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Dear Dr. *Aseel M. Al-Rashdan*.

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Legal Guarantees for Women in Jordanian Labor Law: A Comparative Study with International Labor Organization Conventions

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ABSTRACT

This paper sheds light on the scope of legal guarantees for working Jordanian women under labor law and assesses their adequacy in providing necessary protection. The Jordanian legislature has shown particular concern for safeguarding women in the workplace, ensuring equal opportunities and parity with men. It has also provided a high level of care within a conducive, attractive, and flexible work environment, positively impacting women's social and economic empowerment. To sustain these gains and the social rights of Jordanian women and enhance their participation in the labor market, it is imperative to review certain legal protection systems. This aims to provide better and broader protection for working women and encourage employers to hire and empower women, thus enhancing their role in the development process.

Legal Guarantees for Women in Jordanian Labor Law: A Comparative Study with International Labor Organization Conventions

Keywords: legal guarantees, labor law, international law, Jordanian women rights.

Introduction

Derived from the objectives pursued by international declarations and treaties, notably the Universal Declaration of Human Rights and the prohibition of discrimination based on various grounds, including gender, the Jordanian legislator has endeavored to protect women from any violations they may face, primarily derived from the provisions of Islamic law. The Hashemite Kingdom of Jordan's constitution has affirmed this, setting among its goals the enhancement of women's status in society and granting them extensive and comprehensive rights and privileges. Jordan is one of the leading Arab countries in ratifying the CEDAW convention, which showed particular concern for women's rights and combating discrimination against them, leading to amendments in national legal texts and the consolidation of the principle of gender equality in the workplace. This has established rules and frameworks ensuring social protection for working women, equal opportunities between them and men, viewing it as a form of social protection aimed at empowering women socially and economically and granting them rights commensurate with their social conditions and physical makeup.

In this context, the legal provisions and rules in the Jordanian Labor Law No. (8) of 1996 came to apply to all workers in the Hashemite Kingdom without discrimination. It stipulates gender equality and equality for all categories in the workplace. Nevertheless, Jordanian working women enjoy a special type of legal protection within the

provisions of labor law, in addition to being granted many rights and guarantees specific to them, providing them with the protection and care they need. Women have enjoyed extensive and comprehensive legal protection, positively impacting their role in developing the local community. This falls within the framework of achieving equality between them and men in rights and duties, as they both constitute an important and fundamental element in the labor sector. Despite equality within this framework, it has not prevented women from enjoying distinctive treatment and some labor rights not enjoyed by men, reflecting the status of working women in general. Hence, the differences between women's and men's rights in the workplace, which prompted me to choose the topic of the paper "The Scope of Legal Guarantees for Women in Jordanian Labor Law."

This topic raises many questions, which collectively form the problem of the study, including, for example, what is the reality and status of working women in Jordanian labor law? How effective is the mechanism of legal protection for working women in light of recent amendments? What are the main challenges facing Jordanian women in the labor market? What are the gaps in Jordanian labor law regarding women's rights? These questions and others that may arise in this study will be the focus of our future research, perhaps finding answers that benefit those interested in this aspect.

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In this paper, I will focus on the legal texts regulating women's work and their rights under labor law, without delving into the provisions of labor law and employment contracts generally, except to the extent necessary and incidental to this study. I will follow a descriptive-analytical methodology, examining the relevant legal texts in Jordanian law through analysis and scrutiny to understand their contents and purposes and measure them against the desired goals and objectives. I also relied on a comparative approach to what is stipulated in Jordanian legislation regarding legal guarantees for protecting the rights of working women with what is stated in the conventions of the International Labor Organization, especially those conventions and recommendations related to women's rights. To shed light on this topic, I will divide this study into two sections. I will dedicate the first section to explaining the legal status of working women and their equality with men, while the second section will address the scope of women's specific rights.

