

EMBARGOED UNTIL 9:00 AM THURSDAY, SEPTEMBER 21, 2006

**REQUEST BY THE AMERICAN FEDERATION OF LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS (AFL-CIO) AND THE NATIONAL
TEXTILE ASSOCIATION (NTA) TO THE UNITED STATES TO INVOKE
CONSULTATIONS UNDER THE UNITED STATES-JORDAN FREE TRADE
AGREEMENT TO ADDRESS JORDAN'S VIOLATIONS OF THE
AGREEMENT'S LABOR RIGHTS PROVISIONS**

September 21, 2006

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Introduction

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the National Textile Association (NTA) request that the United States Government invoke the Dispute Settlement procedures under Article 17 of the U.S.-Jordan Free Trade Agreement (Jordan FTA or FTA) as a result of Jordan's violations of Article 6 of the FTA, which sets forth the mutual obligations of the Parties with respect to labor standards.

Although workers in many sectors of the Jordanian economy face substantial obstacles to the full enjoyment of internationally recognized worker rights, the pervasive violations of worker rights in Jordan's Qualified Industrial Zones (QIZs) have received considerable media coverage in recent months, prompting the attention of both the Jordanian and U.S. governments.¹ These violations occur in large measure because of the inadequacies of the Jordanian Labour Code, as well as problems with its enforcement.

This request follows AFL-CIO President John J. Sweeney's letter to Secretary of Labor Elaine Chao and United States Trade Representative Susan Schwab, which called for an immediate investigation into the labor violations in Jordan. Detailed below are the major violations of the FTA, with regard to labor laws and enforcement, both within and outside of the QIZs.²

1. Relevant Provisions of the FTA

Article 6 – Labor Provisions

The U.S.-Jordan Free Trade Agreement, signed by the Parties on October 24, 2000, contains an historic labor chapter, Article 6, which requires both countries to comply with internationally recognized labor rights and effectively enforce their respective labor laws.

Article 6 also provides for enforcement of these obligations under the Agreement's generally applicable dispute resolution procedures.

Three separate provisions of Article 6 set forth the Parties' obligations with respect to worker rights. Paragraph 1 provides:

The Parties reaffirm their obligations as members of the International Labor Organization ("ILO") and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The parties shall

¹ National Labor Committee, U.S.-JORDAN FREE TRADE AGREEMENT DESCENDS INTO HUMAN TRAFFICKING AND INVOLUNTARY SERVITUDE (2006); Greenhouse, Steven, *An Ugly Side of Free Trade: Sweatshops in Jordan*, NY Times, May 3, 2006.

² In undertaking research for this petition in the QIZs, researchers for the AFL-CIO were detained by the police and interrogated by representatives from the Ministry of Labor. The AFL-CIO is deeply troubled by these acts and urges the government to permit persons acting on behalf of national or international unions to be able to speak with workers without threats or intimidation.

strive to ensure that such labor principles and the internationally recognized labor rights set forth in paragraph 6 are recognized and protected by domestic law.

Paragraph 2 provides:

The Parties recognize that it is inappropriate to encourage trade by relaxing domestic labor laws. Accordingly, each Party shall strive to ensure that it does not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such laws as an encouragement for trade with the other Party.

Paragraph 4(a) provides:

A Party shall not fail to effectively enforce its labor laws, through sustained or recurring course of action or inaction, in a manner affecting trade between the Parties, after the date of entry into force of this Agreement.

The internationally recognized labor rights referred to in Paragraph 1, to which the Parties have committed themselves under the FTA, are set forth in Paragraph 6. They are:

- (a) the right of association,
- (b) the right to organize and bargain collectively,
- (c) a prohibition on the use of any form of forced or compulsory labor;
- (d) a minimum age for the employment of children; and
- (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

In addition, the ILO Declaration on Fundamental Principles and Rights at Work to which the Parties have also committed themselves under Paragraph 1, includes the elimination of discrimination in the workplace.³

Article 17 – Dispute Settlement

Article 17 of the FTA sets forth the Agreement’s dispute resolution procedures. Section 1 provides:

- (a) The Parties shall make every attempt to arrive at a mutually agreeable resolution through consultations under Article 17, whenever

.....
- (ii) a Party considers that the other Party has failed to carry out its obligations under this Agreement. . . .

