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Legislative and Policy Coherence on the Extension of Social Security Coverage in Jordan



**DEVELOPMENT
PATHWAYS**



Kingdom of the Netherlands



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Acronyms

EU	European Union
GDP	Gross Domestic Product
HBB	Home-Based Businesses
ILO	International Labour Organisation
JOD	Jordanian Dinar
KII	Key Informant Interview
KYC	Know Your Customer
Mol	Ministry of Interior
MoL	Ministry of Labour
MoU	Memorandum of Understanding
NAF	National Aid Fund
NGO	Non-Governmental Organisation
NSPS	National Social Protection Strategy
OECD	Organisation for Economic Co-operation and Development
SSC	Social Security Corporation
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America
WFP	World Food Programme

1 Introduction

Jordan has taken significant strides to strengthen legal protections for individuals to access their right to social protection, notably through establishing a social assistance fund and a social security system for the private sector. At 9 per cent of GDP, Jordan spends more than most other country in the region¹ on social security (under only Tunisia with 11.6 per cent GDP in spending).² Nevertheless, there are still significant coverage gaps, and only 27.8 per cent of the population has access to at least one social security benefit.³ Jordan's social protection system regrettably leaves many people behind.

Fragmentation and a lack of coherence between different laws, policies and regulations governing Jordan's social protection system pose significant barriers to closing coverage gaps. As this report explores, social protection programmes in Jordan are implemented by, or rely upon, several agencies, with no strong overarching coordinating body. The resulting contradictions in laws, definitions and procedures can impede the protection of the right to social protection, especially for the most vulnerable who struggle most to navigate the inconsistencies and ambiguities.

High levels of informal employment are reflected in relatively low levels of social security coverage.⁴ A majority of employees and their employers (48 per cent) do not contribute to social insurance programmes. However, 37 per cent of individuals without coverage or contributions have a formal employment contract. Most workers lacking coverage are found in the agricultural (97 per cent), domestic (97 per cent), and construction (89 per cent) sectors.⁵ Own account workers are also much more likely than employees to lack social insurance with 78 per cent lacking de facto coverage.

Most employees lacking coverage are also non-Jordanian. Of all uninsured employees in Jordan, just 33 per cent are Jordanian, whereas approximately 35 per cent of uninsured employees are Egyptian, 22 per cent are Syrian, and about 10 per cent are from other countries.⁶ As will be explored throughout this report, non-Jordanians lack coverage due to several intersecting barriers, such as work permit procedures, preventing them from being subject to national labour legislation and being formally employed.

Without adequate coverage, these workers face significant financial and health risks. A lack of coverage is also associated with higher levels of poverty and inequality.

Recent government actions highlight a drive to formalize Jordan's work force, including through the extension of social security. Further action at the policy level has also tried to strengthen enforcement of social security and modify work permit procedures.

However, the effective extension of social security requires an understanding of how different protection programmes, labour market policies and procedures create incentives, disincentives, and contradictions for different groups of workers. Different statutes may also contain articles indicating

¹ While definitions of the Middle East and North Africa (MENA) region vary across United Nations agencies, this report uses the definition set by the ILO, which covers three subregions: North African countries (Algeria, Egypt, Libya, Morocco, Sudan and Tunisia), Gulf Cooperation Council (GCC) countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) and other Middle Eastern countries (Iraq, Jordan, Lebanon, the Occupied Palestinian Territory, the Syrian Arab Republic and Yemen). Countries in the latter two categories constitute the Arab States region as officially defined by the ILO.

² International Labour Organisation (2021b).

³ International Labour Organisation (2021b).

⁴ "Employees are considered to have informal jobs if their employment relationship is, in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (advance notice of dismissal, severance pay, paid annual or sick leave, etc.)." International Labour Organisation (2003).

⁵ International Labour Organisation (2021a).

⁶ Ibid.

that future guidance on the relevant policy area will be developed, but the corresponding guidance has either not yet been stipulated or remains vague. This is complicated by the fact that the definition of terms in legislation and policies may not be consistent.

Coherence across legislation and policy is critical for the effective roll out of social security to new groups and categories of workers. It is also a vital component of an effective formalization agenda, as reflected in the ILO Recommendation 204 on the Transition from the Informal to the Formal Economy. The overall objective of this report is to identify options to strengthen legislative and policy coherence on the extension of social security in Jordan through an in-depth analysis of the national legal and policy frameworks. It will take particular interest in the case of extension of coverage to agricultural workers, self-employed workers, non-nationals (including refugees), domestic workers and female workers. It will consider legislation and policy under the Social Security Corporation, as well as related areas including labour market, immigration, and social assistance policies. In doing so, it will highlight gaps and contradictions in policy and legislation, and areas that disincentivize and incentivize workers from participating in social security. Based on these contradictions, incentives, and disincentives, it will provide policy makers with recommendations to address them.

1.1 Social protection is a universal right

Access to social security (a country's system of income transfers) has been regarded as a basic human right since the Universal Declaration of Human Rights was agreed in 1948 (see Box 1). Social security is internationally recognised to be comprised of schemes that are financed through either contributions from workers and employers (often referred to as social insurance) or through general taxation (often referred to as non-contributory or tax-financed) schemes. In well-designed systems, schemes combine in a coherent way to make up a multi-tiered social security system (as shown in Figure 1-1) in which everyone has access to a set of defined entitlements. Those in formal employment contribute into social insurance and are able access income support when affected by a specific contingency (such as disability, old age, sickness, maternity/paternity, unemployment etc.). In contrast, those who have not contributed are able to access tax-financed transfers, often on an unconditional basis, provided they fulfil the eligibility criteria. Strengthening this tax-financed tier, while simultaneously encouraging the growth of social insurance, is essential for guaranteeing the right of everyone – regardless of nationality – to social security, as outlined in key international instruments, including the Universal Declaration of Human Rights in 1948 and ILO Recommendation No. 202 of 2012 on Social Protection Floors.

In many social protection systems in low- and middle-income countries, as in Jordan, tax-financed schemes are targeted at the poorest members of society. However, very few Jordanians – less than 10 per cent of households, and less than a third of those officially classified as poor – are able to

Box 1: The right to social security in the universal declaration of human rights

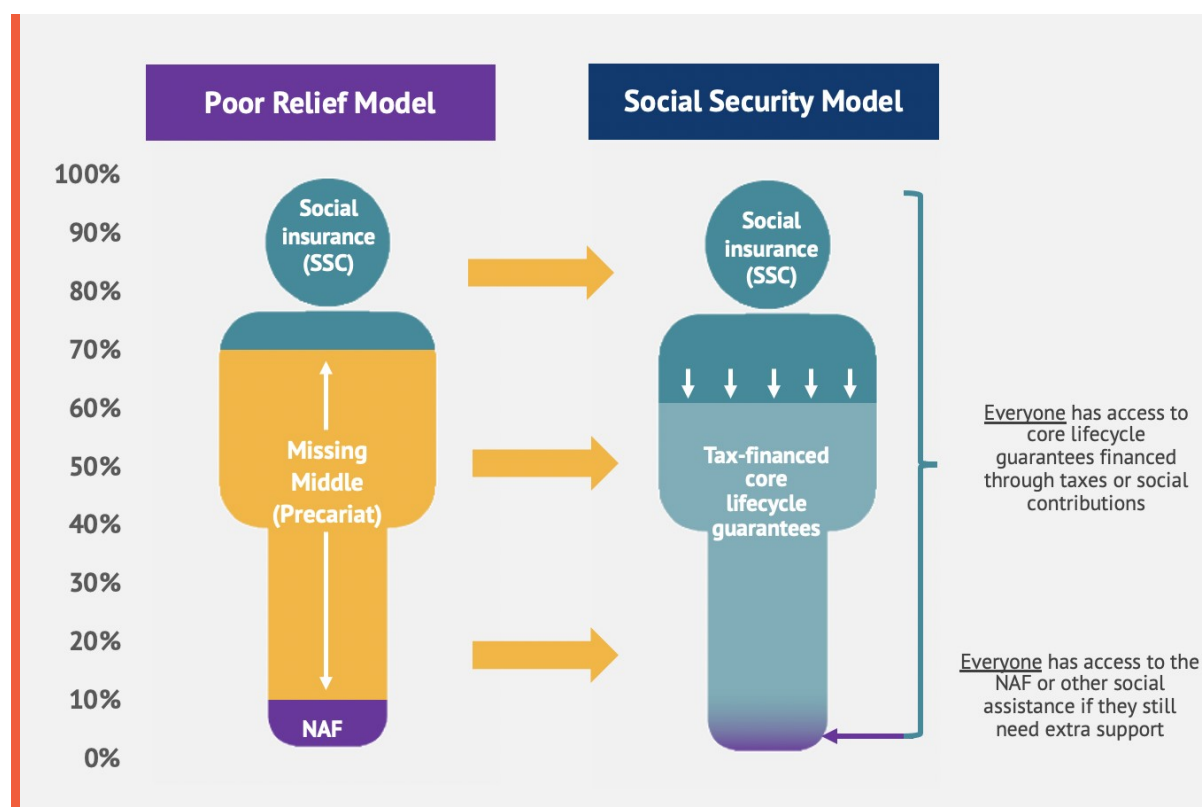
- **Article 22:** “**Everyone**, as a member of society, has the **right to social security**”
- **Article 25:** “(1) **Everyone** has the **right to a standard of living** adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the **right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control**. (2) Motherhood and childhood are entitled to special care and assistance. **All children**, whether born in or out of wedlock, shall enjoy the same **social protection**.”

The right to social security is repeated in a range of other international conventions.

access it, and benefits are low, at JOD 30 to JOD 200 per month.⁷ Especially in contexts of high informality, this poor relief model, even when combined with relatively comprehensive social insurance provisions for risks across the lifecycle, excludes a large known as the ‘missing middle’: those unable to access benefits from the social insurance system but who are not eligible for poverty-targeted schemes.

Jordan stands out in the region and internationally in allowing non-nationals to access a relatively comprehensive menu of benefits delivered by the Social Security Corporation (SSC). However, social assistance is restricted to Jordanians with incomes falling below the poverty line under the flagship National Aid Fund (NAF). Therefore, the social protection system automatically leaves behind non-nationals working informally (with no access to social insurance) and those with incomes falling below poverty thresholds (who cannot legally access the NAF). These gaps have led to a reliance on non-state cash and in-kind assistance from other actors such as international organisations (e.g. UNHCR and WFP), NGOs, charities from local and religious communities. A longer-term vision for inclusive social security in Jordan would aim to extend coverage and close gaps in the contributory system while, simultaneously, gradually increasing access to a tax-financed lifecycle-based guarantees – such as child benefits or old-age pensions – to both Jordanians and non-Jordanians alike. This transition toward a more inclusive social security model is depicted in Figure 1-1.

Figure 1-1 Covering the ‘missing middle’ in Jordan through multi-tiered social security based on lifecycle guarantees



Source: Anderson and Pop (2022) and Development Pathways.

The issue of extension of tax-financed guarantees can be contentious, particularly when basic guarantees for the national population are lacking, as in Jordan. That said, many countries do

⁷ Anderson and Pop (2022).

provide tax-financed social protection benefits to non-nationals by restricting access based on legal residency status and usually requiring a minimum length of residency to qualify. For example, in New Zealand, an individual can access the universal tax-financed old age pension if they have amassed 10 years of continuous residence and physical presence in New Zealand, including five years after the age of 50. In addition, OECD and European countries provide an access to tax-financed minimum income guarantees (last-resort policies like the NAF) to all legal residents regardless of length-of-stay.⁸

This rights-based understanding of social security serves as a guidepost for the analysis of legislative and policy coherence in Jordan's social protection system and the recommendations that derive from it.

1.2 The importance of legislative and policy coherence

A universal and comprehensive social security model necessitates a strong legal and policy framework. Indeed, ILO Recommendation No. 202 (para 3(I)) recognizes the need for policy coherence to increase the government's ability to achieve desired development goals with limited resources and to ensure that social and economic policies reinforce each other. In other words, the State should ensure complementarity with other social, economic, development and employment policies and coordination between those various policies (horizontal coordination) and along the policy process – from design to implementation and from national levels to local levels (vertical coordination).⁹

Fragmented social protection programmes and a lack of sufficient coordination and cooperation between actors increase the likelihood that the right to social protection will be infringed. This is in part due to the lack of legal specification, clarity on rules of eligibility and level of entitlements, and lines of accountability for certain aspects of programme implementation and lack of coordination between relevant government ministries and entities. Incoherent policies can be a disincentive to action and a serious impediment to the realization of economic, social and cultural rights, especially of the most vulnerable and/or least represented people, including non-national populations. Additionally, ineffectively coordinated programmes can leave gaps in coverage, exacerbate exclusion errors, or overlook the implications of the inter-dependency of programmes across different policy areas.¹⁰

⁸ (Mutual Information System on Social Protection (MISSOC), latest years).

⁹ McClanahan et al. (2021).

¹⁰ McClanahan et al. (2021).