First Section: The Legal Status of Working Women and Their Equality with Men

In recent years, the right of women to work and their equality with men has become a fundamental human right enjoyed by all women worldwide. The United Nations has always been devoted to progressing the principles of workplace equality and women's rights through continuous efforts and advocacy.

Scoping the main goal of confirming women's equality alongside men, there are several international conventions and treaties have been recognized by many countries. As a crucial document that contribute to the entire globe is the Universal Declaration of Human Rights in 1948. It protects the civil, political, economic, social, and cultural rights of all individuals, regardless of gender. Article 2 of this declaration explicitly asserts, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, etc."

The International Labor Organization (ILO) has been instrumental in advancing global standards to ensure equitable and respectful working conditions for both genders. Within its 162 conventions, 12 specifically address the rights of women in the workforce, aiming to uphold equality principles and eradicate all forms of workplace discrimination.

Furthermore, the United Nations has undertaken significant initiatives to safeguard the rights of women in the workforce by establishing international treaties and declarations. These efforts aim to provide substantial protection and assurances for women's economic and social rights, ensuring their equal participation in the workforce alongside men. The Beijing Platform for Action of 1995, for instance, mandated governments to implement measures enhancing women's economic rights and fostering their economic independence. These measures ensure women to have full access to

employment opportunities, improving working conditions, and enacting legislation to counter gender-based discrimination in hiring, promotion, and other facets of employment.

A fundamental international effort in the pursuit of gender equality is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979. Often referred to as the "CEDAW Convention," it is considered as one of the United Nations' foremost accomplishments that attempt to sustain women's rights and secure their equivalence with men on a global scale. In addition, Jordan has ratified this convention in 1992. Central to the convention is the imperative for states to undertake suitable actions to eliminate workplace discrimination against women, grounded in principles of gender equality. To be specific, Article 7 of the convention affirms women's right to political participation and involvement in government policies, as well as in all non-governmental organizations and associations. Also, Article 8 states that nothing should hinder women's right to education based on gender or religion. Finally, Article 10 emphasizes equal pay for equal work for men and women, as well as the right to social security, health protection and safe working conditions.

In fact, Jordanian women have long suffered from discrimination in various aspects of life, leading to the interference of their role in the development process. Therefore, it became significance for the Jordanian legislature to endorse guarantees to ensure equality between women and men, taking into account the role of each in society and the differences in their nature and needs. Most societies, if not all, confine women to a specific stereotypical role revolving around motherhood, household care, and childcare, which diminishes their opportunities for employment, training, equal wages with men, and freedom of movement.

Moreover, the Jordanian constitution has assured the principle of equality and non-discrimination between genders in enjoying basic rights and freedoms, recognizing equality and ensuring the right to work¹. Women's right to work is considered a constitutional right addressed by Jordanian legislation². The state ensures the empowerment and support of women to play an active role in society, ensuring equal opportunities based on justice and fairness and protecting them from all forms of violence and discrimination³. In addition, the Jordanian Constitution drew from the Universal Declaration of Human Rights issued in 1948 several principles and rules concerning labor⁴. To achieve gender equality and address any imbalances, the Jordanian National Charter of 1990 amended the constitution's texts and clarified ambiguous aspects. It stated the right to work and specified in the second paragraph of the first article the following: "Jordanians, whether male or female, shall have equal rights and duties, regardless of differences in race, language, or religion. They shall exercise their constitutional rights, commit to the higher interests of the nation, and adhere to the ethics of national

¹ Refer to Article (23) of the Jordanian Constitution for the year 1952,

² Article 24 of the same declaration states that every individual has the right to rest and leisure, especially with reasonable limits on working hours and periodic paid holidays.

