensure workers get the benefits they are entitled to by the national law. However, the problem is that many foreign workers in Jordan are working without the required work permit, which makes them unable to exercise the legal rights for foreign workers granted by the local labour law. Hence, even though many local laws and international agreements with Jordan aim to protect the rights foreign works, their application is weaker and sometimes does not reflect the reality.

The purpose of this study is to explore the legal framework regulating the work of foreign workers in Jordan, examine the legal protections they are afforded and those from which they are excluded, and to identify significant issues and challenges such workers face in Jordan. The article focused on Jordan, home to a significant number of foreign workers who come from various backgrounds and who occupy various types of job. The legal status of foreign workers in Jordan is heavily influenced by their nationality, the nationality of their employer and the protection regulating their work. The Jordanian labor law distinguishes between two types of foreign workers: firstly, there are citizens of member countries of the Gulf Cooperation Council (GCC); and secondly, nationals of other countries. The first type is covered by the Jordanian labor law and the protections it provides for their work, with the exception of citizens from the GCC member countries of the United Arab Emirates and Saudi Arabia. The Jordanian labor law and the protections it provides for work only cover such foreign workers in the private sector, and exclude foreign workers who work in seasonal sectors or private households.

1.2 Scope of the Study

The study is restricted to the Jordanian labor law applying on the labor emigrated to work to earn over there in Jordan. The population of the research is those who are engaged as labor or are in other words Workers in Jordan. The research is also attentive of emigrants in the factories or organizations and carry the employee card enabling none national emigration to the state to work.

The research focuses on foreign workers' rights in the spectrum of Jordanian labor law. Up to now, Jordan wealthy of labor emigration flow, and well and differs in procedure concerning the two categories. While the local employees' labor doesn't require conditions or question related to the emigration country. Special attention should be accorded to low skilled workers (Other than Arab nationalities) particularly who migrated to maintain their household back home and have raised large families moreover, switching to the attraction for more systematically jobs are open to global labor competition. One should also note here that an organized digital system only works for the Hashemite Kingdom of Jordan nationality. There was a global agreement about standard renovation in labor around the world on 231 June 2011, concluded ILO subsequently decade of discussion to secure better protection for many millions of housekeepers around the world and outlaws every kind of unstandardized labor task and non-collaborative working patterns. Jordan ratified C189 in 2016. Now at the time of hiring and interviewing Mini model labor contracts specify the labor task exploitation labor law in Jordan.

1.3 Research Questions

The research methods applied in the research are the following: the dialectical method was used to analyze the scientific literature connected with different issues of this investigation and also to establish the connection between each part of the research, the technical legal method was used to make a legal analysis of legislations, other normative acts and documents related to the issue, the comparative method was used for defining common trends of the labor Reform.

The issues directly related to the object of research can be specified as follows: what are ILO requirements for foreign workers' protection and what can be considered as special legal regulation for their legal status are one of the main issues this research is trying to solve. The object of this research is the Foreign Workers according to ILO's Conventions and Jordanian labor law. The research has following objectives: to discover general requirements of International Labour Conventions and their influence on the national labor law in foreign workers regulation, to solve the question of the Body of Special Legislation characteristics and the main beneficence of bringing this body within the labour code.

The object of this research consists in a special structure of foreign workers' legal status in Jordan and the question about how it is regulated. There are two reasons to analyze this issue. First, the legal status of migrant workers is one of the main sources of research in the field of migration law and policy. Second, to research the Jordanian legal system and labor law, one needs to have in mind a special legal status of foreign workers, including their special legal regulation which comes from ILO Conventions.

2. OVERVIEW OF JORDANIAN LABOR LAW

The issue of hiring foreign workers is pivotal in protecting the rights of workers. The Jordanian labour regime places some restrictions on the employment of foreigners. The employer cannot employ unskilled foreign workers on ordinary day wage basis, unless all Jordanian employees in such establishments have been occupied. The Jordan Labour Force provided several incentives to businesses for hiring Jordanian employees, as one of the profits was resolving the civil liability of the employer and giving rise to a host of benefits in the form of support by the Social Security Corporation (SSC). It should be notes that

for unskilled jobs currently performed by expatriates with high demand, the labour law provides a precisely formulated circuitously way out in the form of No Objection Certificate (NOC) to obtain work permit.

This chapter looks at labour migration from different aspects in Jordanian law. It starts by providing a broad overview of labor law in Jordan, outlining the numerous schemes, both punitive as well as supportive, intended to secure better protection for international workers and equal treatment between Jordanians, and aliens regardless of nationality or religious background. The Jordanian labor law covers all forms of foreign workers, whether they are permanent employees with a fixed term, unskilled labour, professionals and skilled staff, or unskilled workers. Irrespective of the position of the foreign worker, compliance with the registration formalities, and necessary governmental approvals predicated on the very nature of the relationship are mandatory. One of the significant recent changes in Jordanian labor law is that social security and other health benefits as stipulated in the legislation became mandatory even for informal and dailyrated employment contracts.

2.1 Definition and Objectives

Ensuring the protection of the workers' rights is one of the main legal objectives of labor law. Jordanian labor law applies its provisions, as a minimum, to the foreign workers it covers. In general, Jordanian legislator grants to foreign workers the same treatment that Jordanian workers receive unless the law provides otherwise. In its essence, the legal and social purpose of the labor law is to normalize and stabilize the employment relationship, so as to avoid disputes and stoppages in the course of the labor engagement. Additionally, the labor law aims at encouraging work, ensuring fair employment conditions, developing the individual's work and skills, and guaranteeing a reasonable level of life as well as proper standard of work and work conditions. The labor law also aims at ensuring public order, balance and mutual respect between the employer and employee. On this regard, the labor law fosters an equal access to employment, conciliation of the labor and development interests of both parties of the employment relationship. The law sets out clear and established rules for the resolution of disputes between employers and employees as an individual, or collectively.