2 Overview of legislative and policy coherence in Jordan: What are the key legislative and policy areas of concern, what institutions are involved, what coordination mechanisms are in place, if any

Historically, Jordan's social protection system was founded on a charity-based system (Zakat). The next development phase introducing the first public mandatory retirement programme in the early 1940s, focusing on two types of workers: civil officials and military personnel. That period of time was also witness to a large influx of Palestinian refugees, a shift towards a service-based economy, and the migration of people from rural areas to urban cities – processes which, together, roused labour movements and pressing calls for social protection. Over the decades that followed, Jordan introduced a number of laws aimed at offering protections to various segments of the population. A timeline of these legislative developments is presented in Box 2-1.

Box 2-1 Historical legislative developments of Jordan's social protection sphere

- The first labour law, which primarily mandated that private businesses provide employees with severance payments upon termination, was approved in 1960, following a 1955 law specifying compensation for private-sector workers for occupational injuries.
- Jordan's first social security cooperation (SSC) law, Law No. 30, which committed to establishing a contributory social security system, was passed in 1978. The SSC law was subsequently subject to several modifications, most particularly in 2001, 2010, 2014 and again most recently in 2019.¹¹
- In 1986, the National Aid Fund was established with the goal of providing social assistance for the most vulnerable.
- Starting in the 1990s, social protection then became mainstreamed into many sectors without specifying a single entity to serve as an umbrella organisation for the implementation of the different social protection programmes. For instance, a programme to feed students in schools to boost education, a cash transfer programme in place of fuel subsidies in the 2000s, etc.

Initially, the statutory social protection model explicitly covered only Jordanians but has gradually become more inclusive with amendments to the SSC law. However, the system still lacks a strong and coherent legal framework that furthers the goal of achieving the universal right to social protection, especially for non-nationals and specific typologies of workers.

2.1 Coherence of the expansion of coverage of the right to social protection at high-level legislative and policy

The right to social security is articulated in Jordan's legal framework through an amalgamation of several instruments. From the beginning, the late King Hussein bin Talal, in his call to establish the Social Security Corporation, stated that "It is time to create a legislative framework embodying a social security ensuring comfort and reassurance for the worker and good citizen in case of illness disability, and old-age, secure decent live for his family members."

The following paragraphs provide an overview of the consideration of social security, with a focus on non-nationals, of the main high-level legal and policy frameworks operating in Jordan.

¹¹ Aref (2022); Alhawarin & Selwaness (2018).

The Constitution of the Hashemite Kingdom of Jordan of 1952 and its amendments

While the Jordanian Constitution lacks an independent article ensuring the right to social security for all, the following articles can serve as a high-level framework for Jordanians:¹²

- Article 6 of the Constitution commits the government to ensure work, education and equal opportunities for Jordanians; and
- Article 23 of the Constitution outlines requirements for special compensation to be given to Jordanian workers supporting families, and during contingencies including dismissal, illness, old age and emergencies that arise out of the nature of their work.

International instruments

Through its ratification of key international social security instruments, the Government of Jordan has also expressed a commitment to provide a minimal level of social security to all residents. For example:

- **ILO Social Security (Minimum Standards) Convention, 1952 (No. 102)** (ratified by Jordan in 2014) guaranteeing minimum standards of social security branches for a member's *residents*
- **ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118)** (ratified by Jordan in 1963) mandating *equal treatment* as regards grants of social security benefits to non-nationals.

The Government of Jordan is subject to the ILO Conventions' general surveys and supervisory mechanisms. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) is expected to review the application of both conventions in 2024.¹³

National legislation

Social Security Cooperation Law No 1 of 2014 and its amendments

The extension of the right to social security for all residents (including old-age, disability, maternity, unemployment and survivor benefits) is upheld in the SSC law through Article 4(a) extending the scope of the right to all workers (as defined in the Labour Code), regardless of duration, form of contract, and nationality of worker. However, internal inconsistencies within the SSC law are apparent through the following sub-paragraphs of the law, which then mean that without amendments to the SSC law or additional bylaws, key groups lack coverage:

- Article 4(b)(3) excluding **irregular workers, meaning:**
 - A. A day laborer working less than sixteen days in any given month) with a single employer.
 - B. An hour, piece, shipment laborer or the like who works less than sixteen days in any given month; regardless of the number of working hours, pieces or shipments per day.
 - C. A laborer who is paid on a monthly basis; regardless of the number of working days per month, with the exception of the first month of work to which the principle of less than sixteen working days per month shall apply

¹² Mohamud (2021).

¹³ NORMLEX (2020).

- Article 4(c) only *allows* the coverage to **domestic workers** and does not *require* it, pending the issuance of a decision by the Council of Ministers.
- Article 4(d) allows the exclusion of **labourers not exceeding 28 years of age** from the old-age insurance for a companies' first 5 years of registration with 25 or less workers in the agricultural production sectors and information technology sector
- Article 7 mandating the right to voluntarily contribute to social security schemes is limited to **only to Jordanians**.

Labour code, Law No. 8 of 1996 and its amendments

The Labour code defines the rights, protections, and responsibilities for *all workers* irrespective of mode of contractual (verbal and written) or nationality of the worker, except domestic and agricultural workers (whose rights are to be covered under bylaws to the labour code) (Section 3). However, as explored subsequently in this report, the code contains gaps in the types of workers it protects. For example, it mandates bylaws for agricultural and domestic workers to establish their working conditions and protections, as well as different rules for coverage eligibility.

Law Fund No. 36 of 1986 (creating the National Aid Fund)

The right to national social assistance is restricted to Jordanians through Law Fund No. 36 (1986). Therefore, non-nationals have no access to last-resort cash assistance afforded to the poorest Jordanians by the Government, even if the NAF suffers from exclusion errors and benefits are insufficient to compensate for a lack of more inclusive, lifecycle-based benefits.

National policies and plans

The **2019-2025 National Social Protection Strategy** commits to expand Jordan's social protection system through three pillars: (1) a just, private-sector-focused labour market based on decent working conditions and social security; (2) universal, high-quality, basic services including education, health care, and services to special-need individuals; and (3) targeted, temporary social assistance to citizens who are unable to be economically self-sufficient. The 2019-2025 National Social Protection Strategy does not articulate a right to social security for all **residents** and instead the focus is placed on ensuring the realisation of the right for Jordanian nationals.

However, the principle of equal rights for non-nationals is referenced in the **Comprehensive National Plan for Human Rights 2016-2025**. Under the plan's objective to align the national legislations and policies with the Constitution and international conventions endorsed by Jordan for the right to Nationality, Residency, Asylum and Freedom of Movement, key activities include:

- 'to unify the references related to granting these rights and restrict the prohibition and exclusion to the judiciary'; and
- 'to raise awareness of the society about the rights of citizenship and of refugees'.

The principle is further upheld in other national policies, which open the door for equal rights to social protection and the right to work. For example, while Jordan also does not currently have a **national migration or refugee policy**,¹⁴ which could promote the extension of the right to social protection to all residents, including refugees and asylum seekers, some assumptions can be drawn from the **1998 Memorandum of Understanding between Jordan and the UNHCR** stating that a

¹⁴ ILO (2015).

legally resident refugee may “work for his own account whenever the laws and regulations permit,” (article 8).

The **Jordan Response Plan for the Syria Crisis 2020-2022**, in turn, puts great emphasis on expanding social assistance and protection to Syrian refugees. Specific objectives include: ‘(1) Strengthened inclusive national and sub-national social protection system in line with international protection standards (comprehensive, transparent and equitable) thus ensuring the rights of vulnerable refugees and Jordanians are met and a decent life for all is promoted. [Social services]; and (2). Improved inclusive social protection and poverty alleviation mechanisms for vulnerable refugees and Jordanians affected by the crisis in order to ensure that basic needs are met considering the specific needs of women, girls, men and boys. [Social assistance]’.

However, as with the Constitution, some policies place a greater emphasis on guaranteeing the rights of Jordanians over the rights of all residents within Jordan. For example, the **National Economic Priority Programme 2021-2023** emphasises a strong focus on ‘Jordanian’ employment and remains strategically vague when addressing specific actions that would assume coverage of all workers non-dependent on nationality. The Economic policy even labels the dominance of non-Jordanian labour as a key challenge, a point that is echoed in the National Social Protection Strategy. **The Economic Modernization Vision**, launched in 2022, equally has under its Economic Growth Pillar goals, the creation of jobs for Jordanians, and to reduce the number of expatriate workers. The Quality of Life Pillar focuses on improving citizen’s satisfaction.

Nevertheless, the **National Economic Priority Programme** recognises the strong linkages between an inclusive social protection system and a growing and dynamic economy. The programme affirms specific social protection goals, such as the economic priority to merge work and residence permits, to amend the social security law to reduce contribution rates for new market entrants for a period of up to 10 years, to enact a labour law that allows for greater flexibility in organising the relationship between employers and employees and to launch a national employment scheme that provides direct assistance to social security contributions and/or wage subsidies.

2.2 Coordination mechanisms

The institutional arrangement for social protection services is fragmented in Jordan, which inevitably leads to systematically rooted unequal realisation and protection of the right to social protection. This is in contradiction with Jordan’s international commitments. The fragmentation is rooted in the facts that (1) National social protection programmes are neither regulated or implemented by one central agency, but rather by different individual government bodies, and (2) there is no government coordination body to harmonise practices and avoid duplication of efforts across the implementing entities.

Regarding the first point, Figure 2-1 illustrates the many ministries regulating different areas of social protection. First, the Ministry of Finance is still operating the Military Pension System for officers recruited before 2003, the Civil Pension System for employees recruited before 1995, and fiscal subsidies. Second, the Ministry of Labour chairs the Social Security Corporation Board, which manages the national pension scheme for private sector workers, civil service officers recruited after 1995, and military personnel recruited after 2002. The Social Security Corporation is a semi-governmental body with own independent juridical personality; and thus is financially and administratively autonomous, while its board of directors is simultaneously chaired by the Ministry

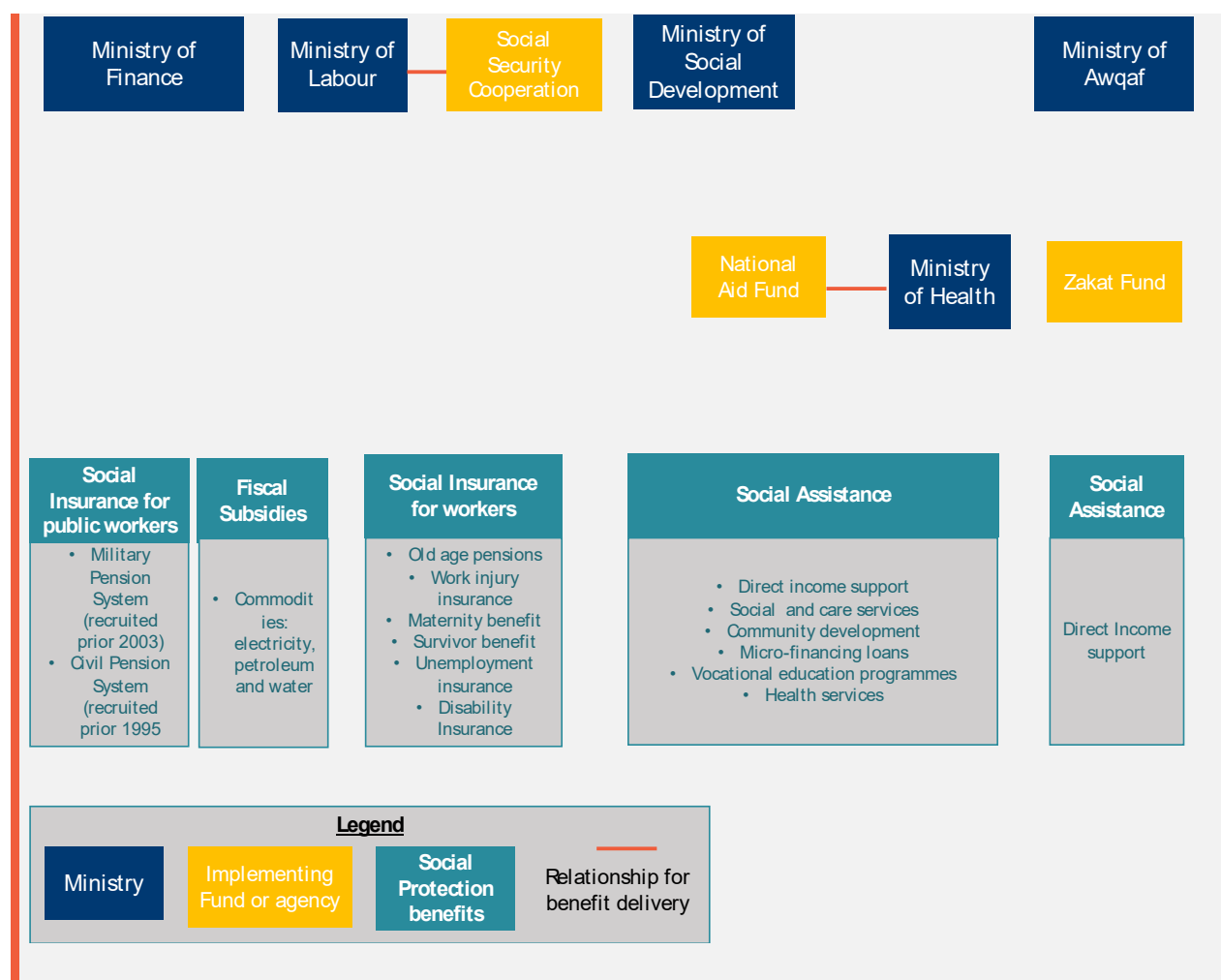
of Labour and composed of non-governmental and governmental members.¹⁵ Third, the Ministry of Social Development operates social assistance programmes and supervises the National Aid Fund (NAF), operating social assistance programmes for vulnerable groups. The NAF also collaborates closely with the Ministry of Health (fourth) as NAF beneficiaries are eligible for free healthcare and receive insurance cards issued by the Ministry of Health. Fifth, the Ministry of Awqaf, Islamic Affairs and Holy Places (Zakat Fund) provides another source of social assistance for those households/individuals that remain excluded from the social protection system.¹⁶

Further institutional fragmentation appears when considering procedures related to the realisation of the right to social security for non-Jordanians. For example, the UNHCR was appointed sole authority in the determination of refugee status under its 1998 Memorandum of Understanding with the Government of Jordan. A Syrian refugee will then only be awarded access to national services, such as applications to work permits, and rights of movement by applying for a service card with the Ministry of Interior.