³ Faisal Shatnawi, 2003, *The Jordanian Constitutional System*, 1st edition, Al-Dustour Printing Press. p. 346,

Article (6) of the amended Jordanian Constitution published in the Official Gazette, issue no. 5117, dated 1/10/2011,

⁴ Article 23 states the following: 1. Every individual has the right to work, with the freedom to choose under fair and satisfactory conditions, and the right to protection from unemployment. 2. Every individual, without discrimination, has the right to equal pay for equal work. 3. Every individual performing work has the right to fair compensation, ensuring a decent standard of living for themselves and their families, with additional means of social protection when necessary. 4. Every individual has the right to establish and join trade unions for their benefit.

work to guide the energies of the Jordanian society and mobilize its financial and spiritual capabilities to achieve its goals in unity, progress, and building the future."⁵

Jordanian legislators have also intervened to provide legal protection for working women through obligations imposed on employers within the Labor Law, along with establishing specific rules⁶ aimed at protecting working women. According to the provisions of the Jordanian Labor Law, "women enjoy all rights enjoyed by men, including working hours set at eight hours per day or forty-eight hours per week"⁷. Additionally, they have the right to annual leave with full pay for fourteen days per year for each year of service unless agreed upon otherwise. This period becomes twenty-one days if the working woman has served continuously with the same employer for five years⁸. They also have the right to sick leave for fourteen days per year with full pay based on a report from a physician approved by the institution⁹. Furthermore, they have the right to additional leave of fourteen days per year with pay to attend labor culture courses or to perform the Hajj pilgrimage¹⁰, subject to conditions specified in the law. They also have the right to a leave of absence without pay for up to four months if they enroll in a university, institute, or college recognized officially. Additionally, they have the right to a one-time leave of absence during their employment period without pay for a period not exceeding two years to accompany their husbands if they move to work elsewhere outside the province or outside the kingdom.

The Jordanian legislator has affirmed equality among workers and acknowledged their right to protection against any discrimination based on gender in the workplace or in assuming positions, according to recent amendments to the Jordanian Labor Law¹¹. Article 69 of the Jordanian Labor Law¹² was amended to state: "(a) Discrimination based on gender that affects equal opportunities among workers is prohibited. (b) The Minister shall issue necessary instructions to protect pregnant and lactating women, persons with disabilities, and those working night shifts to create a safe environment."¹³

It is evident from the previous text that the Jordanian legislator has established general protection against any discrimination based on gender or any discrimination in candidacy for employment or assuming positions in the workplace, not to mention discrimination in the workplace and inequality in granting employment rights. The legislator has taken some protective measures for the benefit of working women, emphasizing the concept of equality, aimed at providing legal protection for working women, providing them with a safe working environment, and considering their social circumstances and physical constitution. The principle regarding

women's work is empowerment, and they have the right to equal treatment with men in terms of employment rights. According to recent amendments, employers are prohibited from discriminating among their employees based on gender, and they must ensure equality among all, with the only distinction being based on capabilities and qualifications, including equality in wages among workers.

The recent amendments to the Jordanian Labor Law are in line with international standards¹⁴, as the Jordanian legislator removed restrictions imposed on women that limited their ability to work at night and lifted restrictions on certain hazardous occupations, allowing Jordanian women the freedom to work without constraints. The Jordanian legislator authorized the employment of women at night as a general rule, based on the principle of equality with men, leaving the choice to the working woman to determine the type of work she wishes to engage in and the hours of work that suit her without restrictions, while considering the special protection that must be provided to women during pregnancy and childbirth. I believe this is fair because a woman is a woman whether she is pregnant or not, and I believe that legal protection for working women is achieved by not distinguishing between pregnant and non-pregnant women in this regard. According to the recent amendments, the law has achieved equality in employment between workers, aiming to activate a flexible labor system and increase opportunities for the economic empowerment of women in the labor market, unlike the old text that prohibited women from working at night as a general rule and allowed exceptions for working in some professions, contrary to international conventions. The recent amendments have sparked controversy between supporters and opponents. Some view the old text as more consistent with the demands of the local society and providing social and health protection for women by preventing them from engaging in certain hazardous occupations and by prohibiting their employment at certain times. However, I believe that the recent amendments are a positive legal and legislative step in the right direction for the Jordanian legislator, beneficial for Jordanian women. Night work has become a necessity for human life in general, and recognizing the principle of equality between women and men in the right to work requires eliminating all differences in treatment, including working hours and nature of work. Also, the policy of protection or guardianship over women's night work contradicts international labor standards entirely, as international agreements¹⁵ allow women to work at night as a principle and provide exceptions for night work in some professions and industries. Moreover, the Jordanian Constitution considers Jordanians equal in rights and duties. I believe that this amendment will increase