"Foreign Workers" are defined by the Jordanian labor law as those who perform a paid job or paid work under the management of another who is not a Jordanian national, whatever the nationality of this worker might be, in exchange for a recompense or any kind of wages, and whether or not this job or work is carried out on a regular, permanent or temporary basis and irrespective of the duration, kind and conditions of the work performed. These workers are subject to the provisions of the labor law and the Social Security Law. They enjoy the same wage rights and working conditions as Jordanian workers, unless specified otherwise by the labor law, or in accordance with the provisions of specific international conventions ratified by Jordan. Protecting the rights of foreign workers is one of the legal objectives of the Jordanian labor law. These objectives also include encouraging the settlement of disputes, avoiding stoppages, and promoting fair employment conditions and clear and established rules for the resolution of disputes between employers and employees.

2.2 Key Provisions and Regulations

The country portrays, as most of the nations across the world, with a sizeable informal employment, decreased due to several influences, but particularly due to consistent resistance, this condemnation comes basically from the higher expenses that they will need in exchange for legitimatizing the employment. Due to the COVID 19 crisis that affected Palestine greatly informal employment has been raised to the level of politics in Palestine when the New York Times reported the unfair dismissal case of a nurse who worked four years for a hospital, the courts were very fair in their evaluation of the terminated employments and compelled the employer to pay both the legal aspects and the common regular inequity reimbursement prescribed in the Labour Law of 1997, also the court ordered its hospital the re-instatement of the previously employment.

Jordan has adopted a trinity of documents that regulates employment relationships in the country.. These texts consist of the Labor Law (Law No. 8 of 1996), the Civil Service Regulations (Cabinet Decision No. 4/1191-2000 and its amendments), and the General Regulations for the Employees of the Royal Hashemite Court and the Royal Hashemite Divan (Cabinet decision No. 4-1198-2013), which applies to the employees of the Public Institutions of the Of the Royal Hashemite Court and the Royal Hashemite Divan performing their official duties and are not included in the two categories mentioned in both the Labour Law and Civil Service Regulations and subject to those texts in case of a void. The Labor Law is the most important piece of labor legislation in the country, as it covers most of the private sector by its provisions and stipulates certain rights and obligations of workers and employers.. Moreover, Jordan has enacted a number of committees in order to regulate the labor market and administer employment relationships in the country. They consist of the following ones:

the Labor minister and the regional Director of the concerned area and a representative from the Federation of the Industry chambers or the Federation of the Labor Union; In regions and the special zone of the qualification of the public body, the committee shall consist of: the Regional Director of the qualification public body or his representative, the Director of Manpower in the region and a representative of the Federation of the Labor Union. The Ministry of Labor is responsible for the administration of labor relationships in the inter-tricully affairs such as employment permits for foreign workers, among others.

3. FOREIGN WORKERS IN JORDAN

The Labor Law consists of 33 articles that address the situation of foreign workers in Jordan and in official, quotidian expressions, most of these workers are excluded from labor protection both qualitatively and quantitatively. From qualitative exclusion, foreign workers are excluded from: The establishment of trade union organizations, membership, and the right to organize and participate in their activities. The conclusion or negotiation of collective labor agreements. Sitting in the general assembly of the trade unions and the right to vote and nomination. As for the quantitative exclusion, foreign workers are excluded from the scope of the application of labor laws, starting from the minimum wage, paid leaves, and the protection of occupational health and safety in addition to other rights controls. Essentially, the Jordanian current Labor Law does not protect foreign workers, including their work condition standards, and does not make the Foreign Workers' right to work dependent on having a formal contract that entitles him/her to be under the protection of labor laws. This approach, not only, violates the right to work, which is considered the most important economic, social, and cultural right, but also, projects the labor market in Jordan as a regional labor market, as land intended for work, does not require any legal protection for workers. Lastly, this policy helps coercing workers into tolerating harsh conditions and impulsive wages and work conditions that serve at best the interest of the employers.

The most important law that regulates foreign workers in Jordan is the Labor Law No. (8) of 1996 as amended by the amendments of 2018, which regulates and adjusts the legal relationship between the employee and the employer. The law applies to all workers, men and women, Jordanians and non-Jordanians working in the private sector, with the exception of civil servants, military personnel, law enforcement personnel, domestic workers, and establishments with fewer than five workers. This study examines the gaps and deficiencies in labor laws for establishing decent and secure jobs, and questions whether the legal amendments proposed by the government would provide protection and incentives to work, and thus stem the tide of irregular migration and the negative impact of irregular workers on work conditions and wages in the domestic labor market in Jordan.

3.1 Legal Framework for Foreign Workers

The place of the office of the agency should be separated from the place of the recruitment and providing of foreign workers. The office of the agency should consist of two rooms at least, one for reception and transactions and the other for the tinting and keeping of the records.

Neither husband nor wife should bring in any domestic worker probationer or servant, except in cases of a baby-less or a handicapped person in terms of movement and personal application, subject to approval of the Ministry of Labor. Article 3 of the Regulation of Foreign Workers Employment No 8 (1998) regulates the field of recruiting and providing foreign workers in Jordan, and the agencies should meet the following regulations: © The field of recruiting and providing workers should not be in the same place of another transaction type.