³ The text of the Fundamental Declaration is available online at http://www.ilo.org/dyn/declaris/DECLARATIONWEB.static_jump?var_language=EN&var_pagename=DECLARATIONTEXT.

Section 1 also provides for successive levels of review in the event of a failure to resolve a matter. Where consultations are unsuccessful after 60 days, “either Party may refer the matter to the Joint Committee [under Article 15], which shall be convened and shall endeavor to resolve the dispute.” (Section 1(b)). Where the Joint Committee cannot resolve the matter within 90 days, “either Party may refer the matter to a dispute settlement panel” (Section 1(c)) for issuance of a nonbinding report (Section 1(d)). The Joint Committee, “taking the report into account, shall endeavor to resolve the dispute.” (Section 2(a)). Failure by the Joint Committee entitles the affected Party “to take any appropriate and commensurate measures.” (Section 2(b)).

In Section 2 of this Request we outline the major ways in which Jordan’s Labour Code, as well as related laws, do not meet that Party’s commitments to its FTA-mandated labor obligations. In Section 3, we focus on the significant problems of enforcement, intimidation, and state control throughout the Jordanian economy. In Section 4 we discuss the deplorable conditions in Jordan’s QIZs, which illustrate both the weaknesses in the Labour Code, as well as the inadequate enforcement capacity. We submit that the problems outlined in our report document Jordan’s failure to fulfill its labor commitments under the FTA.

It is clear that the violations detailed in this Request also “affect trade between the Parties,” as Paragraph 4(a) of the FTA labor chapter lays out. Garments are the top item produced in the QIZs, accounting for almost 90 percent of Jordan’s exports to the United States. Gross violations of workers’ rights, the denial of freedom of association to non-citizens, and the failure to enforce minimum wage, maximum hours, and health and safety laws clearly impact the price of Jordanian exports to the United States, and therefore affect the pattern and volume of trade between the parties.

The AFL-CIO and the NTA request that the U.S. Government invoke Article 17’s dispute resolution procedures by requesting consultations with respect to Jordan’s failure to fulfill its labor obligations under the FTA. We also request that the U.S. pursue its rights under Article 17 until sufficient measures are in place to assure Jordan’s compliance with these obligations. These measures include comprehensive labor law reform, establishment of an effective enforcement program, and third-party monitoring.

2. Jordan’s Labour Code and Related Laws Violate Worker Rights Under the Jordan FTA in Numerous Key Respects

Several provisions of Jordan’s Labour Code⁴ deny workers their fundamental rights of association, organization, and collective bargaining. These denials of fundamental labor rights, individually and together, violate Jordan’s obligations under Chapter 6 of the Jordan FTA. They reveal a pattern of severe trade union restrictions, not only in the QIZs, but also throughout the Jordanian economy.

⁴ Law No. 8 of 1996, March 2, 1996.

a. Restricting Union Membership to Jordanian Nationals

Article 23(f) of the Constitution of the Hashemite Kingdom of Jordan⁵ states that “Free trade unions may be formed within the limits of the law.” The Labour Code imposes severe restrictions on freedom of association, however. Section 108(3)(a) provides that in order to apply for membership in . . . a trade union,” an individual must be “of Jordanian nationality.” This is a blatant violation of one of the core principles of freedom of association embedded in ILO Convention No. 87, Article 2, namely, that “Workers... without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorization.” Indeed, the ILO’s Committee on Freedom of Association (CFA) has stated:

Article 2 of Convention No. 87 is designed to give expression to the principle of non-discrimination in trade union matters, and the words “without distinction whatsoever” used in this Article mean that freedom of association should be guaranteed without discrimination of any kind based on occupation, sex, colour, race, beliefs, nationality, political opinion, etc., not only to workers in the private sector of the economy, but also to civil servants and public service employees in general. (Emphasis added).⁶

This restriction on freedom of association has received much attention in recent months as a result of the situation in the QIZs. There, factories employ 36,149 migrant workers, according to the Jordanian Ministry of Labour, almost triple the number of workers compared to only two years ago.⁷ Thus, the majority of workers in Jordan’s QIZs cannot join trade unions, and the unions themselves have only limited power to advocate on their behalf.⁸

However, denying non-Jordanians the right to join unions and engage in collective bargaining affects workers throughout Jordan. According to Jordan’s Minister of Labour, in 2005 there were 218,756 “registered non-citizen workers” in the country,⁹ while in

⁵ The Constitution was promulgated on January 1, 1952.