⁵ The Jordanian National Charter was issued on June 9, 1991, comprising an introduction and eight chapters. Refer to the website www.gov.jo.

⁶ Look at the text of Article (2) of the Jordanian Labor Law.

⁷ Look at the text of Article (56) of the Jordanian Labor Law.

⁸ Look at the text of Article (61) of the Jordanian Labor Law.

⁹ Look at the text of Article (65) of the Jordanian Labor Law.

¹⁰ Look at the text of Article (66) of the Jordanian Labor Law.

¹¹ The old text placed restrictions on women's work, as Article (69) in its old formulation before the amendment stated: "Determined by a decision of the Minister, after consulting the relevant official bodies: (a) Industries and occupations in which the employment of women is prohibited; (b) The times during which women may not be employed and the exceptions thereto."

¹² Jordanian Labor Law No. (8) of 1996, read in conjunction with Law No.

(10) of 2023 as one law, published on page 1775 of Official Gazette No. 5851, dated 16/4/2023.

¹³ The old text of Article (69) states: "Determined by a decision of the Minister, after consulting the relevant official bodies: (a) Industries and occupations in which the employment of women is prohibited; (b) The times during which women may not be employed and the exceptions thereto." Also, refer to International Labour Organization Convention No. 45 of 1935 concerning the employment of women underground in mines of all kinds.

¹⁴ International Labour Organization Convention No. (11) of 1958. Also, refer to Article (23) of the Universal Declaration of Human Rights and Article (11) of the Convention on the Elimination of All Forms of Discrimination against Women, issued in 1981.

¹⁵ Articles (1), (2), and (3) of the International Labour Organization Convention

opportunities for empowering women and enhance their economic participation in the labor market.

The principle of equality not only concerns equal employment opportunities and assuming positions but also extends to the wages received by workers for the work they perform, regardless of its type, nature, or location. Women have suffered from wage inequality with male workers for many years due to several reasons, including their lack of involvement in labor unions that advocate for workers' rights, in addition to their lesser tendency than men to protest against their economic status. Among the international efforts to protect working women is safeguarding their right to equal pay¹⁶. The preamble of the International Labor Organization's Constitution emphasizes the principle of equal pay for equal work, and international agreements have played a significant role in combating wage discrimination against women. This is included in Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, which is one of the most important foundational texts of the International Labor Organization concerning basic human rights. Additionally, Recommendation No. 90 attached to it, which deals with the same subject, was issued in 1951¹⁷.

As for the Jordanian legislator, he did not provide an explicit and direct provision unlike the UAE legislator¹⁸, which explicitly addresses the application of the principle of equal pay between genders in the Jordanian Labor Law. However, in line with the standards of human rights organizations and international and Arab labor laws, which uphold the principle of equal pay between men and women, this can be inferred from the provisions of the aforementioned Article 69, which prohibits all forms of discrimination in work conditions and terms among all workers. Under this, the principle of respecting wages and compliance with paying the minimum wage, which is 260 Jordanian dinars, is included. It's worth mentioning that the Jordanian Labor Law penalizes the employer with a fine of no less than five hundred dinars and no more than a thousand dinars for each case where an employee is paid less than the minimum wage or subjected to any wage discrimination based on gender for work of equal value. The employer is also obliged to compensate the worker by paying the wage difference, and the penalty is doubled for repeated violations¹⁹.