When appointing or terminating a foreign employee, Any stoppage of work caused by force majeure or strike. Article (1) of the Regulation of Foreign Workers Employment No 8 (1998) states the following prohibitions:

Agriculture, tending, and animal breeding, Trade and commercial agents. Essential jobs in the private sector such as medical care and hospitals. Article 13 of the Labor Code of 1996 states that the employer shall notify by-law the Department with the following:

The employee should be competent and of good conduct. The employer shall submit a written request for employing the expatriate instead of a Jordanian employee. The employer should be Jordanian by birth. The expatriate shall obtain a work permit from the Department. Foreign workers are prohibited from employment under the following jobs:

Article 14 of the Labor Code of 1996 states that the employment of foreigners in the Kingdom of Jordan shall be regulated by the following rules:

This section presents a critical policy analysis of the Labor Code of 1996 and the latest amendments since 1996 as the primary legislations that govern the legal framework of foreign workers in Jordan. The following part of the section discusses other legislations related to the employment of foreign workers excluding refugees, such as employing Jordanian workers in the private sector, the Jordanian Corporation Law, Social Security, and the Income Tax Law.

3.2 Types of Work Permits

The fourth category includes basically the blue colored workers. Finally, the fifth category of workers perform agricultural work including seasonal occupation which lasts from one to nine months on the basis of recommendation of the Ministry competent for agriculture and environmental protection. In this category is the most employable category of workers at the moment because it is the requirement of the market in Serbia, the most demanding in the industry, particularly agriculture, and the lowest number of school workers, so that it needs most foreign labor of this category, and therefore the highest was the annual limit for 2020. The Minister responsible for work may leave the request pending for no more than 90 days, if in that time, the number of unemployed people or seasonal workers of foreign nationals from abroad, which are registered with the relevant authority, is greater than needed.

Those falling under the first category are: 1. A skilled worker: Work permit is issued to foreigner with a university degree or a higher education institution in the Republic of Serbia, at less than the duration of at least one year, or with work experience of at least five years immediately preceding the employment in the Republic of Serbia, and which is proven by a relevant certificate or decision on acquired higher education or passed tests and other forms of knowledge verification regulated by this law and the regulations adopted thereunder. The need for a foreign citizen to have a work permit, i.e. a foreign citizen is not required to have a work permit for employment for which he has the right to perform in accordance with intergovernmental or international treaties – which the Republic of Serbia is, after the application of the principle of pronounced reciprocity. 2. The second category: the experts for which is determined the annual limit of employment for the current year in accordance with facts and circumstances of importance for the performance of the business activity of special importance for RS, under the conditions prescribed staff may not employ a foreigner without a work permit out of line by way of or in a manner or under conditions specified in the relevant laws. 3. The third category: but rare, they are very high skilled employee: At any time by decision of the Government of the Republic of Serbia, it may be determined the special-purpose annual limit of employment for employees with skills that are of special value for the progress of the Republic of Serbia, which in turn performs the business activity of special importance for the Republic of Serbia under very special conditions.

3.3 Rights and Protections for Foreign Workers

All employers in Jordan must provide foreign workers who fall under seven categories, including certain nationalities, with mandatory life and health insurance. Similarly, the law also offers criminal and civil sanctions for those individuals who employ foreign workers without obtaining permits for them from the government and for workers who overstay their visas. The authorities can imprison illegal workers for as long as four months, while employers found to be in violation of the law can be imprisoned for as long as six months. The foreign labor law for the removal of the “kafeel system” and transfer it to the government ministry, which have worked to break the absolute control of the employer over the foreign worker.

The law prescribes a number of protective measures for foreign employees. Generally, it allows foreign workers with contracts shorter than nine months to renew their employment contracts without having to leave the Kingdom. The law gives workers with contracts shorter than one year the right to end those contracts if the employer is breaking the contract terms. It also states that the employer must provide return tickets to the foreign worker and that the Immigration and Emigration Department may place a ban on employers who have broken or not fulfilled the terms of the employment contract. Furthermore, this provision states that workers with contracts of longer duration than the individual is required to provide a signed petition in order to break the contract. The worker must bear the cost in such cases.

Since the enactment of the Jordanian “foreign labor law” in May 2001, foreign workers have had greater rights than they did previously. These foreign nationals are afforded many of the same rights as Jordanians under the country’s domestic labor law, including those regarding working conditions, minimum wage, working hours, holidays, and child labor. Prior to the reform the foreign employees were regulated under the temporary labor regulation, a special regulation that governed the Syrian, Egyptian, and Sudanese workers. This regulation provided no mechanism for dispute settlement and was much more limited in scope. The foreign labor law is the first ever comprehensive labor law dealing with foreign workers. It

covers all the categories of foreign workers such as technicians, and those who were excluded from the coverage of the temporary labor regulation are now included under the coverage of the foreign labor law with the exception of the three countries specified in the Jordanian-Syrian labor agreement.

4. RECRUITMENT AND EMPLOYMENT PROCESS

Recruitment of Jordanian employees must be made after announcement of the job in the local press, through the employment offices of the Ministry of Labour (MOL) or through any other legal means. Employers may directly conclude employment contracts with the foreign workers, and, therefore, they are not necessarily obliged to make an application or to obtain a no-objection certificate from the MOL. Such no objection certificate is obtained in the cases where the employer makes use of the services of recruitment companies. However, according to the JLL, without such a no-objection certificate, recruitment agencies are not allowed to operate in Jordan and request fees for recruitment. As a result, the MOL has adopted the Regulation 316 of 2006 (CONABU '316), which has increased the penalties (a fine of JOR 2000 to 8000) and that compels, in violations of the rules, agencies to refund the recruitment fees paid. In addition, the employer must present employment contracts to prove that they are already legally in force and that the foreign employee comes to Jordan legally. It should be noted that any agreement concluded between a worker and an agent is not valid because the entity employing the worker is not present at the negotiations and the contract that is concluded with the agent will be illegal because foreign workers are not allowed to work in Jordan except in specific cases.