¹⁵ The Board is composed of: The Director General as deputy-chair of the board; President of the Investment Fund; Deputy Governor of the Central Bank's investment department; A representative of the armed forces and the security agencies designated by the Council of Ministers; Two representatives of trade unions, designated by the heads of such unions, one of whom shall be an employer and the other a worker; Four workers representing the General Federation of Trade Unions; Four representing employers, two are selected by the Jordan Chamber of Industry, and the other two are selected by the Jordan Chamber of Commerce.

¹⁶ Aref (2022); IOPS (2009).

Figure 2-1 Jordan's social protection institutional arrangements



Source: Development Pathways' depiction.

Outside of government systems, international agencies have been providing social protection support to tend to other gaps in the system (e.g. providing assistance to vulnerable households of refugees and other non-Jordanians ineligible for NAF). However, their interventions also leave significant gaps, and their sustainability is questionable due to a lack of government ownership.

3 Deep dive into legislative and policy coherence: Closer look into articles, bylaws, decisions and orders that conflict, contradict or remain vague

This section explores in more detail the specific inconsistencies within legal instruments, starting with a lack of coherence in administrative operations relevant to enforcement capacities and coordination of implementation activities. In addition, the section will focus on critical points of exclusion, notably the exclusion of Jordanian agricultural workers, self-employed Jordanian workers, non-Jordanian workers, Syrian refugees, refugees of other nationalities, and domestic Jordanian and non-Jordanian workers. A summary table of the legal inconsistencies is included in Annex 3.

3.1 Coordination mechanisms

Regarding coordination of social security law inspection and enforcement, it is unclear which agency holds the responsibility and if different agencies coordinate with one another or have data sharing agreements. Under the Insurance Coverage Bylaw No.14 of 2015, chapter 6 mandates inspection duties for SSC, providing the duty to conduct periodic inspections, and enabling access to all documents needed to verify firm's compliance with contribution payment. The SSC law then dictates the general application of fines when employers are found in violation of the by law (Article 100). However, a number of labour rights and conditions are outside the purview of the SSC. Indeed, for workers not covered by the SSC law, other inspection mechanisms apply. For example, under Instructions concerning the Inspection of Agriculture Activity Promulgated under Articles 14(a) and 17 of the Bylaw for Agriculture Workers No. 19/2021 (article 3), the contributions of agricultural holdings are inspected by the Ministry of Labour itself and not the SSC. It is unclear whether the inspector can issue a fine for violations of the SSC laws. It is also unclear if the Social Security Cooperation reports to the Ministry and if they align efforts.

In addition, inequality in treatment of refugees of differing nationalities can be seen as being systemically encouraged. The Ministry of Labour, for example, has a Syrian Employment Unit dedicated to Syrian work permit affairs and includes the negotiation of specific relaxation of red tape associated with acquiring permits, but such support is not available for other non-Jordanian populations.¹⁷

Regarding the overall coordination, as previously introduced, there does not seem to be a coordinating function between the ministries and between the government and non-governmental actors operating in the field of social protection. Indeed, the 2019 NSPS calls upon the Cabinet to appoint 'a high-level advisory committee to oversee NSP Strategy implementation including annual monitoring of the measures contained in the Action Plan for the period 2013-2025, and the development of a new NSP Strategy to be implemented starting in 2025'. The NSPS nominates five different ministries to achieve the overarching goal to 'coordinate social protection programs to avoid budget shortfalls as a result of duplication, and to improve overall expenditure effectiveness' – namely the Ministry of Social Development, the Ministry of Digital Economy and Entrepreneurship, the Ministry of Planning, the Ministry of Labour and the Ministry of Finance. (Notably, the Ministry of Interior, which issues work permits, is not mentioned.) Moreover, the NSPS calls on the 'various

¹⁷ Almasri (2021).

stakeholders tasked with implementing the activities mentioned in the strategic action plan' to take on the task to monitor and evaluate social protection activities, thereby not assigning the task to a central coordination body.

3.2 Jordanian agricultural workers

While the SSC law does not explicitly exclude all agricultural workers from coverage,¹⁸ it effectively excludes most, as a large share will fall under the excluded category of 'irregular workers' due to the nature of their work. Moreover, as the SSC law only applies to workers covered by labour law, and the conditions and protections of agricultural workers are not mandated through the 1996 labour law as they require additional legislation, the main legislative instruments leave agricultural workers unable to access social security.

However, after many years of unregulated conditions and no legal protection, agricultural workers (irrespective of nationality) were legally covered by social security through Regulation No.19 of 2021. In this bylaw to the labour code, Article 12 obliges agricultural business owners to include their agricultural workers with the branches covered in the SSC law, unless they employ three agricultural workers or fewer (Article 15).

However, the scope of coverage within the agricultural sector is limited due to the definitions included within the regulation. For example, the definition of an 'agricultural holding' only includes production related to crops or livestock. This overlooks other areas of agriculture such as fishery, forestry, and apiculture. The terms 'agricultural holding', 'agricultural establishment' and 'agricultural plantation' are introduced in this regulation and following instructions with differing and overlapping definitions:

- In Regulation 19, 'agricultural holding' is defined as 'An agricultural production unit which is subject to a single management to be utilized, in whole or in part, for the **purposes of crops and livestock production**', whereas in the subsequent Instructions concerning the Inspection of Agriculture Activity Promulgated under Articles 14(a) and 17 of Regulation 19, 'agricultural holding' is defined as 'An economic unit of agricultural production under single management used totally or partially **for agricultural production purposes**'
- '**Agricultural establishment**' in Regulation 19 and '**Agricultural plantation**' in the above-mentioned instructions have the **same definition** 'Every area licensed or registered with the Ministry of Agriculture, or any other official body, for the purposes of crops or livestock production.'
- The material difference between the definitions of 'Agricultural holding' and 'Agricultural establishment' in Regulation 19 is also unclear.

In addition, the overall implementation of the regulation was quickly halted after agricultural employers protested about the inability to afford the higher costs of utilities, high costs of work permits and the newly added social security contribution rates. Under Communication 41 issued in September 2021, the SSC allowed agriculture holders to restrict coverage to work injury insurance – decreasing the total percentage of social security subscription from 21.75 per cent to 2 per cent – paid solely by the employer – and allowed partial inclusion into old age insurance (at the discretion of the employee)¹⁹ January 1, 2023.²⁰ In effect, this means that while employers and workers forgo

¹⁸ Some are still covered such as (i) managers in registered enterprises and (ii) agronomists, veterinarians, agriculture workers in public institutions, technical workers on agricultural machinery and in nurseries, hatcheries, fish and beekeeping farms.

¹⁹ Weldali (2022).

²⁰ Al-Ali (2022).

paying higher contribution rates, they have no social protection coverage outside of work injury until application in January 2023 and related accrual periods for the different branches.

Moreover, as instructions on implementing the agricultural bylaw are still lacking, it is unclear how the bylaw accounts for the practical inconsistency with the SSC law's exclusion of day labourers working less than 16 days monthly, since many agricultural workers would struggle to meet this criterion, especially in the off season. Therefore, it is also unclear how seasonal working patterns affect the calculation of the contribution rates.

3.3 Self-employed Jordanian workers

Self-employed Jordanian workers are technically covered by social security through Article 4(a)(4) of the SSC law, but their definition, scope and conditions are regulated under different resolutions. For example:

- First, the Insurance Coverage Bylaw No 14 of 2015 defines self-employed²¹ for the first time, despite previous legislation regulating the status, as 'the person working individually in his/her own firm or profession with no workers working under his/her supervision'.
- Second, regulation No 108 of 2020 amends the Insurance Coverage bylaw of 2015 to include new Articles 46-48 requiring mandatory coverage of self-employed Jordanian workers, provided that the principle of sixteen days or more, in the same month, is applied, in the fields of (i) agriculture, (ii) construction, (iii) transport, (iv) tourism, (v) public service and maintenance, (vi) art and media sectors and (vii) leaves the door open for further sectors to be added in by recommendation of the Director General. The amendment requires self-employed workers to solely pay full contributions and allows partial coverage to the old age pension dependent on a chosen contribution rate.²²

While a positive step was taken to include self-employed workers into the general social security schemes instead of regulating a separate voluntary scheme that only provides insurance coverage for old-age, disability, and survivors' insurance, self-employed workers are required pay a higher contribution (17.5 per cent) to account for both the employer (11.5 per cent) and employee (6 per cent) contribution for old-age, disability, and survivors' insurance as well as the employer's contributions for employment injury, maternity and unemployment insurance. This financial burden may create a disincentive for workers to formalize their operations, especially low-income, self-employed workers and microenterprises. Moreover, reducing coverage rates by allowing workers to choose a partial coverage rate of the old-age insurance undermines income security in old age and, moreover, makes continued informal employment in old age more likely.

²¹ The bylaw referred and treated the self-employed, employer, joint partner, and owner of the individual firm working in their own Firms the same as employers and the like.

²² Article (47):

A- The insured covered by the provisions of Paragraph (A) of Article (46) of this Bylaw may be covered in the old-age insurance, entirely or partially, according to any of the sections indicated below:

1- First section: (75%) of the old-age insurance contribution rate.

2- Second section: (50%) of the old-age insurance contribution rate. 3- Third section: (25%) of the old-age insurance contribution rate.

4- Fourth section: (10%) of the old-age insurance contribution rate.

B- The insured may submit an application to the Corporation during the month of January of each year to move from one section to another.

C- The rights of the insured in old-age insurance shall be settled in accordance with the provisions of Article (90) of the Social Security Corporation's insurance benefits' Bylaw, and the following shall be taken into consideration:

1) The full coverage period of the insured shall be approved in the contribution periods necessary to obtain insurance benefits.

2) A percentage of the coverage period is calculated in proportion to the section chosen by the insured for the purposes of calculating the old-age pension, the early retirement pension, the minimum pension and the increases to pensions in accordance with the provisions of the law and the lump-sum compensation."

The 2020 amendment mandates the issuance of instructions to define the conditions of enrolment and contribution payment for self-employed workers in each sector of occupation stipulated in Article 46(a)– agriculture, construction, transport, etc. (Article 46(f)). Based on a desk review and key informant interviews undertaken for this report, it is unclear if these instructions were issued. Therefore, it is unclear how or how frequently self-employed workers are expected to contribute (monthly, yearly or according to other measurements) or how certain sector specificities are taken into account (e.g. the seasonality of work in the agricultural sector).

3.4 Non-Jordanian workers

As the SSC covers workers irrespective of nationality, non-Jordanians should theoretically get equal access to social security to a Jordanian worker – barring the access to contribute voluntarily, which is an option reserved only for Jordanians under the SSC law (Article 7). However, non-Jordanians' access to social protection is not only hindered by the inconsistencies in realising their right to social protection, but also by inconsistencies governing the right to work for all.

Indeed, contributions into the social security schemes are effectively inaccessible without the right to work. As previously mentioned, the right to work is reserved only for Jordanians through the Constitution. The right to work could be perceived to be prescribed to all workers regardless of nationality through the Labour Code No. 8 of 1996 defining the rights, protections and responsibilities for *all workers* except domestic and agricultural workers (whose rights are to be covered under separate different laws) (Section 3). However, upon further inspection, internal inconsistencies become apparent, as described below.

Limits on employment according to sector

First, non-Jordanians have **limited access to the employment sector** through a delineation of closed and open sectors and professions. Section 12 of the 1996 Labour Code, mandates that 'non-Jordanian workers shall only be employed upon authorisation by the Minister, or his duly mandated representative, provided that the work they undertake requires expertise and skills unavailable or insufficient within the Jordanian workforce. In such cases, priority shall be given to Arab experts, technical specialists and workers'.