Due to the physiological and physical differences of women, as well as their various life stages such as pregnancy, childbirth, breastfeeding, and childcare, the Jordanian legislator has taken it upon himself to regulate specific protective rules to ensure the necessary legal protection for working women, considering their social and physical circumstances. This will be further discussed in the second section.

Second Section: The Scope of Women's Rights:

Since women have a different physical nature than men, the legislator has imposed giving them special privileges that distinguish them from male workers by granting them special leave that differs from the leave granted to workers in general. The legislator has ensured providing all suitable conditions and circumstances to protect women's motherhood in general and working women's motherhood in particular. The international law also guarantees the protection of women workers' biological function, including pregnancy, childbirth, and childcare after birth. The International Labor Organization has always been concerned with protecting motherhood through international conventions, including Convention No. 3 on Women Before and After Childbirth of 1919 and Convention No. 103 on Maternity Protection issued in 1952 until its revision in 2000. The Jordanian legislator has paid attention to the fundamental rights to protect motherhood, which include the right to postnatal rest or maternity leave, as stated in Article 70 of the Jordanian Labor Law²⁰: "A female worker is entitled to maternity leave with full pay before and after childbirth, with a total duration of ten weeks, provided that the duration of leave after childbirth does not exceed six weeks, and she may not be employed before the expiration of that period."

Accordingly, a working woman is entitled to maternity leave of ten weeks with full pay, which can be divided before and after childbirth, provided that it does not fall below six weeks after childbirth. This period is optional and depends on the pregnant mother's desire and her ability to work during the final weeks of pregnancy, as this matter is relative and varies from one woman to another. It is prohibited to employ a woman before the end of her maternity leave.

It's worth noting that the Jordanian legislator did not require a working woman to provide evidence of her pregnancy, childbirth, or miscarriage, but it is implicit that she should prove it with medical reports that can be agreed upon within the terms of the employment contract. It is also not permissible for the employer to terminate the services of a working mother enjoying maternity leave or a pregnant woman from the sixth month onwards. The Jordanian legislator²¹ considers terminating the employment contract during this period as a form of unfair dismissal of the working woman. However, criticism is directed at the Jordanian legislator for limiting the start of the pregnancy period to six months. Why is it restricted to this period? He could have expanded providing protection to pregnant women without specifying a certain duration for pregnancy²². Therefore, it is recommended that the Jordanian legislator intervene to amend the text and consider termination of the employment contract for a pregnant working woman during maternity leave or during the pregnancy period as null and void, with no legal effect.

I urge the legislator to impose strict penalties on the employer, such as financial fines, for violating the provisions of this article, with the penalty doubling for repeated offenses, without leaving it to the

¹⁶ Abdallah boudahrain le droit du travail au maroc , imprimerie almadariss,Casablanca,2005,p29.

¹⁷ refer to Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women of 1981, and also refer to Article 23 of the Universal Declaration of Human Rights. Additionally, this is also stated in Article 1 of Convention No. 5 of 1976 issued by the Arab Labor Organization. For more information, see Fatima Taoussi's dissertation on the legal protection of working women in international law and Algerian law, University of Mohammed Khider, 2020, page 216.

¹⁸ Look at Article 32 of the UAE Labor Law, which states: "A woman shall be granted equal pay to that of a man if she performs the same work."

¹⁹ Refer to Article (53) of the Jordanian Labor Law.

²⁰ Refer to the International Labour Organization Recommendation concerning Maternity Protection, 2000 (No. 183) and (No. 191)

²¹ Refer to Article (27/1) of the Jordanian Labor Law.