⁶ Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO (Digest), Geneva, 1996, ¶ 205; See also Digest ¶ 208 (law prohibiting African workers from establishing trade unions violates Convention 87); Id. ¶ 209 (prohibition of registering unions consisting of workers of different races violates workers’ right to association).

⁷ Compare Ministry of Labor Report on Status of Migrant Workers in the Qualified Industrial Zones (May 2006) with U.S. Department of State, Country Reports on Human Rights Practices – 2004 (2004 State Department Report), <http://www.state.gov/g/drl/rls/hrrpt/2004/41724.htm> (“According to the Government, “13,000 . . . workers were employed in the Qualified Industrial Zones.”). Reliable sources estimate that 70 percent of the workers in Jordan’s QIZs are migrants, primarily from Bangladesh, Sri Lanka, India, China, and the Philippines.

⁸ The CFA has also held that workers in export processing zones, “like other workers, without distinction whatsoever, should enjoy the trade union rights provided for by the freedom of association Conventions. Digest ¶ 240.

⁹ U.S. Department of State, Country Reports on Human Rights Practices – 2005 (2005 State Department Report), <http://www.state.gov/g/drl/rls/hrrpt/2005/61691.htm> (see Section .6).

2004 there were 143,000.¹⁰ Migrant workers predominate in agriculture and domestic service, where the Jordanian Labour Code does not apply. This fast-paced growth (roughly 50 percent in one year) in the number of migrant workers means that an increasingly large segment of the Jordanian workforce has no right to organize or bargain collectively.

b. Denying Union Membership by Occupation

The Jordanian Labour Code denies the rights of association, organizing and collective bargaining, not only to migrant workers, but also to groups of workers by occupation. Article 3 provides that the Labour Code does not apply to:

- (1) government and municipal officials;
-
- (3) domestic servants, gardeners, cooks and the like; [and]
- (4) agricultural workers excluding those who shall be covered by this Code pursuant to a decision taken by the Council of Ministers on the basis of a recommendation by the Minister.

These exclusions clearly violate the principle embedded in Convention 87 that workers “without distinction whatsoever,” including distinctions based on occupation, are entitled to form and join trade unions, and engage in collective bargaining.¹¹ As the CFA has reiterated on numerous occasions, “All public service employees . . . should, like workers in the private sector, be able to establish organizations of their own choosing to further and defend the interests of their members.”¹² Moreover, the Committee has made it clear that “agricultural workers should enjoy the right to organize.”¹³

The situation with respect to domestic servants has attributes of both bonded labor and trafficking. According to the U.S. Department of State:

Domestic servants have no legal redress for labor grievances and cannot sue in court for nonpayment of wages. Abuse of domestic servants, most of whom are foreign, was widespread, though not thoroughly documented. Employers routinely limited their domestic employees’ freedom of movement, and often illegally confiscated travel documents. Victims, who feared losing their employment and being returned to their home country, generally did not report complaints to government officials.¹⁴

¹⁰ 2004 State Department Report (see Section .6).

¹¹ Digest ¶ 205.

¹² See e.g., Digest ¶¶ 206, 212-217.

¹³ *Id.* ¶ 225 (citing 211th Report, Case No. 1053, ¶ 163; 241st Report, Case No. 1285, ¶ 213 and Case No. 1293 ¶ 273). The Reports noted in the Digest refer to reports of the Committee on Freedom of Association, which contain cases decided by that body.

¹⁴ 2005 State Department Report.