In addition, the open professions and sectors are subject to frequent ad-hoc changes without a scheduled review process. This creates confusion, instability and unpredictability for non-Jordanian employees. For example, in December 2020, through Decision 1/1/14142, sixteen professions were newly closed to non-Jordanians – mandating that no new work permits were issued or renewed – including, 'clerical professions/jobs such as typing, secretarial, data entry and administrative services'. The open professions are also subject to restrictive conditions. For example, the 2020 Decision stipulates: 'Liquified Petroleum Gas agency only being permitted to recruit 1 non-Jordanian worker for each licensed distribution vehicle, provided that the condition of recruiting one Jordanian worker (at least) with enrolment of him/her in social security is met.'

Challenges with enforcement of verbal contracts

Second, non-Jordanians are **restricted in the mode of contract** considered as legally valid for their employment contracts. Under the Labour Code and Social Security Law, verbal contracts are legally enforceable. However, Article 4(c)(4) of Regulation 18 on the Conditions and Terms of Workers for Employment and Recruitment of Non-Jordanian Workers of 2012 mandates that two copies of the employment contract be submitted to the Ministry of Labour, requiring, therefore, a written

contract, and in practice failing to recognise verbal contracts. This renders impossible the protection and social security coverage of non-Jordanian workers employed through verbal contracts and is clearly inconsistent with Article 4 of the Labour Law stating that a contract can be both orally dictated or written.

High costs of work permits and unequal support based on status

Third, the right to work will only be accessible through the obtainment of **work permits** whose validity is restricted to a one-year renewable chargeable basis borne by the employer. Most recently, Regulation No. 142 (Work Permit Fees Regulation For non-Jordanians for the year 2019) established fees of JOD 350 for each worker in all economic sectors, except for workers in the garment and knitting industry (JOD 225), and day labourers who must acquire a “free permit” in the agricultural, construction and loading and unloading sectors (JOD 800), meaning that “free permit” holders must pay more than twice what most other workers pay. These fees, on top of advance payment of social security contributions, can be a barrier for non-Jordanian workers to be formally employed. Moreover, as discussed below and in Section 3.5, some categories and nationalities qualify for extra support to overcome these barriers, while others do not.

Conflation of definitions of self-employed and “free permit” holders

Fourth, there are **inconsistencies in the delineation between self-employed non-Jordanian workers and non-Jordanian workers under a “free permit”**, sometimes referred to as “freelance permit” (see comparison table in Annex 2). The mandatory coverage of self-employed non-Jordanian workers with free work permits is regulated by the same provisions as mandatory coverage of self-employed Jordanian workers (Article 46 SSC bylaw on insurance coverage). Key informant interviews undertaken for this report revealed that there is inconsistency and confusion in the treatment of non-Jordanian “free permit” holders, where they appear to be treated as self-employed workers vis-à-vis the social security system. This interpretation is inconsistent with both the legally established definitions of a self-employed worker (defined as ‘the person **working individually in his/her own firm** or profession with no workers working under his/her supervision’ in the Insurance Coverage Bylaw No 14 of 2015) and that of a free work permit (defined as ‘an official document issued by the Ministry of Labour to non-Jordanian workers that allows them to work on daily-earning (non-professional) jobs **for any employer** in the sectors of agriculture, construction, and loading/unloading’ in Circular No. 291/2019). Whereas the former clearly refers to own-account workers, the latter suggests that free permit holders are closer to the definition of an employee – i.e. workers that have a subordinate relationship to their employer(s), even if their permit allows them to have more than one.

The lack of clarity in the interpretation of the coverage of workers with free work permits has several implications. Firstly, it is unclear how social security coverage can be extended to self-employed non-Jordanian workers due to the inconsistencies in definitions. Secondly, despite being in a predominantly dependent relationship to their employers, workers with free work permits have to bear the full costs of employer and employee social security contributions, which is a significant disincentive and barrier for day labourers with unstable sources of income to formalise their employment. Third, neither MoL nor SSC regulations explicitly address the non-working days in case of the monthly social security contribution and the work permits duration for this segment of workers. Fourth, this leaves non-Jordanian workers vulnerable to being disguised as self-employed

by employers who are attempting to avoid their social security contribution obligations by shifting risks and contributions onto the worker.²³

Unequal treatment of non-nationals by status and nationality

Fifth, **not all non-Jordanians are treated equally**, which runs counter to the commitments under the ILO Equal Treatment Convention and the SSC law. For example, Regulation 18 on the Conditions and Terms of Workers for Employment and Recruitment of non-Jordanian Workers of 2012, which regulates the conditions under which an employer can employ a non-Jordanian, also singles out Egyptian workers by placing additional conditions on their employment. For Egyptian migrant workers, the employment contract needs to be approved by the Egyptian Ministry of Manpower (Article 14(f)(1)) and a medical examination from Egypt with a nondisclosure certificate (Article 14(f)(3)) needs to be submitted.²⁴

Challenges with attracting members and sustaining their long-term interest

Finally, while this challenge is not unique to Jordan, non-Jordanians, and more specifically, refugees, **may not see the value of contributing to social security benefits when they are unsure of their future residency**. Jordan's system is already relatively well equipped to counter the natural challenge of myopia faced by all insurance schemes, in that it already provides short-term benefits (work injury, disability and death, maternity and unemployment) that are open to non-Jordanians and Jordanians alike. Further, the SSC provides non-Jordanians with the choice of withdrawing a lump sum if they leave the country before they reach the pensionable age (Articles 104 and 70(b) of SSC law). Article 70(c) also allows both Jordanian and non-Jordanian reinstatement of insurance after withdrawal through reimbursement of contributions should they find themselves in a position to continue their contributions in the future. However, this effectively means that earned entitlements (measured in months/years of contributions) are not transferrable to schemes in other countries.

Indeed, Jordan seems to have few social security agreements or memoranda of understandings with other countries – and the (applicability of old ones) are unclear²⁵ – that would allow portability of

²³ International Labour Organization & Organisation for Economic Co-operation and Development (2020).

²⁴ Article 14(f) of Regulation 18 on the Conditions and terms of workers for employment and recruitment of non-Jordanian workers of 2012: " F- The remaining documents required shall be completed when the worker enters the Kingdom:

1- Copy of the employment contract approved by the Egyptian Ministry of Manpower.

2- Passport of the worker and a picture of him.

3- A valid medical examination issued by one of the health centres accredited to the Ministry of Health, as well as the provision of a medical examination from the worker country, and a nondisclosure certificate.

2-Approval of the application shall be deemed valid for two months from the date of approval by the Employment Commission, and the employer shall choose workers' data available to all on the Ministry's website or through their own choice, as well as payment of a fee of the issuance of a work permit and the signing of a computerized employment contract in the relevant labour directorate.

3-Permit the employer to replace one worker with another in the case of recruitment, with the same pre-paid fees and only once in the following cases:

A- If the employee does not sign the employment contract within two weeks from the date of payment of the employer's work permit fee.

B- If a worker has signed an employment contract and stamped his passport with information on the employer, the sector in which he will be employed, and he hasn't enter the country within (45) day from the date of signature of the contract and submission of a replacement request to the Ministry within a period of not more than four months and the date of payment of the work permit fee.

4- The worker shall be prevented from entering the Kingdom after the expiration of 45 Days.

5- The duration of a work permit for an employee of Egyptian nationality who has been recruited shall begin on the date of entry into the Kingdom.

6- \$250 American or Jordanian dinar equivalent shall be paid as it enters the Kingdom via the Aqaba border crossing As insurance for the purposes of the obligation to join the employer whom he has received. The worker must recover this insurance value when he is bound to enter 45 Days from the date of its entry into the Kingdom, on the contrary, The amount of the insurance is therefore considered to be a treasury income and cannot be recovered."

²⁵ The 1980 Protocol between the Government of the French Republic and the Government of the Hashemite Kingdom of Jordan related to the social protection regime for students – article 2 proscribing equal access to medical assistance in Jordan

entitlements to schemes in other countries or allow non-nationals to be exempt from Jordanian contributions if they are contributing to in their home country's schemes. The SSC law (Article 7(a)(1)) only protects the social security contributions of Jordanian workers abroad by allowing them to sign up to voluntary old age, disability and death insurances. More could be done to ensure that non-national workers do not risk losing their entitlements if and when they leave.

3.5 Refugees

The right to social protection is also unevenly articulated across different categories of non-Jordanian workers, particularly refugees. Because Jordan is not a state party to various international conventions protecting the rights of refugees – including the 1951 Convention relating to the Status of Refugees or its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness – refugees are covered under more limited frameworks. The only international agreement that provides a level of protection for refugees is the 1998 Memorandum of Understanding (MoU) between the Government of Jordan and UNHCR²⁶ – which offers some key protections, though refugees' right to work is still conditional upon legal residency and permission mandated in laws and regulations. These challenges are discussed in detail below.

Unclear rules around residence permits

First, it is **unclear how refugees are granted residency status** as the 1973 Residence and Foreigners' Affairs Law regulating residence permits for non-nationals does not regulate refugees or asylum seekers. This is because they fall within the exemptions in Article 29(h) exempting from the provisions of the law those 'on account of special consideration connected with international or humanitarian courtesy or of the right to political asylum'.

Unequal treatment of refugees according to nationality

Second, **refugees are not all treated equally**. In 2016, the Government of Jordan signed the Jordan Compact, an agreement with development partners (the EU, USA and the World Bank), whereby the Government of Jordan committed to creating 200,000 jobs for Syrian refugees in exchange for significant grants and concessional loans as well as the removal of EU trade barriers to encourage investments and jobs. Work permits became all but synonymous with 'job creation,' and were used to measure progress towards the 200,000 jobs. In the context of the Jordan Compact, concessions were made to overcome some of the accessibility obstacles for Syrian workers, including:

- Syrian refugees have a clear administrative procedure granting them the right to work and free movement (allowing them to live and work outside the refugee camps) through their registration for a Ministry of Interior (Moi) Service card by UNHCR.²⁷ However, the significance of the Moi card is inconsistent across governmental sectors as it does not qualify as a valid ID for opening a bank account (meaning that refugees without a passport are excluded from the banking system).²⁸

²⁶ UN High Commissioner for Refugees (UNHCR), *Agreement Between the Government of the Hashemite Kingdom of Jordan and the United Nations High Commissioner for Refugees*, 30 July 1997, available at: <https://www.refworld.org/docid/3ae6b3a124.html> [accessed 30 September 2022].

²⁷All Syrian refugees who left camps prior to July 14, 2014 and receive an asylum seeker certificate; Syrian refugees who left the camp at any time with bailout and received an asylum seeker certificate, Syrian children born in Jordan to a family with an asylum seeker certificate; or Syrians who entered Jordan legally. Fallah et al. (2021).

²⁸ Tent Partnership for Refugees and the Thomas Reuteurs Foundation (2021).

- Additionally, Syrian refugees registered with UNHCR are allowed to both benefit from UNHCR assistance and still be granted work permits, while non-Syrian Persons of Concern applying for work permits are required to present evidence of closure of their files with UNHCR.²⁹
- Syrian refugees were granted certain exemptions in the application procedure for a work permit through Decision Circular No (3/2021) by the Social Security Cooperation. These exemptions include the following:
 - Exemption from the additional amount normally charged when issuing or renewing a work permit and import stamp duties
 - Exemption from delay fines for non-renewal of work permits
 - Exemption from work permit fees and the additional amount incurred by the worker for all years in which a work permit has not been issued retroactively
 - Exemption from a medical examination – although inconsistencies in implementation communication materials prevail (e.g. the communication material drawn up as Frequently Ask Questions by UNHCR in cooperation with the SSC, the Ministry of Labour, and the ILO stipulates only an exemption to the fees of the medical examination and dictates the examination as a requirement, as well as a procedural guide for issuing flexible work permits to Syrian Refugees published by the General Federation of Jordanian Trade Unions)
- Syrian workers can also benefit from different work permits, such as the temporary work permit (a 6-month permit allowing the worker to work and change to any employer or any entity within the same sector that implements a wage project in return for work, labor intensive projects, or other projects, within one of the professions allowed for non-Jordanians), and the flexible work permit (allowing the worker to change employers, geographic areas and sectors). This is according to the most recent Instructions for the conditions and procedures for hiring non-Jordanian workers of Syrian nationality for the year 2020 and their amendments (Article 2).

However, these **differences in treatment go against Jordan's mandated commitment to equal treatment regarding grants of social security benefits (Article 3(1))**³⁰ as provided in the ILO Convention C118 on Equal Treatment (Social Security) of 1962, ratified in 1963.