The main legal sources that regulate recruitment and employment process in Jordan are the Jordanian Labour Law (JLL), as amended in 1999, the Regulation for Work of Aliens No. 138 of 2000 (RWA), the Workmen's Compensation Law No. 8 of 1996, and the Labour Code for the year 2001 of the Code of Occupational Safety and Health and the Social Security Law No.19 of 2001. Foreigners, who can legally work in Jordan, include immigrants in various positions, who, in general, work based on an employment contract. There are some categories of foreign workers who have a special status (e.g. agricultural workers).

4.1 Hiring Process for Foreign Workers

The Labour Directorate in Jordan, an executive body of the Ministry of Labour, is responsible for the issuance of work permits for foreigners. The Directorate prepares and issues all regulations concerning work permits for foreign workers and is in charge of supervising the visa process for foreign workers' work purposes. A recruitment company must get a formal authorization to work in recruiting foreign workers from the Jordanian Ministry of Labour. Additionally, it is needed to obtain Health Insurance for the worker and also pay a guarantee that might be returned to the respective employer in case the worker would leave the job before the contract expires or in case there is an injury of the worker during the formal residence in Jordan (Art 11). "A foreign worker who may be engaged in employment or may be seeking such employment may enter Jordan only if authorized by a work permit" (Art 12)[84b554f6-80b3-47d1-83e8-afcedc60fb18]. A duration of the work permit that is granted to a foreign worker by the Labour Directorate shall not exceed twelve months and this is renewable annually in accordance with the provisions of the Labour Law. The application for renewal needs to be submitted within one month prior to its expiry. Failure to renew within this period will require reapplying for a new permit of a foreign worker (Art 13). Pre-departure standards in the Jordanian Labour Law for low-waged migrant workers is framed around health standards for which an individual will submit an official health report a Human Health Services Department accredited by the Jordanian Embassy in the country of origin (Art 25)[0d83b8e9-18db-488e-aa12-400019abe445].

A foreign worker in Jordan can be hired upon obtaining a work permit and entrance visa into Jordan. The hiring process for foreign workers must ensure the following rights: equivalent treatment between foreign workers and Jordanian workers under the provisions of the Labour Law 1996 (Art 8), provision of protective clothing and gear deemed necessary by the trade-type, free medical care, and the right to join the Social Security Corporation [SRC]. An employer of a foreign worker must also abide by restrictions such as: guarantee the foreign worker rights provided by the Labour Law (the employer cannot waive away the rights of a foreign worker), the employer cannot carry-out construction work outside the borders of the established construction site, and "an overall work day for every work type does not exceed eight hours and six days a week"[b92d78fc-cbb7-468c-be2d-e371faf4273f].

4.2 Employment Contracts and Conditions

Local government actors in Jordan seek out group-based and response-driven strategies for inclusion in formal work for refugees and migrants more widely. Since 2016 in Jordan, local authorities have implemented a number of initiatives promoting refugee employment and the inclusion of refugees in local economies. UserRole of Jordanian institutions in refugee employment: Approval process for formal employment of refugees. Refugees seeking formal work must obtain permits from governmental authorities. These permits require clearance from 8 different entities. Ministry of Labor Employment Permits for refugees – at a cost of 119 JD.

The labor law in the Hashemite Kingdom of Jordan is based upon employment contracts that are used to document the terms and conditions of work and the rights and duties of workers and employers in accordance with the prescribed provisions. All foreign workforce shall be employed in the Hashemite Kingdom of Jordan only in accordance with written contracts for determined periods of time. Contracts for full-time work are supposed to be made in accordance with the provisions of this law. The nature of the work and its traits should be decided by the labor law or the practice of the laws or the scope or class that has been decided under subjecting.

The labor laws at a national level protect the workers to regulate the work relationship between the worker and the employer. This relationship appears to be directed under the premise of an agreement between the two parties. This agreement necessitates a preceding of contract of employment with definite kinds of contracts that have been presented through this law, including indefinite contract or determinate contract.

Jordan received a large influx of Foreign Workers (FWs) over the decades of the 20th century. Most of the Jordanian Labor Law provisions do not distinguish between Jordanian and Foreign Workers. However, some specific local applications are stated to the FWs. Jordanian working law is concerned with regulating and organizing, in one of its chapters, the conditions of the non-Jordanian workforce at the level of the employment agreement.

4.3 Obligations of Employers and Employees

Before the recruitment of the foreign worker, the employer must provide assurances to guarantee the return of worker and to cover the medical expenses required by such employee. An employer firm or an enterprise shouldn't employ foreign workers without acquiring a written consent from the Labor Department. The non-observance of aforesaid condition may lead to imprisonment for a term of not less than one month and/or a 'fine' for a minimum sum of 100 Jordanian Dinar (JD.100) and not exceeding 500 Jordanian Dinar (JD.500). The employer must ensure that the foreign employee, who is less than 30 years of age, shall be granted a real vacation within the Kingdom for a period of not less than six months, in respect of each period of two consecutive years dated from his recruitment, during the term of service, the balance for the employer or the establishment. The employer must send once per year to the Labor Department a report including the names of all employees in the business or establishment, identified by nationality, in such a way that they have right to ask for employment on reserve. A workplace that employs Jordanian workers more than (25) must train at least one to determine that new foreign workers acquire knowledge and skills that enable them to carry out their work, and any employer must ensure that any disabled foreign worker employed gains the appropriate guidance enabling them to move, and learn as a good beginner. It is compulsory for the employer to issue a medical certificate issued in his country of residence or states the date of entry, its age, and the nature of its job, to be delivered to the technical committees.

