



June 23, 2021

Prime Minister H.E. Dr. Bisher Al Khasawneh  
Fourth Circle, Fas Street, Building No. 1  
Amman, Jordan 11180  
Email: [human.rights@pm.gov.jo](mailto:human.rights@pm.gov.jo)  
Email: [hkhraisha@rhc.jo](mailto:hkhraisha@rhc.jo)

**Re: Violation of Jordanian Agricultural Workers' Right to Form a Union**

Prime Minister Khasawneh:

The International Lawyers Assisting Workers (ILAW) Network, which unites over 650 workers' rights lawyers and advocates in more than 70 countries (including in Jordan), expresses deep concern over the recent court decision to reject the registration application of the Agriculture Workers Union. This decision violates the fundamental right to freedom of association, which is protected by the Constitution of the Hashemite Kingdom of Jordan<sup>1</sup> and Jordan's international law obligations.<sup>2</sup>

On January 11, 2021, the registrar denied the union's application for registration on the basis that (1) the regulation required under Article 3 of the labor law to include agricultural workers had not been promulgated<sup>3</sup>; (2) the meeting of the general assembly of the union was not properly conducted as required by the rules; and (3) the list of occupational classifications permitted to form a union, as issued by the Ministry of Labor, does not include agriculture.<sup>4</sup> On February 16, 2021, the union filed a lawsuit seeking to overturn the registrar's rejection of the application and, on May 24, 2021, the Administrative Court upheld the rejection of the application. The basis for the court's holding was primarily that agricultural workers are excluded from the list of occupations permitted to form a union pursuant to Article 98 of the Labor Code. The Court also relied on a defunct 2003 regulation despite amendments to the Labor Law in 2008. The court further held that the claimants did not prove that they are agricultural workers, which had not been raised by the registrar and thus procedurally flawed.

---

<sup>1</sup> Articles 16 and 23(f) of the Constitution protects the right to form or join trade unions, and Article 128 provides that laws issued in accordance with the Constitution cannot impact the essence of those rights or affect their fundamentals.

<sup>2</sup>The Government of Jordan is a member of the International Labor Organization and has ratified Convention 98 on December 12, 1966. Further, the Government of Jordan is obligated to respect, promote and realize the right to freedom of association and to bargain collectively under the 1998 Declaration on Fundamental Principles and Rights at Work.

<sup>3</sup> Labour Law and its Amendments No. 8 of the year 1996 (as amended)(translated), at Art. 3.

<sup>4</sup> *Id.* at art. 98.

Article 98 of the Jordanian Labour Code<sup>5</sup> provides that unions may be organized only in those trades/occupations designated by the government. The government has total discretion to identify these sectors – currently set at 17. The Minister of Labour excluded the agricultural sector from this list. As you are no doubt aware, the ILO Committee on Freedom of Association (ILO CFA) has held that “all workers, without distinction whatsoever, including without discrimination in regard to occupation should have the right to establish and join organizations of their own choosing.”<sup>6</sup> It further states that establishing a limited list of occupations would be a violation of workers’ rights to establish and join a union of their choosing.<sup>7</sup> Indeed, with regard to Jordan, the ILO CFA found in March 2021 that the Government of Jordan violated its commitment to respect and promote the fundamental right to freedom of association for all its workers, because of its restrictions on which occupations are allowed to form a union.<sup>8</sup> Specifically, the CFA held that “the current system might leave out entire groups of workers unable to exercise their right to organize and to benefit from collective bargaining rights.”<sup>9</sup> In further contravention of Jordan’s international labor law commitments, the CFA found that the law requiring only one union per industry or sector to be a violation of the fundamental right to freedom of association.<sup>10</sup>

We would urge the government to bring to the attention of the High Administrative Court that Article 98 of the Labor Law violates the Jordanian Constitution’s guarantee of the right to freedom of association, and thus should not form the basis to reject the union’s application. Furthermore, the ILAW Network strongly urges the Government of Jordan to amend its Labour Code so that all workers in all sectors in the country have the right to form and join unions of their own choosing, not just those on a closed list. Of course, several other aspects of the Labor Code must be revised in order to comply with Jordan’s international law obligations, as outlined by the ILO CFA, and we would urge you to work with social partners to address each of these issues.

The ILAW Network respectfully requests an update by the government of Jordan on the actions undertaken to give full effect to the decision by the ILO CFA in Case No. 3337.

Sincerely,



Jeff Vogt  
Chair, ILAW Network

---

<sup>5</sup> *Id.*

<sup>6</sup> International Labour Organization (ILO), Compilation of decisions of the Committee on Freedom of Association (CFA) at para 332.

<sup>7</sup> *Id.* at para 333.

<sup>8</sup> The ILO Committee on Freedom of Association made specific conclusions with regard to Jordan’s compliance with the right to freedom of association. See ILO Committee on Freedom of Association, Case No. 3337, Report No.393 (March 2021), online at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_776041.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_776041.pdf)

<sup>9</sup> *Id.* at para 558.

<sup>10</sup> See ILO Committee on Freedom of Association, Case No. 3337, Report No.393 (March 2021), at para 559.



**INTERNATIONAL  
LAWYERS ASSISTING  
WORKERS NETWORK**

cc:

Minister H.E. Mr. Ayman Al Safadi, Ministry of Foreign Affairs and Expatriates, [mofa@fm.gov.jo](mailto:mofa@fm.gov.jo)  
Minister H.E. Mr. Yousef Al Shamali, Ministry of Labour, [info@mol.gov.jo](mailto:info@mol.gov.jo)

**International Lawyers Assisting Workers Network  
c/o Solidarity Center  
1130 Connecticut Ave, NW, 8<sup>th</sup> Floor  
Washington DC, 20036**