Inconsistencies between work permit types and SSC affiliation rules

It is, however, unclear what the affiliation with each work permit implies regarding the legal basis for social security coverage (see comparison table in Annex 2):

- The traditional **one-employer work permit** entails the normal requirements of the employer to contribute a share of payroll on behalf of its employees under the main SSC law.
- For the **temporary work permits**, it is unclear which SSC category applies, although it would be reasonable to assume that workers with these permits would be treated the same way as those with a single employer permit. Interestingly, the Instructions issued in 2020 by the Ministry of Labour for the conditions and procedures for hiring non-Jordanian workers of Syrian nationality, which introduced temporary work permits, requires the employer to provide a statement of social security to verify its commitment to contribution payments on

²⁹ UNHCR KII.

³⁰ Article 3(1): Each Member for which this Convention is in force shall grant within its territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation with its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.

behalf of employed **Jordanians** in these projects (Article 6(c)), without verifying contribution payments for non-Jordanians.

- For coverage of workers with **flexible work permits**, similar conceptual ambiguities arise. With flexible work permits, workers can work for multiple employers. These permits are common in the agriculture and construction sectors. However, flexible work permits require the cooperatives or trade unions under whose umbrella the work permit is issued to be listed under the label of the employer (Article 7(d)(1) of 2020 Instruction on hiring Syrian workers)– neither of which would be responsible for maintaining information on workers’ wages or be able to control social security contributions. In addition, even though flexible permit holders are clearly in a subordinate relationship with different employers, key informant interviews suggested that these workers are effectively treated as self-employed or own-account workers vis-a-vis the SSC, with a flat-rate monthly contribution of JOD 16 regardless of their wages, and only if they can demonstrate that they have worked at least 16 days a month for the same employer would they trigger a social security obligation on the part of the employer. Given that very few of them have written contracts, triggering an employer obligation is not likely to happen in practice.

Finally, the rules governing social security rights and obligations for **Syrian refugees operating a home-based business are not entirely clear**. In December 2018, Syrian refugees living outside the camps were granted the opportunity to operate home-based businesses in food processing, handicrafts and tailoring. Those inside the camps were permitted to work in all sectors, including occupations closed to non-Jordanians.³¹ The opportunity to operate home-based businesses was first created in 2017 for all Jordanians in the same sectors as was allowed for Syrian refugees but with the addition of two other sectors: intellectual and domestic services. According to KIIs, home-based businesses are obliged to contribute to social security under the umbrella of the definition of ‘employer’ which includes ‘owner of individual firm working in their own firm’ (Article 40 of Insurance bylaw). However, this is legally unclear as the SSC law and its bylaws do not include a definition of ‘owner of individual firm’. In addition, while home-based businesses are allowed to employ one worker,³² a worker ‘working individually in his firm’ is excluded from coverage if the firm has one or more worker (Article 41(a)(1) of the insurance bylaw. It was also reported that in 2017, the SSC had then granted Jordanian home-based business owners an exemption from compulsory social security contributions due to their low earnings, but it is unclear if that exemption is extended to Syrian refugees.³³ Finally, a KII revealed that coverage of HBB is voluntary for all nationalities.

A further disincentive to the registration and coverage of Syrian home-based business owners is the inconsistency in the mandatory registration documents required by different ministries. It is reported that the Ministry of Industry Trade and Supply and the Companies Control Directorate request Syrians to submit a valid passport to register a home-based business (which 95 per cent of Syrian refugees do not own in Jordan).³⁴ However, the Ministry of Interior in turn affirms that the Mol service card serves as a legal ID replacement for those without passports.³⁵

3.6 Jordanian and non-Jordanian domestic workers

As previously discussed, the **SSC law does not call for mandatory coverage of domestic workers**. The conditions of their access to social security are to be governed through separate regulations.

³¹ Instruction of November 2, 2018 from the Council of Ministers related to Home-Based and Small Businesses for Syrians published in the Official Gazette in Issue No. 5549 Date of 2/12/2018.

³² USAID (2017).

³³ Ibid.,

³⁴ Vos (2020).

³⁵ World Bank (2020).

However, such conditions do not appear to be clearly regulated in any relevant legislation applicable to domestic workers. For example:

- The bylaw “Regulation of Domestic Workers, Cooks, Gardeners and Similar Categories” of 2009 regulating for both Jordanian and non-Jordanian domestic workers, makes no mention of the domestic workers’ access to social security. Instead, the regulation mandates a vague obligation on the householder to provide medical care to the worker (Section 4(h)), and an entitlement of sick leave with pay for a period of fourteen days per one single year (Section 7(c)).
- While the more recent instruction (“Instructions for Insurance Policies for Domestic Workers” of 2015) does not define the pathway to inclusion into risk-pooled social security schemes, it nevertheless provides some protections for non-Jordanian domestic workers based on employer liability. The regulation requires employers to obtain for their employee at minimum an insurance policy providing medical care for hospitalisations, lump sum benefits for permanent or partial disability from an accident and lump-sum survivor benefits in case of accidental death.

Applicable to non-Jordanians, the **bilateral memoranda** of understanding the Jordanian Government holds with a few countries (Indonesia, Philippines,³⁶ and Nepal) regarding the organisation, recruitment, and protection of non-Jordanian domestic workers also **do not mandate social security coverage of workers**. These agreements can, however, provide domestic workers some security through the requirement to access private insurance mechanisms. For example, under the MoU with Indonesia, while the MoU does not reference the inclusion of domestic workers in Jordanian social security coverage, it does include that the employer is obliged to ‘obtain a life insurance policy for the Indonesian domestic worker, valid for a period of two years, and issued by an approve and registered insurance company’ (Article 8).³⁷ Under the agreement, employers are also obliged to provide medical care (Article 13(2)). The MoU with the Nepal from 2017 goes further and mandates that the employer must provide a life and disability insurance, and medical care and mandates the Ministry of Labour of Jordan to monitor the implementation of that requirement (Article 13).³⁸ It, however, also does not include the right to be covered by social protection.

3.7 Gender inequality

More broadly, Jordan has one of the lowest rates of female labour force participation in the region. Despite high education rates of women (representing 53 per cent of university graduates), the labour market struggles to attract and keep female workers (accounting for 18 per cent across formal and informal sectors).³⁹ One of the biggest obstacles for women in Jordan is the disproportionate responsibility for care responsibilities. The Government of Jordan has undertaken many measures to counter this trend, including: amending the Social Security law to incorporate a government coordinated maternity insurance; Article 17 of Law No. 14 of 2019 amending the Labour code introducing the concept of ‘discrimination in wages’ precluding inequality in payment of wages based on gender and imposing a penalty for violations; and the Ministry of Labour decision 2/2018

³⁶ Cooperation Framework for Employment of Domestic Workers, and Memorandum of Agreement on Labor Cooperation between Jordan and the Philippines.

³⁷ Arab Trade Union Confederation (2020); Memorandum of Understanding between Government of the Hashemite Kingdom of Jordan Represented by Ministry of Labour and Government of the Republic of Indonesia Represented by Ministry of Manpower and Transmigration on the Placement and Protection of Indonesian Domestic Workers signed in Bali on 27 June 2009.

³⁸ General Agreement in the Field of Manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal signed in Amman on 18 October 2017.

³⁹ International Labour Organisation (2021c).

abolishing night work and sector restrictions for women stating that women are allowed to work in any vocation and at any time period. However, unequal gender-based roles and expectations are still embedded in certain statutory instruments, even when these are designed to support women's employment.

For example, creating a maternity insurance without a comparable paternity or parental insurance does not encourage men to participate in care responsibilities (the creation of which has internationally shown to improve gender equality).⁴⁰ Another example, in 2019, the Government amended the Labour Code (Article 72) to require employers with 20 or more female employees to offer in-house childcare facilities if the female employees collectively have 15 or more children under 5 years of age. Male employees with young children are not afforded the same benefits, reinforcing a notion that women, not men, are responsible for care.

Women in Jordan above retirement age also have significantly lower pension coverage rates than men (10.7 per cent versus 46 per cent, respectively).⁴¹ Contributing factors may include inconsistencies between disproportionate care responsibilities of women versus the required paid contributions for access to the old age pension not accounting for caring periods for either men or women. The SSC law does not entitle either men or women to caring exemptions in the form of contribution subsidies or counting that period as service periods, internationally referred to as caregiver credits. In addition to breaks in employment due to care other drivers are: lower likelihood of being in paid employment at all; discrimination in hiring and promotion; lower earnings over working life, which translate into lower pensions; and lower likelihood of meeting minimum contribution requirements for benefits.

Furthermore, despite Article 45(b) of the SSC law granting maternity leave as a service period for accruing contributions, these contributions are taken directly from the maternity allowance changing the overall contribution burden from shared-firm-employee responsibility to solely the responsibility of the employee.⁴²

In addition, the contributory system does not align with recent labour law amendments allowing the flexible work arrangements. Labour law Regulation No. 22 of 2017 on Flexible Employment, Official Gazette, 22. February 2017 provides that employers and employees can agree on different types of flex work: part-time work, flex-time work, intensive work week, flexible year, and remote work. This initiative was undertaken to increase employment for, in part, women, to provide them with the flexibility needed to balance caring and work responsibilities.⁴³ However, the SSC laws do not align with this amendment as it still excludes many workers working part-time from coverage due to the regular employment definition consisting of 16 more or working days in a month. On top of this, the insurance bylaw (Article 25 and 26) does not allow for more than one employer to contribute to the insurance schemes. This leaves women working in sectors where they are likely to have more than one employer with less flexibility and less reported earnings, reducing their overall pension entitlements. Article 25(a)(1) also prioritises order of employment rather than highest level of income as it requires that "1) If the insured's joining of work in the private sector with more than one firm occurred on different dates, then his/her coverage at the firm in which he/she first joined work shall be approved regardless of the amount of his/her wages."

⁴⁰ Cruz (2012).

⁴¹ International Labour Organisation (2021b).

⁴² Levying social security contributions from maternity allowances is not common practice amongst high income countries with only 12 out of 27 EU (European Union) and EFTA (European Free Trade Association) countries permitting such practice. MISSOC (2022).

⁴³ OECD/ILO/CAWTAR (2020).

4 Recommendations: What steps can be taken to improve coherence, focusing on steps that are feasible in the medium to short-term

While Jordan has taken great strides to improve the situation of non-nationals residing in Jordan – most notably by allowing them broad access to the formal contributory social security system – this report has shed light on numerous inconsistencies and contradictions across high-level policies and commitments, legislation and implementing regulations that still create significant barriers to access affecting multiple vulnerable groups, but especially non-nationals. The following sections present recommendations based on the inconsistencies highlighted in this report. Section 4.1 offers recommendations to improve coherence and consistency across policy areas, legislation and regulations governing access to social security, especially for non-nationals; and Section 4.2 offers recommendations to address broader policy incentives that can help overcome contradictions and tensions that impede the Government of Jordan’s goals to extend coverage.

4.1 Measures to improve coherence and consistency

This first section provides recommendations that aim to remove gaps and contradictions in policy, legislation and procedures that hinder the extension of social security in Jordan.

Overall policy and legal framework:

- Codify a more robust legal basis establishing the universal right to social protection for all based on lifecycle guarantees.
- Strengthen tax-financed guarantees for all Jordanians and develop a coherent plan to extend coverage of tax-financed guarantees to non-nationals based on clear criteria not based on citizenship (such as a residency-based criteria).
- Develop a coherent national migration, refugee and asylum policy promoting equal treatment of all nationalities, refugees and asylum seekers. In particular, map out and articulate the relationship and mechanisms that link residency, work permits and social security of non-nationals regarding their rights and entitlements as codified in labour law, social security law and the amendments and bylaws articulated above.

Coordination mechanisms:

- Advance efforts to institutionalise a high-level advisory committee to oversee NSP Strategy implementation including annual monitoring of the measures contained in the Action Plan for the period 2013-2025, and the development of a new NSP Strategy to be implemented starting in 2025’
- Streamline inspection systems/processes to enforce compliance with social security obligations for legally covered workers, including through aligning the processes of the SSC and Ministry of Labour inspections and establishing a clear coordination mechanism and data exchange processes between the two entities to ensure the transfer of knowledge regarding SSC law compliance.
- Within the Ministry of Labour, explore the potential for a non-Jordanian Employment Unit dedicated to overseeing the linkages between work permit affairs and social security rights and obligations. This could potentially begin by dismantling the Syrian Employment Unit to make space for a unit that encompasses all non-Jordanians.

Agricultural workers:

- Expedite the process of implementing the new mandatory coverage of agricultural workers by:
 - Not extending the exemption of application of Regulation No 19 of 2021 any further than the already pledged 1 January 2023
 - Removing the exemption from coverage for employers with three or less workers
 - Revising definitions of ‘agricultural holdings’, ‘agricultural establishments’ and ‘agricultural plantation’ to offer clear delineations and expand the definition of ‘holdings’ to include all agricultural sectors.
 - Issue implementing instructions for Regulation No. 19 of 2021 clarifying contribution rates, levying instructions and how sector conditions affect the calculation of contribution rates and setting in place a regular (bi-annual, quarterly, annual etc) review process to update its content.
 - Ensure the instructions include an explanation for how agricultural workers do not fall under the SSC law’s definition of irregular workers.
- Codify de jure coverage of agricultural workers outside of crops and livestock production.
- Set up regular review processes to update relevant instructions and policies issued.
- Set up a working group to draft the processes for bringing together relevant governmental and implementing agencies when drafting new instructions and regulations to ensure cohesion.
- Intensify efforts to generate awareness of the benefits and rights to social security.