Depriving domestic servants of their rights of association has undoubtedly contributed to the intolerable position they occupy in the Jordanian workforce.

c. Restricting Union Membership by Age and Criminal Background

Article 108 also restricts membership in a trade union to persons “no less than twenty-five years of age” and who have not been “convicted of a criminal offense or a misdemeanor involving dishonorable or immoral conduct.” These restrictions also violate ILO Convention 87’s central principle of non-discrimination, which gives workers “without distinction whatsoever” the right of freedom of association.¹⁵

d. Government Control of Union Representation by Industry

The Jordanian Labour Code also violates principles of freedom of association embodied in the Jordan FTA by establishing state control over the formation of labor unions. First, Section 98(1) requires “at least fifty founding members working in the same trade or engaged in similar or interdependent occupations within one field of production” to establish a union. According to the CFA:

The establishment of a trade union may be considerably hindered, or even rendered impossible, when legislation fixes the minimum number of members of a trade union at obviously too high a figure, as is the case, for example, where legislation requires that a union must have at least 50 founder members.¹⁶

Second, Section 98(2) authorizes the government to define those industries in which workers may form trade unions, and prohibits workers from forming more than one union in each of them. That provision states:

The Minister [of Labor] may, in agreement with the General Confederation of Trade Unions, issue a decision classifying trades and industries where workers are entitled to organize themselves in a trade union and specifying groups of trades and industries where no more than one general trade union may be established covering all workers in such groups, in view of their similarity, interdependence or participation in a single or integrated field of production.

Pursuant to this Section, the number of industries in which workers are entitled to form a union has fluctuated over time according to factors determined by the government.¹⁷ The

¹⁵ Digest ¶ 205. See also, Digest ¶ 383-387 (holding that a trade unionist may not be barred from seeking union office due to a criminal record if the act does not by its nature pose a risk for the proper exercise of trade union functions). It stands to reason that if a law barring persons with criminal records from seeking office runs afoul of the ILO conventions, a law that bars such persons from being a member is also prohibited.

¹⁶ Digest ¶ 255.

¹⁷ See al-Hourani, THE JORDANIAN LABOUR MOVEMENT: HISTORY, STRUCTURE AND CHALLENGES (Bonn 2001), <http://library.fes.de/fulltext/iez01144001.htm>

Minister of Labour's most recent decree, issued in 1999, identifies seventeen industries in which workers have the right to establish a union.¹⁸

The Committee on Freedom of Association has emphasized that “the free exercise of the right to establish and join unions implies the free determination of the structure and composition of unions.”¹⁹ Therefore, “establish[ing] a limited number of occupations with a view to recognizing the right to associate” violates “the principle that workers, without distinction whatsoever, should have the right to establish and join organizations of their own choosing.”²⁰ In addition, “a situation in which an individual is denied any possibility of choice between different organizations, by reason of the fact that the legislation permits the existence of only one organization in the area in which he carries on his occupation, is incompatible with the principles embodied in Convention No. 87.”²¹

Accordingly, the Jordanian Labour Code's control over the industries in which workers may form a union, as well as the number of unions they may form, violates the principles of freedom of association that Jordan has committed to uphold under the Jordan FTA.

Section 110 of the Jordanian Labour Code requires that trade unions “set up the General Confederation of Trade Unions.” However, “The question as to whether a need to form federations and confederations is felt or not is a matter to be determined solely by the workers and their organizations themselves after their right to form them has been legally recognized.”²² Thus, the governmental mandate to establish the confederation also violates workers' freedom of association. Moreover, “A monopoly situation imposed by law is at variance with the principle of freedom of association,”²³ whether the monopoly exists with respect to the formation of unions, as discussed above, or a confederation of unions.²⁴

e. Excessive government supervision of trade unions

The Jordanian Labour Code compromises trade union independence by giving the Minister of Labour authority with respect to the content of union governing documents. Section 100 provides that “Upon consultation with the Ministry, the General Confederation of Trade Unions shall draw up its statutes and those of the trade unions.” This requirement violates Article 3 of Convention 87, which states, “Workers' and employers' organizations shall have the right to draw up their constitutions and rules. . .” Interpreting this provision, the Committee on Freedom of Association has stated that “Where the approval of trade union rules is within the discretionary powers of a competent authority, this is not compatible with the generally accepted principle that

¹⁸ See Al-Amal, Circular Magazine Issued by the Ministry of Labour, 2001, Issue no. 91/2001, pp. 64-65.

¹⁹ Digest ¶275, citing 241st Report, Case No. 1326, ¶ 818.

²⁰ *Id.* ¶ 278. See also *id.* ¶ 281, citing 218th Report, Case No. 1133, ¶ 111.

²¹ Digest ¶ 292.

²² Digest ¶ 610.

²³ Digest ¶ 288, citing 265th Report, Case No. 1431, ¶ 127.

