



DATA UPDATE – Women, Business and the Law 2024

Jordan

Ministry of Planning and International Coordination

1. Workplace

1. *Does the law prohibit discrimination in employment based on gender?*

Comment received from Government:

In Jordan, gender-based discrimination in employment was not explicitly prohibited previously by legislation. However, in June 2023, the Labor Law was amended to explicitly prohibit gender-based discrimination in employment (discrimination that undermines equal opportunities within the workplace) under article 69(a) of the amended labor law, entered into force in June 2023. This legal adjustment marks a crucial milestone in promoting gender equality and safeguarding against discrimination in Jordan's labor force.

Suggested data modification:

The answer should change from "No" to "Yes" to reflect the reforms introduced by the amendment to the labor law. The introduction of the new Article 69(a) in the Labor Law is a landmark development, explicitly prohibiting discrimination based on gender in the realm of employment. This legal revision aligns with principles of gender equality and underscores Jordan's commitment to fostering a fair and inclusive labor market.

Date of entry into force:

6/15/2023

Legal basis:

Article 69(a) of the amended Labor Law No. 10 for the year 2023. (Annex 1: the amendments on the official gazette) (Annex 1.1: the labor law no. 10 for the year 2023) Any gender-based discrimination between workers that infringes equal opportunities within the workplace is prohibited.

Response from *Women, Business and the Law* team:

The *Women Business and the Law* team takes note of the amendments to the Labor Law. The team understands that Article 8 of Labor Law no. 10 of 2023 repeals the original text of Article 69(a) and replaces it with the following text: "(a) Any discrimination on the basis of gender between employees that would prejudice equal opportunities is prohibited." The updated analysis will be reflected in the upcoming *Women Business and the Law* report.

2. *Is there legislation on sexual harassment in employment?*

Comment received from Government:

Previously, there was no specific legislation criminalizing sexual harassment in employment. However, the recent amendment to Article 29 of Labor Law No. 10, which was introduced (and entered into force) in June of 2023 has rectified this gap and represents a substantial and commendable step towards criminalizing sexual harassment in employment. Article 29 of the amended Labor Law

explicitly defines sexual harassment at the workplace and imposes criminal penalties to the perpetrator. Article 29(C) provides a comprehensive definition of sexual harassment at the workplace which encompasses any actions or behaviours whether physical or verbal of a sexual nature, as well as associated threats that undermine the dignity of workers, causing insult, physical, psychological, or sexual harm. Article 29(B) imposes criminal penalties (fine) to perpetrators of sexual harassment and sexual assault in the workplace, with taking into account other relevant legislations. By incorporating this definition in its labor law, the government of Jordan demonstrates its commitment to criminalizing and preventing sexual harassment in the workplace, aligning its legislation with international standards and principles of human rights and gender equality.

Suggested data modification:

The answer should change from "No" to "Yes" to reflect the reform to the labor law.

Date of entry into force:

6/15/2023

Legal basis:

Amended Labor Law No. 10 for year 2023, articles (29(a)(6) and 29(b) and 29(c) Article 29(a)(6): The employer or his representative assaulted the employee during or because of work, by beating, disparaging or any other form of sexual assault or sexual harassment is punishable under the provisions of the legislation in force. 26(b). the perpetrator of sexual harassment or sexual assault (employer) or his representative shall be liable to a fine of no less than 2,000 dinars and no more than 5,000 dinars and the fine shall be doubled in the event of a repeat, subject to the provisions of any other relevant legislation in force. 26(c). For the purposes of this article, "sexual harassment" means: any action or behaviour whether physical or verbal of a sexual nature or associated threats that undermines the worker's dignity, is insulting to him or her and results in physical, psychological or sexual harm to him or her. (Annex 1: the amendments on the official gazette) (Annex 1.1: the labor law no. 10 for the year 2023).

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law specifically protects with redress measures against sexual harassment in employment committed by either employers or employees. The answer is “No” if the law only allows an employee to terminate employment based on sexual harassment but provides for no other protection or form of redress in the form of criminal penalties or civil remedies.

Article 29(a)(6) of the Labor Law, as amended by article 5 of Law No. 10 of 2023, provides: “The employee shall have the right to leave the work without notice while retaining their legal rights related to the termination of service and the resulting damages in any of the following cases: -6- If the employer, or their representative, assaults them, during or because of work, by beating, humiliating or in any form of sexual assault or sexual harassment punishable under the provisions of the legislation in force.” The amended article 29 further provides, under letter (b): "If it appears to the Minister that an assault occurred on the part of the employer or his representative by beating or practicing any form of sexual assault or sexual harassment against the workers employed by him, the employer or the director of the establishment or his representative shall be punished with a fine of not less than two thousand dinars and not more than five thousand dinars, and the fine shall be doubled in the event of repetition, taking into account the provisions of any other legislation in force.”