²² Refer to Jordanian Court of Cassation Decision No. 2298 of the year 1998, dated 31/3/1999, Qistas.

general principles of abuse of rights theory when terminating the employment contract²³. Working mothers are entitled to return to the same basic job with the same salary at the end of maternity leave, according to Article (71) of the Labor Law. To facilitate their return to work, the legislator has granted them breastfeeding breaks, specifying it to be a year from the date of childbirth and delivery. The working mother is entitled to her full salary during this period, which is an exception to the general rule that a working woman is not entitled to any salary except while performing her duties²⁴. It is notable in the wording of this article that the legislator departs from the usual practice by setting the upper limit for the duration of breastfeeding to one year²⁵, which is unusual as the legislator typically sets the minimum threshold for rights and leaves it to the parties to determine the upper limit of rights²⁶. It would have been more appropriate for the Jordanian legislator to make this period to be two years, so that the mother can take care of her child and maintain his or her health. Additionally, the Jordanian legislator did not specify the time for breastfeeding, leaving it up to the agreement between the worker and the employer on the time to benefit from breastfeeding. It is noticeable that the legislator did not specify the woman's right to reduce working hours for breastfeeding her child, as stipulated in the International Labor Organization Convention of 2000.

Since childcare is an investment in the human capital of the next generation, it remains a major challenge for working mothers in Jordan and is one of the main reasons pushing women to withdraw from the labor market. The Jordanian Labor Law has dedicated a set of provisions for working women, focusing mainly on their children²⁷. For instance, it allows working women to take leave for childcare if they work within an establishment employing ten or more workers. This leave is considered optional and without pay. However, the legislator did not specify the number of times this leave can be taken²⁸, unlike the Egyptian law, which limits the number of times this childcare leave can be taken to twice during the period of service²⁹. Some legal opinions argue that this leave should only be taken once during the period of the working woman's employment with the employer, while others believe that the legislator should restrict this right to a certain number of times³⁰. It is worth mentioning that the main objective of enjoying this leave

is to devote time to childcare. Therefore, if the employer finds that the working woman has worked for another employer during this leave period, she loses her right to return to work³¹.

One of the distinguishing features of the Jordanian Labor Law regarding the regulation of social services for the children of working women is its focus on providing suitable childcare facilities at the workplace. The legislator obliges the employer³² who employs fifteen or more workers under the age of five to provide a suitable place for them, supervised by one or more qualified caregivers. It is noteworthy that, according to recent amendments, this right is not limited to women only; rather, it extends to both parents³³. This is in contrast to international conventions related to maternity protection, as the International Labor Organization only issued non-binding recommendations on this matter³⁴, leaving its regulation to domestic legislation.

Some argue for specifying the number of children and the necessity of their presence to deem the establishment of a nursery mandatory. They justify this by stating that establishing a nursery will not achieve its intended purpose if the number is less than what is stipulated in the law³⁵, especially if it is a small or medium-sized company³⁶. Others argue that the requirement of mandatory nursery establishment is not limited to a specific number of children as legislated, as this condition would constitute a continuous obstacle, preventing the employer from establishing the nursery on the pretext of not having the specified number³⁷. Therefore, working women mostly support this view.

Finally, it is worth noting the shortcomings in Jordanian legislation in providing protection for working women in Jordan when their children fall ill. The legislator remains silent on granting the working mother the right to leave during this period, unlike the Iraqi legislator, which exempted the working woman from work during this period if she has a child or more under the age of six, needing her care for a maximum of three days for each case requiring it. This results in the working woman not being entitled to her salary during this period of absence from work³⁸. I hope that the Jordanian legislator takes a similar step in favor of working women in Jordan.

In another context, some studies³⁹ conducted by the International Labor Organization have concluded that women's family responsibilities act as a barrier to women reaching leadership

²³ Refer to the decision of the Jordanian Court of Cassation No. 2843 for the year 2007 dated 26/2/2007, Qistas

²⁴ Article (5/2) and (10/2) of Convention No. (103) address the subject of the employment of women before and after childbirth (maternity protection)

²⁵ Unlike Article (10) of Convention No. (183), the revision agreement of the Maternity Protection Convention of 1953, which did not specify the duration of breastfeeding periods.