²⁴ Digest ¶ 287.

workers' organizations shall have the right to draw up their constitutions and rules in full freedom."²⁵

Pursuant to Section 100 of the Labour Code, Jordanian unions conform to a set of "unified bylaws," some of whose provisions reflect further impermissible government control over internal union affairs. For example, Article 45(1) of the unified bylaws provides that only those individuals who have been union members for at least two years can run for union office. Such a requirement "implies an important restriction on the right of workers' organizations to elect their representatives in full freedom."²⁶ Article 6 of the unified bylaws further limits those who can run for union office because it restricts union membership to those who are "working in any of the [seventeen] occupations" enumerated in the bylaws. This restriction is incompatible with principles of freedom of association, which prohibit work requirements for union officials.²⁷ Similarly, Section 114 of the Jordanian Labour Code runs afoul of associational principles by denying anyone an elected position on a union administrative board "if he is not a registered worker or full-time employee therein."

According to the U.S. State Department, the Jordanian "government subsidizes and audits the GFJTU's salaries and activities." Such forms of "state control" are "incompatible with the principles of freedom of association."²⁸ Workers' organizations "must have the right to organize their administration and activities without any interference on the part of the public authorities."²⁹

The Jordanian Labour Code authorizes the Minister of Labour to seek judicial dissolution of a labor union that fails to conform to the law. Section 116 of the Labour Code provides:

- (1) The Minister [of Labour] may institute judicial proceedings before the court of first instance for the dissolution of any trade union, if it:
 - a. Violates any provision of this Code, provided that the Minister had already sent the union, before instituting the proceedings, written notice to cease the violation within a determined time-limit and that the trade union did not respond to such notice;
 - b. Instigates walkouts, work stoppage, stay-in strikes or demonstrations in cases where such actions are prohibited under this Code or any other legislation in force;

²⁵ Digest ¶ 336. See also *id.* ¶ 334.

²⁶ *Id.* ¶ 376.

²⁷ *Id.* ¶¶ 369-372.

²⁸ *Id.* ¶ 429.

²⁹ *Id.* ¶ 423.

- c. Resorts to the use of force, violence, threats or any other unlawful measures in infringing or attempting to infringe upon a third party's right to work, or any other right.

Section 116(2) allows for appeals to the Court of Appeals, whose decision in the matter is final. This excessive governmental authority also violates principles of freedom of association.

f. Restrictions on the Right to Strike

Although the right to strike is protected by ILO Conventions 87 and 98, the Jordanian Labour Code limits that right. Article 135(1) of the Code requires workers to provide their employers with 14 days' notice, or 28 days "where work is related to a public service." According to a report by the American Center for International Labor Solidarity, "In practice unions are expected to obtain permission from the government before a strike can occur."³⁰ Moreover, under Chapter XII of the Labour Code, the Minister of Labour (or a conciliation officer he appoints) "shall initiate mediation proceedings between the two parties to settle the dispute." Unresolved disputes proceed to a conciliation board, and then to an industrial tribunal that issues a binding award. Article 134 prohibits strikes (or lockouts) concerning a dispute pending the outcome of these proceedings and during a period in which a conciliation settlement or an award has issued. Such a system of compulsory mediation and arbitration, which prevents the calling of a strike, infringes on the right of association.³¹

g. Related Restrictions on Freedom of Association Outside the Labour Code

Freedom of expression and assembly

The Jordanian government restricts core labor rights protected by the Jordan FTA through application of several non-labor statutes. In 2001, Jordan enacted the Public Assemblies Law, which requires organizations to obtain the government's consent before holding rallies or public meetings. Renewed in 2004, this law has "become an aggressive control mechanism" used to deny freedom of expression to organizations holding views antithetical to those of the government.³² Jordan's labor unions and professional associations have become targets of the Public Assemblies Law.³³ However, "the right to hold public meetings constitutes an important aspect of trade union rights."³⁴ Application of the Public Assemblies Law clearly violates freedom of association.

³⁰ Justice for All: The Struggle for Worker Rights In Jordan (Justice for All), Solidarity Center, Washington, D.C. 2006 at 19, available at www.solidaritycenter.org.

³¹ Digest ¶ 500; *id.* ¶ 498.

³² Justice for All at 17.

³³ *Id.* at 17-18.

³⁴ Digest, ¶ 133.