Self-employed Jordanian workers

- Clarify the instructions around making contributions to define how, and how frequently (monthly, yearly or according to other measurements), self-employed workers are expected to contribute and how to account for sector-specific issues, such as seasonality.
- Consider aligning contribution collection and tax collection for self-employed and home-based enterprises by the SSC to reduce the administrative burden.
- Set up regular review processes to update relevant instructions and policies issued
- Set up a working group to draft the processes for bringing together relevant governmental and implementing agencies when drafting new instructions and regulations to ensure cohesion.

Non-Jordanian workers (including refugees):

- Make the update of closed and open work sectors a transparent and reliable process and ensure non-retroactive closing of previously open sectors to promote income and coverage stability amongst non-Jordanian workers.
- Equalise the nature and levels of support offered for all non-Jordanian workers and refugees, including reduction of work permit fees and offsetting contributions based on criteria other than nationality.
- Clarify the definitions of terms: “self-employed”, “flexible work permit holder”, and “free work permit holder” and clarify their scope delineation in terms for whom they are applicable.
 - Clarify the contributory obligations of each of those workers.
 - Communicate the different available options of work permits in an easily digestible manner on the Ministry of Labour’s, SSC’s and UNHCR’s websites – e.g. an interactive questionnaire helping workers identify which work permit best suits their needs, which are available to their sectors/nationality/residency status and the social security implications/costs/procedures associated with each.

- Clarify how the definition of free work permits can align with self-employment
- Harmonise options for work permits and their social security implications across all nationalities and residency statuses.
- Develop coherent communication materials, delivered through a single “window” or interface, targeted at non-Jordanians to sensitize them about the benefits of social security affiliation.
- Set up regular review processes to update relevant instructions and policies issued.
- Set up a working group to draft the processes for bringing together relevant governmental and implementing agencies when drafting new instructions and regulations to ensure cohesion.
- Advocate for expansion of the scope and better communication from the Ministry of Interior to other governmental and non-governmental actors within Jordan on the acceptability of MoI service cards as proof of identity to allow access to services (for example, permitting the MoI service cards to satisfy financial services’ Know your Customer regulations to guarantee a refugee’s access to a bank account).

Domestic workers:

- Define a comprehensive and mandatory pathway to inclusion into social security schemes for both Jordanians and non-Jordanians. This would invalidate all inconsistencies in coverage and ensure an equally applied right to social security coverage for domestic workers.
- Refine bilateral agreements to issue a blanket reciprocal inclusion into respective social security schemes.
- Set up regular review processes to update relevant instructions and policies issued
- Set up working group drafting processes bringing together relevant governmental and implementing agencies when drafting new instructions and regulations to ensure cohesion.

Gender equality:

- Consider adapting and amending labour laws to promote equal participation in care responsibilities and enhance female labour participation:
 - Amending Labour Code (Article 72) to require employers with 20 or more employees to offer in-house childcare facilities if the employees collectively – irrespective of gender – have 15 or more children under 5 years of age.
 - Enhancing coherence between SSC law and the recent amendments in labour law allowing flexible work by:
 - Amending SSC law to account for coverage of regular part-time employment in contradiction with the definition of irregular employment.
 - Amending Article 25(a)(1) of SSC law to favour flexibility in employment by allowing multiple employer contributions or at least allowing the choice of the higher paid employment to contribute to social security rather than the chronological prioritisation.
- Set up regular review processes to update relevant instructions and policies issued.
- Set up working group drafting processes bringing together relevant governmental and implementing agencies when drafting new instructions and regulations to ensure cohesion.

4.2 Measures to improve incentives and achieve coverage extension

In addition to highlighting gaps and contradictions in policy and legislation that hinder the extension of social security in Jordan, another objective of this report is to highlight areas, policies, and

legislation that disincentivise workers from participating in social security. Recent government action highlights a drive to expand social protection coverage. Indeed, in the context of the National Social Protection Strategy, the Cabinet has committed to developing an action plan to reduce informal employment (including employment relationships that are not subject to national labour legislation, not covered by social security or for which there is no contract), and the Social Security Corporation has committed to operationalizing mechanisms to expand social security coverage.

Recommendation 204 on the Transition from the Informal to the Formal Economy places the extension of social security as the core component of integrated policy frameworks to facilitate transition. Policy and administrative reforms that extend access to social protection among workers falling outside social insurance and social assistance programmes can help move Jordan closer to universal social protection coverage. Therefore, it is also important to propose recommendations that generally will address inconsistencies or disincentives formed from laws or policies by effectively expanding coverage of social protection.

Agricultural workers

- Consider alternative means of collecting contributions from agricultural workers and their employers. For example, consider the possibility of yield-based rather than wage-based reference earnings to better account for the uncertainties of the agricultural sector and the flexibility of terms of the employment contracts (see Box 4-1 for examples from other countries).⁴⁴

Box 4-1: Alternatives to wage-based contributions from around the world

- **Brazil:** Semi-contribution-based rural pensions are managed by the Ministry of Social Security to which rural workers and producers contribute an amount equivalent to 2.1 per cent of their production sold each year
- **Norway and Austria:** all farmers have subsidized contributions
- **India:** in the construction industry, contributions are collected in the form of levies paid by principal contractors based on the total value of the construction contract
- **Uruguay and Indonesia:** cell- phone based ride hailing applications automatically take a small fee from consumers that is then transferred to drivers' social security

Self-employed workers

- Consider additional incentives to encourage affiliation among particularly disadvantaged groups. These might include, for example, temporary or phased contribution subsidies for low earners or start-ups.
- Consider introducing greater flexibility in the regularity of contributions to reflect flexible earning patterns of small businesses.
- Expand the scope of self-employment to other sectors than just (i) agriculture, (ii) construction, (iii) transport, (iv) tourism, (v) public service and maintenance, (vi) art and media sectors.

Gender equality:

- Consider adapting and amending labour laws to promote equal participation in care responsibilities and enhance female labour participation:
 - Matching efforts of including maternity leave insurance with a comprehensive parental leave insurance, including paternity leave.
 - Removing the levying of social security contributions on the maternity allowance and consider other sources such as the employer or government subsidy.

⁴⁴ ILO (2021a); Razzaz and Selwaness (2022).

5 Conclusion

Jordan has made great strides in the extension of social protection. Although inconsistencies were highlighted on overarching policies, Jordan has shown its willingness to progressively build an inclusive system with more equal access for all residents and a comprehensive multi-tiered system. However, the system is still challenged by fragmentation and inconsistencies within sectors and between uncoordinated implementing actors (for example between the Social Security Corporation and the Ministry of labour). Moreover, inconsistencies between laws are exacerbated by the unregulated protection of certain groups of workers in main bodies of law (i.e. the SSC law and the labour code), leading to additional bylaws with inconsistent use of terms, and difficulty in identifying gaps between all relevant bylaws.

The remit of this report was to identify options to strengthen legislative and policy coherence on the extension of social security as well as identify areas that disincentivise workers from participating in social security. Therefore, the recommendations include both (1) actions to improve coherence and consistency across policy areas, legislation and regulations governing access to social security, especially for non-nationals; and (2) recommendations to address broader policy incentives that can help overcome contradictions and tensions that impede the Government of Jordan's goals to extend coverage.

This report took particular interest in the case of extension of coverage to agricultural workers, self-employed workers, non-nationals (including refugees), domestic workers and female workers. Each of these groups faces specific challenges with regard to coverage, and the desk research and KIIs conducted for this report have brought to light numerous inconsistencies and contradictions that prevent these groups from fully availing themselves of their right to social protection, even when the intent of the law is to cover them.

First, on a wider systems level, coherence will be impossible to achieve without a clearly mandated coordination body that can create communication pathways between the fragmented implementing agencies and monitor developments to prevent any further inconsistencies from being codified. The NSPS already calls for such a body.

Second, at an individual level, inconsistencies in law and in stakeholder understanding of the work permit options – in particular, the lack of clarity with regard to self-employment for non-Jordanian workers – leads to a lot of confusion. It is still unclear who can access which permit, for what type of work and under which employee-employer relationship, which leads to even more confusion around how those workers are covered by social security. This issue is highlighted in a comparative table in Annex 2.

Third, as shown in Annex 4, due a lack of implementing instructions to bylaws mandating the conditions and protections of different types of workers (e.g. agricultural workers), most questions of coverage, no matter the type or nationality of the worker, lead back to the exclusionary limitation of the SSC law mandating coverage only for regular workers (meaning it excludes all workers working less than 16 days a month). Without laws that address the irregular work patterns specific to some sectors (i.e. agriculture and entrepreneurship), these groups will continue to effectively lack social security coverage.

Bibliography

(Mutual Information System on Social Protection (MISSOC), latest years), Comparative tables.

<https://www.missoc.org/missoc-database/comparative-tables/>

Al-Ali, I. (04 July 2022). 'Refugees Farmers in Jordan Robbed of their Wages'. Arij.

Alhawarin, I. and Selwaness, I. (2018). The Evolution of Social Security in Jordan's Labor Market: A Critical Comparison Between Pre- and Post-2010 Social Security Reform. Economic Research Forum. Working paper No. 1185. Giza.

Aljaghoub, M. (2013). The Implementation of Human Rights Treaties by Jordanian National Courts: Practice and Prospects, Chapter in Book titled Basic Concepts of Public International Law- Monism and Dualism, Edited by Marko Novakovi, Serbia, University of Belgrade

Almasri, S. (2021). The Political Economy of Nationality-Based Labor Inclusion Strategies: A Case Study of the Jordan Compact. Middle East Critique. 30:2. 185-203. DOI: 10.1080/19436149.2021.1911459

Anderson, C. and Pop, A. (2022). Shifting the paradigm: building an inclusive, lifecycle social security system in Jordan. Inclusive Social Security Policy Forum. Working Paper Series: Shifting the Paradigm. No. 03.

Arab Trade Union Confederation. (2020). Inclusion of Foreign Domestic Workers in Social Security Coverage in Jordan: Realities & Scenarios. <https://www.majalat.org/sites/default/files/2021-04/Domestic%20Workers%20Social%20Security%20Coverage%20in%20Jordan%20.pdf>

Aref, A. (2022). Putting People at the Centre: Assessing the Realities Against Social Protection Frameworks in Jordan Amid Covid-19. in EU Euromesco Policy Study.

Cruz, A. (2012). Good practices and challenges on the Maternity Protection Convention, 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156): A comparative study. Working Paper 2/2012. International Labour Organisation. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_192554.pdf

Fallah, B., Istaiteyeh, R. and Mansur, Y. (2021). Moving beyond Humanitarian Assistance Supporting Jordan as a Refugee-hosting Country. World Refugee & Migration Council. Ontario. <https://wrmcouncil.org/wp-content/uploads/2021/09/Jordan-Syrian-Refugees-WRMC.pdf>

International Labour Organisation. (2003). Guidelines concerning a statistical definition of informal employment. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_087622.pdf

International Labour Organisation. (2015). Access to work for Syrian refugees in Jordan: A discussion paper on labour and refugee laws and policies. Beirut. https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_357950.pdf

International Labour Organisation. (2021a). Opportunities for extending social security coverage in Jordan. Geneva. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_806055.pdf

International Labour Organisation. (2021b). World Social Protection Data Dashboards: Jordan. Geneva. <https://www.social-protection.org/gimi/WSPDB.action?id=19>

Bibliography

- International Labour Organisation (2021c). Assessment of the Maternity Insurance in Jordan. Amman. https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_776223.pdf
- International Labour Organization & Organisation for Economic Co-operation and Development. (2020). Ensuring better social protection for self-employed workers. Prepared for the 2nd Meeting of the G20 Employment Working Group under Saudi Arabia's presidency.
- IOPS. (2009). Country Profiles – JORDAN. <http://www.iopsweb.org/resources/39625967.pdf>
- McClanahan, S. (2021). Global Research on Governance and Social Protection: Global Overview. Geneva and New York: ILO and UNDESA. https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2021/08/Global-overview_SP-Governance_June-2021.pdf
- MISSOC (Mutual Information System on Social Protection). (2022). Comparative tables. <https://www.missoc.org/missoc-database/comparative-tables/>.
- Mohamud, I. (2021). Brief compendium on the right to social security in the constitutions of countries in the MENA region. Inclusive Social Policy Forum and Development Pathways.
- NORMLEX. (2020). Requested reports and replies to CEACR comments: Jordan. International Labour Organisation. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:14000:0::NO::P14000_COUNTRY_ID:103201
- OECD/ILO/CAWTAR. (2020). Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia. Competitiveness and Private Sector Development. OECD Publishing. Paris. <https://doi.org/10.1787/ac780735-en>.
- Razzaz, S. and Selwaness, I. (2022). Is Jordan achieving the social insurance goals of its new social contract? Economic Research Forum. Policy Brief No. 92. <https://erf.org.eg/publications/is-jordan-achieving-the-social-insurance-goals-of-its-new-social-contract/?tab=undefined&c=undefined>
- Svein E., Tewodros, A. and Maha, K. (2021). Impact of work permits on decent work for Syrians in Jordan. International Labour Organisation.
- Tent Partnership for Refugees and the Thomas Reuteurs Foundation. (2021). Refugee entrepreneurship, business ownership, and the right to work in host communities: a legal comparative analysis. <https://www.tent.org/wp-content/uploads/2021/03/Refugee-ent-FINAL.pdf>
- USAID. (2017). Licensing Businesses from Home in Greater Amman Municipality and municipalities in Jordan. <https://jordanlens.org/sites/default/files/HBB-tri-fold-ENG-FINAL-15Oct17-OL.pdf>
- Vos, A. (2020). A Decade In Search of Work A review of policy commitments for Syrian refugees' livelihoods in Jordan and Lebanon. International Rescue Committee. <https://www.rescue-uk.org/sites/default/files/document/2265/adecadeinsearchofworkfinal.pdf>
- Weldali, M. (03 February 2022). 'Gov't decision to extend social security coverage 'a step forward' — farmers'. The Jordan Times.
- World Bank. (2020). International Development Association Program Paper On A Proposed Additional Credit And Restructuring In The Amount Of Sdr 73.62 Million (Us\$100 Million

Bibliography

Equivalent) To The Hashemite Kingdom Of Jordan For An Economic Opportunities For Jordanians And Syrian Refugees Program-For-Results

Annex 1 List of legal instruments analysed throughout the report

This annex presents a list of legal instruments analysed throughout the report in order of appearance.