²⁶ Mohammed Jalal Al-Attar, "Rights of Iraqi Working Women in Light of International Standards and Domestic Legislation: A Comparative Study," published in *Al-Kufa Journal of Legal and Political Sciences*, Volume 1, Issue 5, University of Kufa, Iraq, 2010, p. 55.

²⁷ Refer to Article (67) of the Jordanian Labor Law.

²⁸ Ahmad Abdul Karim Abu Shanab, *Explanation of the Labor Law*, Dar Al-Thaqafa, Amman, 2001, p. 208.

²⁹ Ahmad Abdul Karim Abu Shanab, "Explanation of the Labor Law," Dar Al-Thaqafa, Amman, 2001, p. 208.

³⁰ Essam Al-I Hammouri, "Women's and Children's Rights," Yarmouk University, 2001, p. 31.

³¹ Jaafar Al-Maghribi, "Explanation of Labor Law Provisions," Dar Al-Thaqafa, Amman, 2018, p. 162.

³² Before the amendment, Article 72 of the Labor Law stipulated that the number of female workers in the establishment should not be less than twenty.

³³ The CEDAW Convention does not provide specific provisions regarding this matter except for what is mentioned in Article 11, paragraph 2, which aims to prevent discrimination against women due to marriage or maternity. The parties to the convention are encouraged to take appropriate measures to encourage the provision of necessary social support services to enable parents to reconcile their family obligations with work responsibilities and participation in public life, particularly by promoting the establishment and development of a network of childcare facilities. See Recommendation No. (59) for 1952 and Recommendation No. (123) for 1965.

³⁴ Article 7 of Recommendation No. 91 regarding the review of the Maternity Protection Recommendation referred to the establishment of a nursery specifically for children.

³⁵ Saeed Mahmoud Ramadan, "Al-Wasit fi Sharh Qanun al-Amal", 1st Edition, Dar Al-Thaqafa, Amman, 2006, p. 208. Also, refer to Ahmed Abu Shanab, the previous reference, p. 368.

³⁶ Abdul Basit Abdul Mohsen, "Paper on the Legal Protection of Women in Arab Labor Legislation: Study of Reality and Challenges in Light of International and Arab Labor Standards," First Workshop, Conference on Women's Issues and Contemporary Challenges, Bahrain, 2013, p. 35.

³⁷ Mohammed Al-Atroshi, *Ibid*, p. 55.

³⁸ Mohammed Al-Atroshi, *Ibid*, p. 54.

³⁹ Work and life, slaughter a, www.worklife.wharton.upenn.edu

positions. Balancing work and family responsibilities presents a significant challenge for women in the labor market. Flexibility in the workplace plays a crucial role in attracting, retaining, and developing talent. Flexible working hours and remote work allow female workers to rearrange their work in a way that contributes to the well-being of their families, creating an environment supportive of family life for working women and workers in general. The Jordanian legislature has endorsed the Flexible Work System⁴⁰, which represents a modern and advanced form of work, allowing workers to work from home. This type of work is particularly evident among working mothers, whether pregnant women or those caring for young children or elderly relatives who require care due to disability or illness. Under this system, workers can balance their work requirements with providing necessary care for their children or dependents without having to leave work, depriving them of opportunities for development and participation in the workforce⁴¹. Furthermore, flexibility in the workplace has increased the professional aspirations of Jordanian working women, contradicting the assumption that women lower their career aspirations when they have families and children⁴².

Regarding sexual harassment in the workplace, it is considered a form of violence against women, creating a sense of insecurity for them at work. Almost no country in the world is free from this phenomenon, which has turned the lives of many women into a permanent nightmare, destroying the futures of many girls. Silence dominated the situation, imposing its control on the victims. Internationally, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) granted working women the right to a safe working environment. The Committee on the Elimination of Discrimination against Women prepared General Recommendation No. 19 during its eleventh session in 1992, addressing gender-based violence, including sexual harassment. This was also addressed by the European Convention in the law related to combating sexual harassment, supplemented by Recommendation No. 92/131 issued by the European Commission in 1991⁴³.