A combination of other laws serves to further chill the exercise of associational rights by unions and their members. For example, provisions of the Penal Code bar newspapers from publishing material that encourages unauthorized work stoppages.³⁵ Article 149 of the Penal Code “allows hard labor for ‘anyone engaged in any individual or collective action with intent to change the economic or social nature of the state or basic conditions of society.’”³⁶ Of course, changing the “economic nature” of the state is one of the central purposes of a union. Activities that could violate the law include disturbances, sit-downs, and unauthorized public meetings.³⁷ The Political Parties Law requires political parties and other associations to obtain government licenses. In addition, “separate laws impose up to two years’ imprisonment for membership in illegal associations and up to six months for distributing leaflets.”³⁸ According to the Solidarity Center, “The government has invoked all of these provisions to punish labor unions and professional associations for political activism.”³⁹

The Committee on Freedom of Association has stressed that “The right to express opinions through the press or otherwise is an essential aspect of trade union rights.”⁴⁰ This freedom of expression “should also be guaranteed when” unions “wish to *criticize the government’s economic and social policy.*”⁴¹ Alone and in combination, Jordan’s laws that restrict freedom of the press and expression violate the labor rights the Parties to the JUSFTA have committed to uphold.

3. Jordan Has Failed to Effectively Enforce Its Own Laws

The central obligation in the labor chapter of all U.S. negotiated free trade agreements is to effectively enforce one’s own laws. As discussed above, Chapter 6, Section 4 (a) of the Jordan FTA provides that, “A party shall not fail to effectively enforce its labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the Parties, after the date of entry into force of this agreement.”⁴² Nearly five years following the implementation of the agreement, the evidence amply demonstrates that the government of Jordan has not effectively enforced its labor laws, and this failure has occurred over a sustained period of time. The government is therefore in breach of the Jordan FTA.

a. Administrative and Judicial Structures Create Substantial Barriers to Enforcement of the Law

In Jordan, the vindication of a worker’s legal rights often begins when the worker or his or her union contacts the Ministry of Labor to request an inspection. However, as the

³⁵ Justice for All at 18.

³⁶ Ibid.

³⁷ Id.

³⁸ Id. at 17-18.

³⁹ Id. at 19.

⁴⁰ Digest ¶153.

⁴¹ Id. ¶ 155, citing 292nd Report, Case No. 1640, ¶ 606.

⁴² The Jordan FTA entered into force on December 17, 2001.

labor inspection system in Jordan is rife with institutional and practical obstacles, worker rights are not always enforced. First, there are only 80 labor inspectors for a workforce of roughly 1.2 million workers.⁴³ It is no surprise then that workers often report that labor inspectors are not quick to respond to their complaints. Moreover, due to their low monthly salary, roughly 200 dinars (\$280), labor inspectors are susceptible to corruption and are known to take bribes from employers to ignore labor violations. A supervisor at a factory in the al-Hasan QIZ recently confided to an AFL-CIO researcher that there is generally a high degree of corruption among labor inspectors. She told the researcher of one incident where an inspector took a bribe from management and falsified wage and hour records. For those workers who began their shift at 7:30am, the inspector falsely recorded that their shift ended at 4:30pm instead of 6:30pm.⁴⁴

Fines, and the process for assessing them, are also often ineffective. Currently, an inspector can only give a verbal warning to the employer and request that a fine be assessed, usually between 50 and 500 dinars (\$70-700). However, this amount is far too low to be dissuasive. The actual fine is later set by a labor court, which is slow in ruling on such requests. If the employer proves that his or her financial situation is poor, the fine can be paid in installments. In the end, the fine is worthless if the employer leaves the country or files for bankruptcy, a common occurrence in Jordan. This situation arises most frequently in the QIZs, where companies simply leave the country without paying such fines or the wages and benefits owed to workers.

A related problem concerns the ease with which a factory owner may change the name of the company to evade service of process or judgments. This happens often among the factories operating in the QIZs, many of which frequently change their corporate name. This process is facilitated by the fact that a name can be changed for only 15 dinars. This intentional confusion over the name of the company allows companies to avoid service of process and in some cases to evade fines already assessed by the court. A recently enacted law requires the owner to obtain documents from the Ministries of Labor, Interior, and Social Security in order to rename a factory or company. Unfortunately, the law is not currently enforced.