- The Constitution of the Hashemite Kingdom of Jordan of 1952 and its amendments
- Social Security Cooperation Law No 1 of 2014 and its amendments
- Labour Code, Law No 8 of 1996 and its amendments
- Law Fund No. 36 of 1986
- Insurance Coverage Bylaw No. 14 of 2015 and its amendments in Regulation 108 of 2020
- Bylaw for Agriculture Workers No. 19/2021
- Instructions concerning the Inspection of Agriculture Activity promulgated under Articles 14(a) and 17 of the Bylaw for Agriculture workers No.19/2021
- Decision 41 of the Social Security Cooperation of September 2021
- Decision 1/1/14142 of the Ministry of Labour of December 2020
- Regulation 18 on the Conditions and Terms of Workers for Employment and Recruitment of Non-Jordanian Workers of 2012
- Regulation No. 142 on Work Permit Fees For non-Jordanians for the year 2019
- Circular No. 291/2019 on Free Permits
- Law No 24 on Residence and Foreigners' Affairs of 1973
- 1998 Memorandum of Understanding (MoU) between the Government of Jordan and UNHCR
- Circular No (3/2021) by the Social Security Cooperation on Correction of Syrian Employment Conditions
- Instructions for the conditions and procedures for hiring non-Jordanian workers of Syrian nationality for the year 2020 and their amendments
- Instruction of November 2, 2018 from the Council of Ministers related to Home-Based and Small Businesses for Syrians published in the Official Gazette in Issue No. 5549 Date of 2/12/2018.
- By-law "Regulation of Domestic Workers, Cooks, Gardeners and Similar Categories" of 2009
- Instructions for Insurance Policies for Domestic Workers of 2015

Annex 2 Comparison table of special work modalities: self-employment, work permits and home-based businesses

Categories	Self-employed status	Free work permit	Single employer Work permit	Flexible work permit	Temporary work permit	Home-based Businesses
Definition	<p>the person working individually in his/her own firm or profession with no workers working under his/her supervision’</p> <p>Legal basis: Insurance Coverage Bylaw No 14 of 2015: Article 46</p>	<p>An official document issued by the Ministry of Labour to non-Jordanian workers that allows them to work on daily-earning (non-professional) jobs for any employer in the sectors of agriculture, construction, and loading/unloading’</p> <p>Legal basis: Circular No. 291/2019</p>	<p>An official document issued by the Ministry to the worker in accordance with these instructions that allows him to work for a specific employer within a profession from professions permitted for non-Jordanians, and the permit term is for one year, subject to renewal.</p> <p>Legal basis: Instructions for the Conditions and Procedures for Employing Non-Jordanian Workers of Syrian Nationality for the year 2020</p>	<p>An official document issued by the Ministry to the worker that allows him to work for any employer in the professions permitted for non-Jordanians</p> <p>Legal basis: Instructions for the Conditions and Procedures for Employing Non-Jordanian Workers of Syrian Nationality for the year 2020</p>	<p>An official document issued by the Ministry to the worker that allows him to work for any employer or any entity that implements a wage project</p> <p>In return for work, labor intensive projects, or other projects, within one of the professions allowed for non-Jordanians.</p> <p>Legal basis: Instructions for the Conditions and Procedures for Employing Non-Jordanian Workers of Syrian Nationality for the year 2020</p>	<p><i>Probably in instructions for licensing home-based businesses of 2020 but cannot find English translation</i></p>
Who can access status/permit	<p>Jordanians only according to social security coverage but not specific to labour law possibilities. in the fields of (i) agriculture, (ii)</p>	<p>All non-Jordanians migrant workers in the fields of (i) agriculture, (ii) construction, (iii) transport, (iv) tourism, (v) public service and</p>	<p>Syrian workers and all non-Jordanian migrant workers</p> <p>Legal basis: Instructions for the Conditions and Procedures for Employing</p>	<p>Syrian workers</p>	<p>Syrian workers</p>	<p>Jordanians in food processing, handicrafts, tailoring, intellectual and domestic services</p> <p>Syrian refugees living outside the camps were granted the</p>

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	<p>construction, (iii) transport, (iv) tourism, (v) public service and maintenance, (vi) art and media sectors and (vii) leaves the door open for further sectors to be added in by recommendation of the Director General.</p>	<p>maintenance, (vi) art and media sectors and (vii) leaves the door open for further sectors to be added in by recommendation of the Director General.</p>	<p>Non-Jordanian Workers of Syrian Nationality for the year 2020</p> <p>And</p> <p>Regulation 18 on the Conditions and Terms of Workers for Employment and Recruitment of Non-Jordanian Workers of 2012</p>			<p>opportunity to operate home-based businesses in food processing, handicrafts and tailoring.</p> <p>Syrian refugees living inside the camps were permitted to work in all sectors, including closed occupations to non-Jordanians.⁴⁵</p>
Social security coverage	<p>Mandatory coverage</p> <p>Requiring self-employed workers to solely pay full contributions and allows partial coverage to the old age pension dependent on a chosen contribution fractioned rate (four options: 10/25/50/75 per cent rates).</p> <p>Legal basis: Insurance Coverage Bylaw No 14 of 2015: Article 46</p>	Unclear – see other notes	Not specified – see other notes	Not specified – see other notes	Not specified – see other notes	Unclear
Other notes		Article 46 of Insurance bylaw may provide mandatory coverage for	While not specifically regulated, it is assumed that workers falling under	While not specifically regulated, it is assumed that workers falling under	While not specifically regulated, it is assumed that workers	According to KIIs, home-based businesses are obliged to contribute to social security

⁴⁵ Instruction of November 2, 2018 from the Council of Ministers related to Home-Based and Small Businesses for Syrians published in the Official Gazette in Issue No. 5549 Date of 2/12/2018.

self-employed non-Jordanians with a free work permit. However, awarding a free work permit for self-employment goes against the definition of free work permits as it requires an employer-employee relationship.

the definition of regular workers would fall under the mandatory coverage of the SSC. It is unclear how other working arrangements are covered.

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under the umbrella of the definition of ‘employer’ which includes ‘owner of individual firm working in their own firm’ (Article 40 of Insurance bylaw). However, this is legally unclear as the SSC law and its bylaws do not include a definition of ‘owner of individual firm’. In addition, while home-based businesses are allowed to employ one worker,¹ a worker ‘working individually in his firm’ is excluded from coverage if it has one or more worker (Article 41(a)(1) of the insurance bylaw. Finally, it was reported that in 2017, the SSC had then granted Jordanian home-based business owners an exemption from compulsory social security contributions due to their low earnings, but it is unclear if that exemption is extended to Syrian refugees.

Annex 3 Summary table of legal inconsistencies

Inconsistency	Legal instrument #1	Legal instrument #2	Legal Instrument #3	Unregulated
Inconsistencies with the general right to social protection for all	<p>Guarantees for all</p> <ul style="list-style-type: none"> • ILO Convention 102 (ratified in 2014) guaranteeing minimum standards of social security branches for a member's <i>residents</i> • ILO Convention C118 on Equal Treatment (Social Security) of 1963 (ratified in 1963) mandating <i>equal treatment</i> as regards grants of social security benefits to non-nationals. • SSC law through Article 4(a) extending the scope of the right to all workers (as defined in the Labour Code), regardless of duration, form of contract, and nationality of worker 	<p>Restrictions to Jordanians</p> <ul style="list-style-type: none"> • Article 6 of the Constitution commits the government to ensure work, education and equal opportunities for Jordanians; and • Article 23 of the Constitution outlines requirements for special compensation to be given to Jordanian workers supporting families, and during contingencies including dismissal, illness, old age and emergencies that arise out of the nature of their work. • SSC law Article 7 mandating the right to voluntarily contribute to social security schemes is limited to only to Jordanians. • The right to national social assistance is restricted to Jordanians through Law Fund No. 36 (1986). 	<p>General Restrictions towards certain workers</p> <ul style="list-style-type: none"> • SSC law Article 4(b)(3) excluding irregular workers • Labour law: domestic and agricultural workers (whose rights are to be covered under bylaws to the labour code) (Section 3). 	
Inconsistency in who is responsible for social security inspections and how different bodies coordinate/share data	<p>The SSC</p> <ul style="list-style-type: none"> • Insurance Coverage Bylaw No.14 of 2015, chapter 6 mandates inspection duties for SSC, providing the duty to conduct periodic inspections, and enabling access to all documents needed to verify firm's compliance with contribution payment. The SSC law then dictates the general application of fines when employers are found in violation of the by law (Article 100). 	<p>The Ministry of Labour</p> <ul style="list-style-type: none"> • the Inspection of Agriculture Activity Promulgated under Articles 14(a) and 17 of the Bylaw for Agriculture Workers No. 19/2021 (article 3), the contributions of agricultural holdings are inspected by the Ministry of Labour itself 		<p>Missing: Coordination and data sharing procedures between the two are unregulated</p>

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De Jure coverage of agriculture workers

Excluded from de jure coverage in main SSC law and Labour code

- **SSC Law – Article 4(a):** All laborers subject to the provisions of the valid in force labor law.
- **SSC law - Article 4(b)(3): Laborers whose employment relationship with their employers is irregular.** An employment relationship shall be deemed regular in the following cases:
 - A) A day laborer working sixteen days or more in any given month.
 - B) An hour, piece, shipment laborer or the like who works sixteen days or more in any given month; regardless of the number of working hours, pieces or shipments per day.
 - C) A laborer who is paid on a monthly basis; regardless of the number of working days per month, with the exception of the first month of work to which the principle of sixteen or more working days per month shall apply
- **Labour code - Article 3(4):** The provisions of this Code shall apply to all workers and employers, **except: agricultural workers** excluding those who shall be covered by this Code pursuant to a

De jure coverage only for agricultural workers in crops or livestock production from January 2023 who work for employer with 3 or more employees

- **Bylaw to labour code: Regulation No.19 of 2021 - Article 12:** the agricultural business owner is **obligated to include his agricultural workers** with the insurances covered by the provisions of the Security Law social.
- **Article 15:** The provisions of Articles (4), (5), (7) and (12) of this system **do not apply to an agricultural business owner who employs three agricultural workers or less**
- **Communication 41 issued in September 2021 by SSC:** Allowed agriculture holders to **restrict coverage to just work injury insurance** until January 1, 2023, and allowed **partial inclusion into old age insurance** (at the discretion of the employee).