In general, a Labor law is a piece of legislation that defines the rights and the obligations of employers and employees in the relationship-of employment, and the penalties to be imposed in the case of noncompliance. The Jordanian labor law defines what employment contracts should include and set limits on working hours. Any employer, who employs more than ten persons, is required to notify the Labor department of the names and the occupations of the employees. However, the employers are completely free to appoint and to terminate employees, considering the fact that the employee is elected as per the labor law provisions. The owner of trade or establishment may not appoint more than 25% of the total of the staff of its employees from the non-Jordanians. The employer or his representative shall notify, in writing, the foreign employee of the date and the place of his or her work, the type of work duties and the wage, and to apply to the Department of Employment for the approval by the labor director. The employer shall ensure the recruitment of foreign employees who are less than thirty years of age for real vacation within the Kingdom for a period of not less than six months, in respect of each period of two continuous years of service with the employer or entity.

5. WORK PERMITS AND RESIDENCY

Among the many potential exemptions, there is one significant category established by the labour law which legally permits some individuals to work without a work permit, namely family members, as long as certain conditions are met. The 2010 Labour Law (LL) did not make any reference to domestic workers. According to current in-country sources, domestic workers' wages and hours of work are not subject to the regulation of the labour code in Jordan. The General Regulation of the 1998 Labour Law contains one article that appears to confer power on the Minister of Labour to issue decisions (on the basis of paragraph 4 of the same Article) regulating domestic workers' employment. It does not provide for specifically protective labour rules in the same manner as for other workers under the Labour Code. In the absence of employment and residency safeguards enshrined in the labour law, domestic workers do not benefit from any minimum wage requirements and hourly maximum working week. COVID-19 has also had an impact on domestic workers in Jordan. There is a risk they will be laid off or at least lose part of their wages as employers of domestic workers could be confined to their house or face business losses.

Most foreign workers can only be lawfully employed in Jordan if they hold a valid work permit. Work permits are restricted to a specific employer, profession and location. Foreign workers holding a work permit are granted residency status for the duration of the work permit and are entitled to access public healthcare and most other public services, with the exception of formal education, social assistance and the electoral process. Foreign workers are specifically excluded from standing for election or voting in national elections and may only make limited use of healthcare services unless otherwise mandated by dedicated governmental action, as happened during the initial phase of the COVID-19 pandemic in 2020. And migrants that are not working in Jordan are permitted to reside in the country for various other reasons and are often granted renewable residency permits. Undocumented foreign workers and asylum seekers are also able to file for residency according to the Jordanian Law which permits residency for humanitarian reasons.

5.1 Procedures for Obtaining Work Permits

In accordance with applicable procedures, such as applicable market vacuum controls, this process affects employment of Jordanian labor, as well as the effectiveness of the policy in terms of the replacement or decrease introduced by the stern of foreign workers (refer to Figure 1). The process can take between one or two months, depending on whether the authorities request to stop the procedure and also take some approvals (work permit and access visa on the departure) without which the travel a trip may last much longer. Working hours End of the injured foreign worker as opposed to the expiry of the work permit. If the worker desires to maintain it or wishes until his / her study permit is over (for example when holding a work permit), the employee has an opportunity of two weeks to begin to provide it again.

The process of obtaining a work permit starts once the employer selects the employee who will be hired, and the application will be submitted by the employer concerned to the Labor Department of the Ministry of Labor, along with a pool of records. Several government agencies are involved in their review, including the Labor Department, GID, the General Department of Residency and Borders and the Ministry of Industry, Trade and Supply. Following the electronic issuance by the decision-making party, the consent of all parties to the issuance of the work permit shows that the official labor minister has consented to the incidence of the global labor policy followed by Jordan, as well as the consent of GID to the incidence of the national security policy.

5.2 Residency Requirements for Foreign Workers

The enforcement of the law varies. Guenther noted that there are difficulties in enforcing the labor law in the agricultural sector especially and in the construction industry. The MOL has in-house inspectors who are to inspect the worksites and who are entitled to report transgressions to the MOL office in order to enforce the labor law.

To obtain a setting permit for the foreigner, the employer must provide proof of a valid employment agreement and to prove that they can provide the foreigner(s) with accommodation and pay the entire amount of the governmental expenditure for the foreigner. The fee will differ depending on the type of employment, ranging between JD 200 to JD 600. The aforementioned guarantee shall be kept and maintained for three years from the date of subscriber.

Foreign workers must obtain a work permit to be able to work in the Jordanian labor market, and this formally/legal requirement is monitored by the Ministry of Labor (MOL). This implies that one cannot obtain legal work in the Jordanian labor market without having a work permit (WP). A WP is valid for one year, after which it must be renewed. Although

officially it falls to the employer to obtain the clause mentioned. Consequently, it is the responsibility of the employer to provide their foreign employee(s) with a place to stay, to pay for health insurance (over JD 10), work permit fees, and renew it on an annual basis.