The cited provisions: 1) only address sexual harassment by the employer or their representative; 2) only give the harassed person the right to leave work without notice while retaining termination rights but no other protection or form of redress; 3) only establish administrative penalties at the discretion of the Minister and not criminal penalties imposed in a criminal court of law or civil remedies for sexual harassment in employment. Therefore, the answer to this question is “No.”

3. *Are there criminal penalties or civil remedies for sexual harassment in employment?*

Comment received from Government:

The recent amendment to Labor Law No. 10 of June 2023 in Jordan signifies a significant change in criminalizing sexual harassment in employment. Historically, there was no specific legislation in place to tackle this issue. Article 29(b) of the Amended Labor Law (June 2023) imposes criminal penalties on employers or their representatives who engage in any form of sexual assault or sexual harassment at the workplace. Sexual harassment in the workplace results in criminal penalties, ranging from no less than 2,000 dinars to no more than 5,000 JoDs. This legal development represents a critical milestone in promoting safe and respectful work environments in Jordan. Article 26(c) of the amended labor law defines, "sexual harassment" as: any action or behaviour whether physical or verbal of a sexual nature or associated threats that undermines the worker's dignity, is insulting to him or her and results in physical, psychological or sexual harm to him or her.

Suggested data modification:

The answer should be changed from “No” to “Yes” as the amended Labor Law in June 2023, Article 29(b) imposes criminal penalties (fine), with taking into account other relevant applicable legislation.

Date of entry into force:

6/15/2023

Legal basis:

Articles 29(b) and 29(c) of the mended Labor Law No. 10 for year 2023. Article 29(b) A fine is imposed on the perpetrator of sexual harassment and sexual assault, taking into account other applicable legislation. Article 29(c), For the purposes of this article, "sexual harassment" means: any action or behaviour whether physical or verbal of a sexual nature or associated threats that undermines the worker's dignity, is insulting to him or her and results in physical, psychological or sexual harm to him or her. (Annex 1: the amendments on the official gazette) (Annex 1.1: the labor law no. 10 for the year 2023).

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law establishes either civil remedies or criminal penalties, such as fines or imprisonment, for sexual harassment in employment committed either by the employer or employees, to be imposed in a criminal court of law.

Article 29(b) of the Labor Law, as amended by article 5 of Law No. 10 of 2023, provides: "If it appears to the Minister that an assault occurred on the part of the employer or his representative by beating or practicing any form of sexual assault or sexual harassment against the workers employed by him, the employer or the director of the establishment or his representative shall be punished with a fine of not

less than two thousand dinars and not more than five thousand dinars, and the fine shall be doubled in the event of repetition, taking into account the provisions of any other legislation in force.”

The cited provision only establishes administrative penalties at the discretion of the Minister and not criminal penalties imposed in a criminal court of law or civil remedies for sexual harassment in employment. In addition, it only addresses sexual harassment committed by the employer or their representative. Therefore, the answer to this question is “No.”

2. Pay

Comment received from Government:

1. Can a woman work in an industrial job in the same way as a man?

Article 69 of the Labor Law, which imposed restrictions on women’s employment in certain jobs, was repealed in June 2023. Article 69(a) was added instead to prohibit any gender-based discrimination among workers that infringes upon equal work opportunities. This change represents a significant step toward promoting gender equality and preventing discrimination in the workplace.

Suggested data modification:

The answer should be changed from "No" to "Yes" to reflect the reform which removed sector restrictions previously imposed on women.

Date of entry into force:

6/15/2023

Legal basis:

No restrictions could be found. Note that article 69 which previously imposed restrictions has been repealed and replaced with the non -discrimination based on gender in employment (art. 69(a)) (Annex 1: the amendments on the official gazette) (Annex 1.1: the labor law no. 10 for the year 2023)

Response from *Women, Business and the Law* team:

The *Women Business and the Law* team takes note of the amendments to the Labor Law. The team understands that Article 8 of Labor Law no. 10 of 2023 repeals the original text of Article 69, which previously prohibited women’s work in industrial jobs, and includes the following text in Art. 69(b): “b. The Minister issues the necessary instructions to protect pregnant and nursing women, people with disabilities, and people who perform night work, to create a safe work environment.” The updated analysis will be reflected in the upcoming *Women Business and the Law* report.

Communications

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