Unregulated: coverage for those outside of crop or livestock production and for those that still do not meet the definition of regular workers

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	<p>decision taken by the Council of Ministers on the basis of a recommendation by the Minister.</p>			
<p>Limiting, differing, and overlapping definitions in Agricultural workers bylaws</p>	<p>Limiting definition of ‘Agricultural holding’</p> <ul style="list-style-type: none"> In Regulation 19, the definition of an ‘agricultural holding’ only includes production related to crops or livestock. This forgoes other areas of agriculture such as fishery, forestry, and apiculture. 	<p>Differing definition of ‘Agricultural holding’</p> <ul style="list-style-type: none"> In Regulation 19, ‘agricultural holding’ is defined as ‘An agricultural production unit which is subject to a single management to be utilized, in whole or in part, for the purposes of crops and livestock production’ vs in the subsequent Instructions concerning the Inspection of Agriculture Activity Promulgated under Articles 14(a) and 17 of Regulation 19, ‘agricultural holding’ is defined as ‘An economic unit of agricultural production under single management used totally or partially for agricultural production purposes’ 	<p>Overlapping definitions of agricultural establishment, agricultural plantations and agricultural holdings</p> <ul style="list-style-type: none"> ‘Agricultural establishment’ in Regulation 19 and ‘Agricultural plantation’ in the Instructions concerning the Inspection of Agriculture Activity have the same definition ‘Every area licensed or registered with the Ministry of Agriculture, or any other official body, for the purposes of crops or livestock production.’ The material difference between the definitions of ‘Agricultural holding’ and ‘Agricultural establishment’ in Regulation 19 is also unclear 	
<p>Inconsistencies between the definition of free work permits and its use to provide mandatory coverage for self-employed non-Jordanians</p>	<p>Self-employed workers are mandatory covered- including self-employed non-Jordanians with free work permit.</p> <p>Insurance bylaw law of 2015 to include new Articles 46: Self-employed workers in the professions and crafts set forth below for whom the provisions of Article (8) of this Bylaw are not applicable, are obligatorily covered by the provisions of the law and all the insurances applied thereunder, provided that they</p>	<p>Definition of self-employment refers to own-account workers</p> <p>Insurance Coverage Bylaw No 14 of 2015 : ‘the person <i>working individually in his/her own firm</i> or profession with no workers working under his/her supervision’</p>	<p>Definition of free permit requiring a subordinate relationship to their employer(s)</p> <p>Circular No. 291/2019): ‘an official document issued by the Ministry of Labour to non-Jordanian workers that allows them to work on daily-earning (non-professional) jobs for any employer in the sectors of agriculture, construction, and loading/unloading’</p>	

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	<p>obtain a free permit for non-Jordanians:</p> <ol style="list-style-type: none"> 1- Agriculture. 2- Construction. 3- Transportation. 4- Tourism. 5- The field of general services and maintenance. 6- Field of arts and media production. 7- Any profession or craft that the Board decides, upon the recommendation of the Director General, to cover its employees 			
Inconsistencies in protecting the right to work for all	<p>Limited to only Jordanians</p> <ul style="list-style-type: none"> • Article 6 of the Constitution commits the government to ensure work, education and equal opportunities for Jordanians 	<p>Encompassing all workers</p> <ul style="list-style-type: none"> • Labour Code No. 8 of 1996 defining the rights, protections and responsibilities for <i>all workers</i> except domestic and agricultural workers (whose rights are to be covered under separate different laws) (Section 3). 	<p>Limited to non-Jordanians according to sectors</p> <ul style="list-style-type: none"> • Section 12 of the 1996 Labour Code, mandates that 'Non-Jordanian workers shall only be employed upon authorisation by the Minister, or his duly mandated representative, provided that the work they undertake requires expertise and skills unavailable or insufficient within the Jordanian workforce. In such cases, priority shall be given to Arab experts, technical specialists and workers. 	<p>Missing: Regular, predictable and scheduled review process of open work sectors for non-Jordanians</p>
Mode of contracting: both written and verbal	<p>Both written and verbal contracts accepted</p> <p>Labour code Section 2: an agreement, verbal or written, explicit or implicit, whereby a worker undertakes to work for an employer, under his supervision or direction, in return for</p>	<p>Limiting non-Jordanian workers to written contracts</p> <p>Article 4(c)(4) of Regulation 18 on the Conditions and Terms of Workers for Employment and Recruitment of Non-Jordanian Workers of 2012 mandates that two copies of the employment</p>		

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	remuneration; contracts of employment may be for a specified period or of indefinite duration, or for specified or unspecified work.	contract be submitted to the Ministry of Labour		
inconsistency in the mandatory registration documents for home-based businesses by different ministries	<p>Registering governmental agency requiring passport</p> <ul style="list-style-type: none"> Ministry of Industry Trade and Supply and the Companies Control Directorate request Syrians to submit a valid passport to register a home-based business (which 95 per cent of Syrian refugees do not own in Jordan).⁴⁶ 	<p>Other governmental agency issuing exception for refugees</p> <ul style="list-style-type: none"> The Ministry of Interior in turn affirms that the Mol service card serves as a legal ID replacement for those without passports. 		
commitment to equal treatment regarding grants of social security benefits	<p>Equal treatment to all non-nationals</p> <ul style="list-style-type: none"> (Article 3(1) ILO Convention C118 on Equal Treatment (Social Security) of 1962, ratified in 1963: Each Member for which this Convention is in force shall grant within its territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation with its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention. 	<p>Difference in treatment between non-Jordanian workers and Syrian workers</p> <ul style="list-style-type: none"> Circular No (3/2021): <ul style="list-style-type: none"> Exemption from the additional amount normally charged when issuing or renewing a work permit and import stamp duties Exemption from delay fines for non-renewal of work permits Exemption from work permit fees and the additional amount incurred by the worker for all years in which a work permit has not been issued retroactively Exemption from a medical examination – although inconsistencies in implementation communication materials prevail (e.g. the communication material drawn up as Frequently Ask Questions by UNHCR in 		

⁴⁶ <https://www.rescue-uk.org/sites/default/files/document/2265/adecadeinsearchofworkfinal.pdf>

Insert title

		<p>cooperation with the SSC, the Ministry of Labour, and the ILO stipulates only an exemption to the fees of the medical examination and dictates the examination as a requirement, as well as a procedural guide for issuing flexible work permits to Syrian Refugees published by the General Federation of Jordanian Trade Unions)</p>		
<p>Inconsistencies in insurance coverage for domestic workers</p>	<p>No mandatory coverage</p> <ul style="list-style-type: none"> SSC law: Article 4(c) only allows the coverage to domestic workers and does not require it, pending the issuance of a decision by the Council of Ministers. 	<p>Different instructions requiring different levels of insurance coverage</p> <p>Required private medical care expenses paid by employer</p> <ul style="list-style-type: none"> The by-law “Regulation of Domestic Workers, Cooks, Gardeners and Similar Categories” of 2009 makes no mention of the domestic workers’ access to social security. Instead, the regulation mandates a vague obligation on the householder to provide medical care to the worker (Section 4(h)), and an entitlement of sick leave with pay for a period of fourteen days per one single year (Section 7(c)). <p>Employer to provide insurance policy for hospitalisations, lump sum benefits for permanent disability from an accident and lump-sum survivor benefits in case of accidental death</p>	<p>Different rules apply to different nationalities due to bilateral MoUs</p> <ul style="list-style-type: none"> the MoU with Indonesia includes that the employer is obliged to ‘obtain a life insurance policy for the Indonesian domestic worker, valid for a period of two years, and issued by an approve and registered insurance company’(Article 8).⁴⁷ Under the agreement, employers are also obliged to provide medical care (Article 13(2)). The MoU with the Nepal from 2017 goes further and mandates that the employer must provide a life and disability insurance, and medical care and mandates the Ministry of Labour of Jordan to monitor the implementation 	<p>Missing: Law mandating mandatory coverage or equal coverage</p>

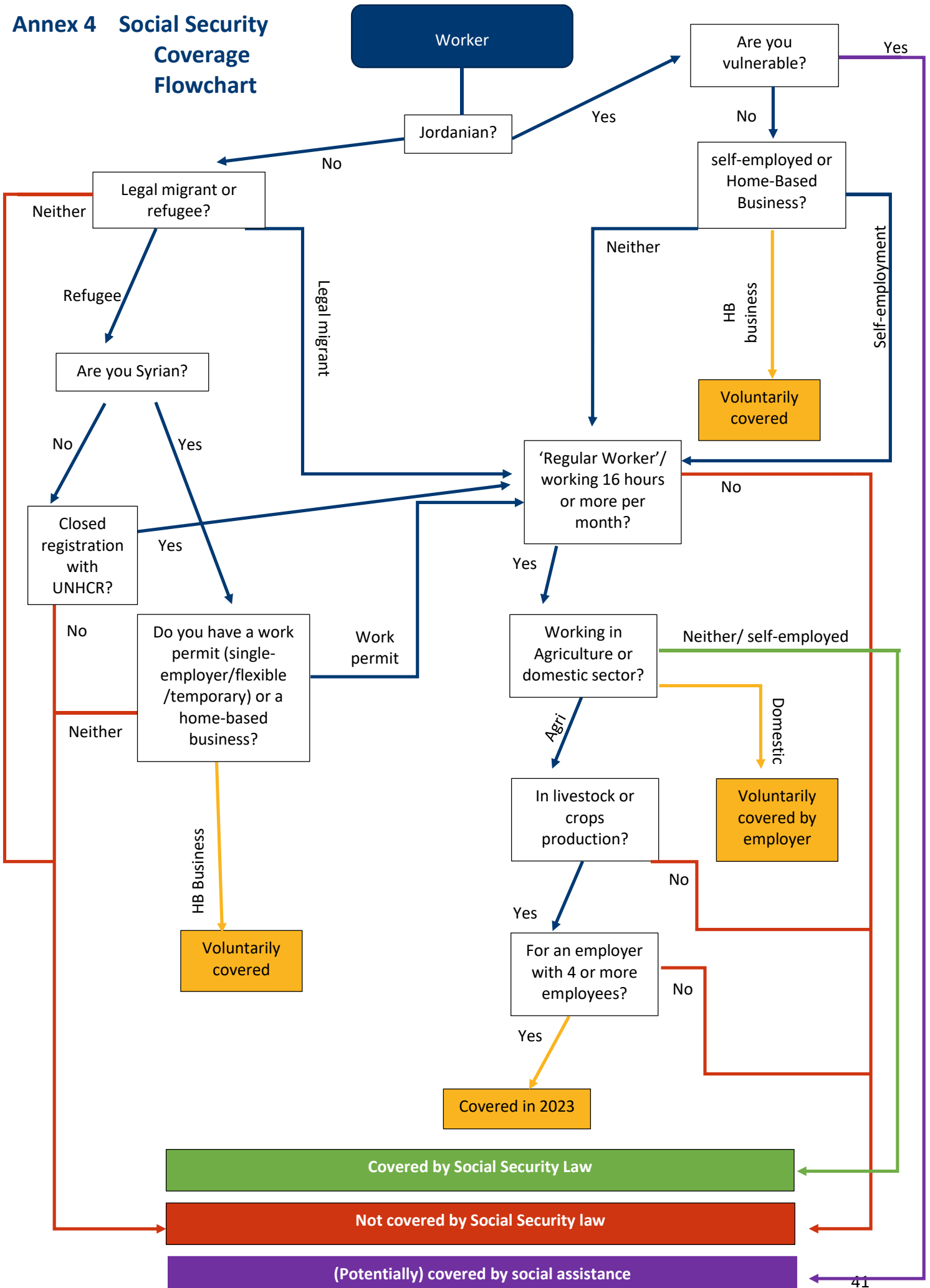
⁴⁷ Arab Trade Union Confederation (2020); Memorandum of Understanding between Government of the Hashemite Kingdom of Jordan Represented by Ministry of Labour and Government of the Republic of Indonesia Represented by Ministry of Manpower and Transmigration on the Placement and Protection of Indonesian Domestic Workers signed in Bali on 27 June 2009.

Insert title

		<ul style="list-style-type: none"> • “Instructions for Insurance Policies for Domestic Workers” of 2015 	of that requirement (Article 13). ⁴⁸	
<p>Inconsistency between general gender equality commitments, recent legal changes promoting gender equality and other laws reinforcing unequal gender norms</p>	<p>Laws promoting gender equality</p> <ul style="list-style-type: none"> • Social Security law Chapter 5 regulating Maternity insurance • Article 17 of Law No. 14 of 2019 amends the Labour code introducing the concept of ‘discrimination in wages’ precluding inequality in payment of wages based on gender and imposing a penalty for violations • the Ministry of Labour decision 2/2018 abolishing night work and sector restrictions for women stating that women are allowed to work in any vocation and at any time period. 	<p>Laws reinforcing unequal gender norms</p> <ul style="list-style-type: none"> • the Labour Code (Article 72) to require employers with 20 or more female employees to offer in-house childcare facilities if the female employees collectively have 15 or more children under 5 years of age. • Article 45(b) of the SSC law granting maternity leave as a service period for accruing contributions, these contributions are taken directly from the maternity allowance changing the overall contribution burden from shared-firm-employee responsibility to solely the responsibility of the employee 	<p>Laws preventing flexible working conditions and coverage to account for caring responsibilities</p> <ul style="list-style-type: none"> • SSC law not covering part time work due to the regular employment definition consisting of 16 more or working days in a month • the insurance bylaw (Article 25 and 26) does not allow for more than one employer to contribute to the insurance schemes, leaving women with less flexibility and less reported income earnings decreasing their overall pension entitlements. Article 25(a)(1) also prioritises order of employment rather than highest level of income as it requires that “1) If the insured’s joining of work in the private sector with more than one firm occurred on different dates, then his/her coverage at the firm in which he/she first joined work shall be approved regardless of the amount of his/her wages.” 	<p>The SSC law does not entitle a either men or women to caring exemptions in the form of contribution subsidies or counting that period as service periods</p>

⁴⁸ General Agreement in the Field of Manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal signed in Amman on 18 October 2017.

Annex 4 Social Security Coverage Flowchart





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