6. WORKING CONDITIONS AND BENEFITS

The time length of work a week in Jordan is 48 hours at most, and working on a public holiday is strictly prohibited, except for some necessary jobs. Although Jordanians have regulations on paid annual leave, non-Jordanian employees are not allowed paid annual leave in the first two years of employment except otherwise stipulated by the Minister of Labor. After having worked in the same workplace for at least a year, foreign workers can have an annual leave of 14 days if their period of service is less than two years, and 21 days if it exceeds two years; Jordanian labors earn 18 days and 21 days respectively. However, as foreign workers usually lack negotiation, it is hard to meet the legal regulations. Pregnant workers are entitled to 10 weeks of maternity leave. Still, it is rare in actual practice. All women employees are allowed to have 10 weeks of paid maternity leave for giving birth, with an extra benefit of one hour a day for breastfeeding or expressing milk for the whole of the breastfeeding period, which is usually 180 days, unless your firm has a more favorable regulation.

The working conditions and benefits of the foreign labor force in Jordan correspond in general to the standards stipulated by the national labor law, but there are some special rules that are being applied to foreign workers depending on nationality, work sector, and other factors. The minimum wage level of workers in the private sector is generally decided by the government after negotiations with unions and employers. The minimum wage level for Jordanians is different from non-Jordanians, and it is usually made lower for foreign workers that cause salary discrimination.

6.1 Working Hours and Overtime

The employer must fix the hours of work in more than one shift, with a break of at least one hour between the shifts, and the worker shall not work for all shifts. The employer may require the worker to work overtime, provided that he is paid at least the wage payable at the normal working hours plus at least 25% of that wage for each additional working hours. An employer may not require the worker to work overtime, except in the following cases: work necessary to prevent a harmful event which cannot be avoided during work hours and requires an immediate intervention; work necessary to prevent the work from stopping due to a breakdown, or work necessary to make sure that the machinery will not stop, as well as works necessary for some maintenance, cleaning, and the repair process; work necessary to prevent price loss, if it is not normal for the employer's business to stop at that time.

The normal working time under the labour law in Jordan shall be no longer than 48 hours per week for everyone over the age of 18, including foreign workers. The working time may be reduced by 6 hours every week during the month of Ramadan. The working time for young persons below the age of 18 years shall not exceed 6 hours daily, i.e. 36 hours per week. The rest periods during work, such as breaks and daily rest, shall not be included in the hours of work. Work performed during the rest periods shall be considered overtime. The weekly rest day for all workers shall be one day at least, preferably Friday. The employer shall assign the workers to work on the rest day only in the event of the nature of the work so requires, and shall be considered one worked day and replaced by another rest day no later than the week following.

6.2 Leave and Holidays

The Article 15 of the labor law of 1998 of gratuitous leave was amended in 2017 so that no amount will be deducted from the leave. The Article 72 of the same law grants female workers maternity leave, as a right, with pay over a period of 10 weeks, 6 weeks before and 4 weeks after delivery. The Article 75 of the social security law of 2018 amended once with periods included for breastfeeding and rest, establishing with the Ministry of Health to take the necessary measures to enforce this article. There is no exact leave article or regulation for paternity (IFAD, 2020, p. 5) In Section 6 (59/83) of the agricultural labor regulation of 2006, it was approved that the employer is obliged to give a leave from work for the worker on every public holiday, where certain percent is given from the Jordanian national workers, but 95% of Syrian and non-Jordanian workers to be bonded to the workplace, but in the midst of the years 2020 and 2021 as well as during the public holidays of 2022, some investors applied the personal freedoms principle.

Foreign workers consist of different categories, particularly fixed-term migrant workers, seasonal or temporary migrant workers, and part-time migrant workers. This does not include those from Jordan's free-trade agreement partner countries. According to the Article 17 of Jordanian labor law of 1996, the employment office in the Ministry of Labor estimates their

number in Jordan (World International Organization, 2019, p. 18). The Ministry of Labor published that about 100,000 foreign labor permits were issued in total so far in 2020. The Article 12 of the law of foreign labor of 1998 and its amendments acknowledge the rights and interests of these workers during their residency in Jordan so that they are equal to the rights of Jordanian workers within the limits of the law and regulations. These workers are covered by the Social Security Law No. 1 of 2018 (Love Jordan, 2018).

6.3 Social Security and Health Insurance

Nevertheless, the foreign workers can resistably become included under the applicable reliable systems after their 7 months of enactment of this act. They shall pay only the share stipulated for the employers, as well as retrogressively from the first date of the starting of their services, and thereby that the worker have to select not to join only under the Social Security System according to Social Security System Law Number 19 of 2018. Out of the legislative system, the Bylaw has deemed non-Jordanian employees the satisfaction of the wage defined as basis for monthly returns of stop participants, and the expatriates, in conjunction and contrast to the inscribed of the non-Jordanian workers, how they must cover to the Jordanian Social Security Corporation within #15days after the expiration of the period covered by the non-Jordanian workers.

Article 6 (2) and its amendments have included the groups not subject to the Social Security Law; these are the employees of the private Tajheel sector, agricultural workers, foreign workers who are subject to the return funds system in their home country and the workers participating in the not mandatory Social Security founded by international establishments. After the annunciation of the non- Jordanian labor to return funds in their country, the Content of the 6 (2) have been modified stipulating the right to the foreign workers who are subject to the return funds to attain the benefits rising from the pension and general disability, while the disabled workers are given the full benefit by accident in all its detection and endear assured by act no46/2013.

7. EMPLOYMENT TERMINATION AND DISPUTES

Termination grounds in Jordan are as follows: the worker's consent, the end of the contractual period upon the arrival of its termination date or the completion of the "job" objectives, the satisfaction of the contractual purpose, unrenewal of the agreement by the end of its fixed term, the death of a party in light of Article 33 of the Labour Law, a force majeure event, the disability of the worker, his or her reaching the legal retirement age, or termination subject to contract provisions or following the approval of the worker if the employer is unhappy or dissatisfied with the worker's efforts.