Locally, although the Jordanian Penal Code does not explicitly define the concept of sexual harassment⁴⁴, the Jordanian legislature provided explicit protection for women against this form of violence in the workplace within the recent amendments to the Labor Law. Under these amendments, a female worker is allowed to leave work without notice while retaining her legal rights upon termination of service and any resulting compensation for damage or loss if the employer or its representative assaults her during work in any form, including sexual assault or harassment, or through physical or verbal abuse. The recent amendments also included imposing a fine

on sexual harassers at work ranging from two thousand to five thousand Jordanian dinars⁴⁵. Article (B/29) of the Labor Law stipulates that if it is proven to the Minister that the employer or its representative has assaulted workers by beating them or engaging in any form of sexual assault or harassment, the employer, director of the establishment, or their representative shall be punished with a fine of no less than two thousand dinars and no more than five thousand dinars. The fine shall be doubled in case of recurrence, taking into account any other effective legislation. Additionally, paragraph (c) was added to Article (29), defining sexual harassment as any physical or verbal behavior of a sexual nature or associated threats that violate the dignity of the worker, humiliate them, and cause physical, psychological, or sexual harm.

Conclusion:

To conclude, I have reached several conclusions and recommendations as follows:

1. The Jordanian Labor Law emphasizes the principle of equality and equal opportunities between men and women in employment.
2. Jordanian legal regulation of women's work largely aligns with international conventions and agreements in this regard and provides comprehensive and broad legal protection for women.
3. The Jordanian Labor Law has provided facilities that serve working mothers in the workplace and addresses some shortcomings found in international agreements, especially regarding the establishment of nurseries for working women's children.
4. The Jordanian legislature has applied the Flexible Work System, which will facilitate women's work from home.
5. The Jordanian legislature has provided legal protection for women workers against sexual harassment in the workplace.

Recommendations:

1. I urge the Jordanian legislature to explicitly stipulate equal pay between men and women, affirming the principle of "equal pay for work of equal value."
2. I recommend that the Jordanian legislature grant female workers additional paid sick leave when one of their children is hospitalized.
3. I recommend that the Jordanian legislature review the duration of maternity leave and work towards extending it to no less than fourteen weeks as a minimum.
4. I urge the Jordanian legislature to provide legal protection for women when terminating their employment during pregnancy, considering such termination during pregnancy or maternity leave null and void.

⁴⁰ The Flexible Work System Law No. (22) of 2017, issued pursuant to Article (140) of the Labor Law No. (8) of 1996.

⁴¹ Article (6) of the Flexible Work System Law for translation.

⁴² Article (7) of the Flexible Work System Law for translation.

⁴³ Imar Bahiawi, Sexual Harassment in the Workplace, published research in the Algerian Journal of Legal, Economic, and Political Sciences, Issue 45, issued on August 15, 2008, page 49.

⁴⁴ Article 306 of the Penal Code states: "Anyone who commits an act contrary to modesty, utters words, makes gestures, or performs acts or signs that are contrary to modesty by speech, action, movement, or indication, explicitly or

implicitly, by any means, shall be punished with imprisonment for a term not less than six months."

Similarly, Article 305 of the Jordanian Penal Code states: "Anyone who engages in indecent behavior with a person under the age of eighteen, male or female, shall be punished with imprisonment for a period ranging from one month to two years, or with a woman or girl who is eighteen years of age or older without her consent."

⁴⁵ The old text, before the amendment, allowed working women to leave their jobs without notice while retaining their legal rights. If the Minister of Labor found that there had been an assault by the employer on the workers, he could decide to close the institution for a period he deemed appropriate.

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