Termination Grounds

Employment in Jordan is either indefinite or for fixed duration. In identifying the contract type, courts use a functional approach. The Supreme Court of Jordan has held that an agreement's stated duration is an important factor, but not necessarily decisive in determining the contract type and awarding severance pay. If an agreement is designed for an indefinite period, the court may award severance pay, irrespective of the agreement's stated duration. If the employer terminates the agreement without due cause while it is valid and before it naturally dissolves, the worker may argue that this was indefinite employment and claim severance pay. The authorities will initially demand all employment-related documents for investigation even if the worker is subject to the research and departure notification system applicable to migrant workers. Workers are required to contact the embassy of their home country, which will contact the local police on their behalf in case of an emergency. In case the worker is interested in taking legal action against his employer, he may do so through the embassy's legal aid liaison or by hiring a local lawyer. Additionally, in case of a valid claim for severance or notice pay, authorities should bar the employer from renewing his work permit, transferring the right to work permits of the workers to a new employer.

Agreement Termination

7.1 Termination of Employment Contracts

It is forbidden to terminate the service of the employee while enjoying the legally allowed right with exception to termination for the period of payment in case the service due to water conflicts for the official employees. It is also banned to give notices of termination at more than one period regardless of the execution or its proceedings in the courts for the official exams during the paid or all the employees' absence. The employees are attained to obligatory forces of not less than 20 counts on a few years if the termination has been done in illegal time, but the lawful termination is preserved, for what every party can ask to the court that should be paid a dueegisegeticed indemnity in place of what should be paid props of the proper time not including the lost insurance indemnity.

The labor law allows either party to terminate the contract with verbal termination statement, or give the other party the written notification before 15 days for the First year of the service, Before 30 days for any person completes more than one year of services. The notice shall be given in second in case of the emergency employees meeting the conditions that government stated the list of the severing workers – the qualified organizations and private and owner individuals – and if it is worth noticing that the works should be stored to gather for serving them again. The termination statement shall be only in the cases stated in Article 40 or made by a foreign body that controls the management of a public organization location to expire term of the service. In case of completion of the term of the service according to the civil services by-law, the institution can terminate the service without prior resignation notification, or in the case of government decision, it is stated that services though should be terminated with preceding resigning time.

The Labor Law sets conditions to justify the termination of Jordanian and non-Jordanian employees' contracts through a well-formulated list of acts that if committed by employees can result in the declaration of the employer of employees suspension of work. Such acts are criminal acts and moral misbehavior stated in Art. 61 of the Labor Law. Capital punishment is committed on employees against the employer or his workplace. It is also decisive to resort to work under alcohol or narcotics effect, and personal disobedience to lawful instruction of the employer. Illness and sickness not exceeding 10 days shorter than 4 weeks, but in case of professional diseases and sicknesses or diseases or injuries that are not resulting from the work. This term has been delated on march 18th, 2020 and it will be delivered 2 weeks shorter except the other employees that the normal term in the labor law.

7.2 Dispute Resolution Mechanisms

An additional, alternative mechanism to resolve labor disputes within enterprises is arbitration. However, the application of this arbitration in the Jordanian labor market is very rare. Arbitration should not contradict the founding principles of the labor contract expressed in Jordanian Labor Law no. 8 of 1996 and its amendments.

Another form of dispute resolution and an essential mechanism in the Jordanian labor law system is mediation. Article 40 of the labor code makes mention of mediation. It is a process by which two parties engage in structured negotiation based upon the intervention and assistance of an independent and impartial third party. In the Jordanian judicial system, except for the conciliation committees, judicial mediation with courts is not adequately existing in practice. The law has allowed the parties themselves to try mediator intervention where it has shown some positive effects on the duration of case processing time. In some cases, the employer chooses to settle the dispute by mediation and third-party-making the worker to waive his/her rights once receiving his/her full financial dues to waive the case before the courts.

Lawsuits as one of the main resolution mechanisms take place in the labor courts/labor sections. The workers are the most efficient in pursuing claims at these fora, since they cater to their interests. The records of the judicial bodies about the claimants bring about the immense ability to reflect the most vulnerable forms of enterprises and the violations that occur in the labor contract as a whole. This mechanism has shown through experiences that it is the backbone for detailing and analyzing the different patterns of violations and has the ability to shed light on the various violations occurring in the labor market since labor inspection and monitoring. The responsibilities of the Ministry of Labor, which reflect in monitoring and following up on the commitment of employers to Jordanian labor law, are a matter of interpretation and they have always proved the weakest option in making the rights of workers safe in this marketplace. Judicial bodies, represented by labor courts and their legality in investigating actual labor relations and deciding claims that have legal value to workers, remain the most powerful bodies conducting this judging in a way that maintains worker rights, even for foreign workers based on the principles set by the International Labor Law Conventions and the preamble of the Labor Law itself.

8. COMPLIANCE AND ENFORCEMENT

In 2010, due to the refusal to recruit foreign migrant workers during a specific year, the work force will be banned for this company until the commitment to the fees is fulfilled. Furthermore, if a company sends workers before the payment of the several preventing further action, it will prevent the company from bringing its workers to Jordan again, although this does not prevent the Ministry or any disadvantage of the workers from the deportation. If the facilities or the employers are the return of their employees, the police may conduct a raid on that facility with an arrest warrant for the employer. The law allows the authorities to send the buildings of an employer or foreign employer provided support for illegal residence documents. In addition, the penalties should be set for the violation of employer protection on migrant workers. The police can arrest and detain a person to migrant before referring to the prosecution phase to investigate. Migrant workers who lack

legal status are expected to be detained in holding centers before processing or deportation by the government. If the employee and the workers have been found to be responsible for the conduct of labor migrants, the necessary penalties will be levied on the employer's any bank account in the country.

The penalty specified in the law excludes all sums paid or for the reasons of this payment and the prosecutor or authorized filed account for the distribution in accordance with the needs of detergent used in the transfer of the funds to the budget of the institutions that are higher than the Ministry of the Interior slave or the Ministry and Minister in the top set up to monitor the recruitment and sending the workers in the government. The Minister possesses military enough to detain refugee workers who have independents in Jordan and can deliver these refugees on the state of keeping in mind the agents. The Ministry of human rights. In addition, if the several preventing further action is from the workers, these workers would be taken in suitable, the Ministry of interior and approach.

The provisions of the labor law of Jordan, including foreign workers, are generally implemented by law and without the need to apply its law before the court or before administrative tribunals to prove their existence and their impact. The anti-corruption must, in compliance with the relevant provisions of the labor law, to the extent that controls the administrative and the payroll data of foreign workers without a permit to work and refugee workers. Such measures must be explicitly included in the controls of the Ministry of Labor and includes periodic checks and unannounced employers for immigrants of foreign workers who are documented. The facilities or employers found to violate the law work related to the work of the foreign nationals are subject to penalties against the measures found in non-Arab, the law of the protection and illegal employment of migrant workers in 2003. In violation of the provisions of the law on the protection and illegal employment of migrant workers, by the staff of the employer, as possession of the permit to work, the total is a fine of not less than 300JD and or imprisonment period of not more than 12 months. In the case of continued violation, penalties are equal to the number found.

8.1 Monitoring and Inspections

The judicial route has had limited effect. Foreign workers have attributed high legal fees, anxiety about legal and financial retaliation by the employer, and practical obstacles- such as a lack of memory or evidence- to their decision not to seek justice through a court. While obtaining legal aid in court is a right granted to every foreign worker, the government, particularly in Jordan, has failed to effectively partner with legal service organizations to ensure that every foreign worker can exercise this right. The Jordanian state has only annually outsourced legal aid to a small number of legal service organizations, which has to date defended a low number of foreign workers.

Another legal reason requires that all financial transactions associated with recruiting foreign workers to Jordan must occur on Jordanian soil, such as reimbursing workers for the expenses of their recruitment, returning the workers' personal documents, and replacing a worker who abandons his or her employment. They have often (and unsuccessfully) argued with Jordan's Ministry of Labor and Ministry of Interior to reword Article 3 of the Law on Work Permits, Article 11 of the Regulation on Work Permits, and Article 26 of the Regulation on the Recruitment and Work of Non-Jordanians . Note that wage differentials and the fees of those recruitment brokers have persisted for economic reasons. Employers incur substantial costs when hiring foreign workers, not the foreign workers themselves, unless their monetary rights are respected. If subjected to severe physical or non-physical punishments, including unpaid wages or unfortifiable food, foreign workers can extend their stay in Jordan through a court's order.

Monitoring and inspections of foreign worker's contract have failed to prevent workplace abuses and have been considered largely ineffective, at least for two legal or economic reasons, wage differentials and recruitment brokers. One legal reason has rendered inspection authorities ineffective. Jordanian Labor Law states that the minimum wage of a foreign worker- 190 JD- can only be rounded down to 182 – the minimum wage of a Jordanian worker- if accommodation, food, beverage, and clothing provided by the employer are proven by the latter to be of an equal financial value to the deducted amount. Inspectors have no legal access to the employer's financial information or administrative data. Hence, when inspecting a workplace, they are not legally able to ascertain whether the monetary value of the four non-monetary rights is equivalent to the JD8 by which the foreign worker's minimum wage may be reduced.

8.2 Penalties for Non-Compliance

The necessity of foreign workers is one of the reasons that Jordan, despite many challenges, has not enforced a strict migration policy like some other countries in the region. A key concern of migrants in host countries is legal status. Unauthorized labor migrants, along with being outside the berth of protection by those host country labor laws, live with

the constant threat of deportation which is often a tool used by local authorities to maintain labor power. Thus, the main push of Jordan's labor policy is a conducive environment for the registration of migrants including foreign workers. Fabricating an appealing migration policy to bring foreign workers into the legal framework will help in relocating them from the under-the-radar sector into the registered labor market. As an example of Jordan's efforts in this regard, Amnesty and reduced penalties are frequently offered by the state to encourage the registration of non-citizens. In 2019, Jordan allowed registered refugees to operate more freely by lessening the cost of labor permits (in all regulated sectors).

There are also, on the legal level, concerns in terms of the rights and working conditions of foreign workers, through domestic labor laws and regulations, governments usually try to protect the rights both of local workers and foreign workers. There are also concerns related to human rights in the context of migration. Tensions between local workers' rights and human rights need to be balanced, and often these tensions are central to political, social, and labor relations. Jordan is a classic example of a country in which such challenges are salient. Jordan is an example of a country of net migration and is a host to a significant number of work-related migrants. Historically, Palestinian migrants escaped the Israeli-Palestinian conflict to find work in Jordan; such that Jordan's labor market is significantly made up of migrants.

Foreign workers have become an integral part of many economies globally, Jordan is no exception. Although foreign workers may provide many benefits to the economy, they also pose many challenges to local labor forces and governments alike. Local workers may perceive foreign workers as a threat to the local labor market, and at times, locals and foreign workers may compete in the same markets. Even if the competition is not direct, foreign workers often provide labor at lower costs, which in certain circumstances could lead to a decrease in the labor costs of local workers and their earning as a result.

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