Fines assessed by labor inspectors are paid to the court, not the aggrieved worker. While a worker may also seek damages at either the court of conciliation or the court of wages, depending upon the claim, that procedure can take several years, as the employer has the right to appeal the judgment. Lawyers for employers also use other procedural tactics to slow down the judicial process. For example, an employer may choose to call multiple, unnecessary witnesses, knowing that a court may take over a month to register each witness. Another common tactic is to claim that a witness is sick or unable to take the

⁴³ See, e.g., IRIN, *Jordan: Minimum Wage Rise Not Enough Say Labor Unions*, May 4, 2006, available online at www.irinnews.org (citing union estimate of Jordanian workforce); IRIN, *Jordan: Increasing Number of Injuries at Work*, July 4, 2006, available online at www.irinnews.org (reporting 80 inspectors covering about 40,000 companies).

⁴⁴ Interview by AFL-CIO staff on July 24, 2006.

stand on the assigned day, delaying the process until the next hearing. At best, hearings on a particular case occur once a month.

Workers confront other procedural obstacles in the pursuit of labor justice. For example, labor courts can be reluctant to assert jurisdiction over claims, leaving the worker with no remedy. In one case, the Textile Workers Union brought a claim over the unlawful dismissal of 10 workers at the International Carpet Production Company (al-Alemia). The court refused to assert jurisdiction over the case and directed the union to file it with another labor court. The union complied, only to have that court refuse to hear the complaint. To this day, the case remains unresolved.⁴⁵

b. Freedom of Association

As explained in Part 2, the law erects substantial barriers to free association in Jordan. Equally problematic is the heavy influence the state has over the 17 legal unions and the climate of intimidation that pervades political life in Jordan. Trade unions, like many of Jordan's civil society institutions, are not able to freely function. Their operations are subject to close scrutiny by the intelligence apparatus, operated through the Ministry of the Interior, which frequently intervenes in and obstructs the work of trade unions. The state has previously interfered in trade union elections, either by endorsing specific candidates or in other, indirect means that make their preferences known to the union leadership. The Ministry of the Interior closely surveils the activities of trade union leaders and monitors their activities frequently. While many of these calls are benign, the constant "check in" creates an atmosphere of intimidation in which unions are sometimes reluctant to organize new workers.⁴⁶

By curtailing general civil and political rights, and sometimes imposing criminal sanctions on their exercise, the state makes mass rallies and other forms of labor protest difficult. For example, as discussed in Section 1 of this Report, the Public Assemblies Law of 2001 bans the organization and holding of rallies and public meetings without the prior written consent of the government. Violators can be and are fined and jailed for months. The government is known to grant permission for rallies to those organizations that it either directly sponsors or controls. Since the law was enacted, hundreds have been arrested for criticizing the government.⁴⁷

Union leaders have been persecuted for political activism under laws that restrict "individual or collective action with the intent to change the economic or social nature of the state" (see earlier discussion on p. 11, of Article 149 of the Penal Code). In 2002, Hisham Bustani was detained twice on suspicion of "disseminating rumors harmful to the reputation of the state."⁴⁸

⁴⁵ Interview with representative of garment workers union by AFL-CIO staff on August 9, 2006.

⁴⁶ Justice for All, p.15

⁴⁷ Id. at p. 17.

⁴⁸ Id. at p. 19.

Companies also use this law to their advantage. Recently, the Arab Pesticide Production Company called the Ministry of Labor to report that a union activist employed by the company had made a statement on the crisis in Lebanon, which the company considered to be illegal political speech.

In those cases where unions are actively organizing new members, employers are known to fire workers who show sympathies for the organizing union or who are active in mobilizing workers at the enterprise level to join a union.

- In July 2006, a union attempted to organize workers at the Arab Pesticide Production Company in the al-Hasan QIZ. A meeting between the union and management was arranged, at which time management fired one of the workers. The reason given for his dismissal was that he had parked his car in the wrong spot, though he provided strong evidence that the dismissal was due to his pro-union activity. The case has been referred to the Ministry of Labor.⁴⁹
- A product inspector at the Tefron Company decided to join a union a month after being hired in May 2006. The employer, upon learning that he had in fact joined a union, gave him a simple, illegal choice: work or the union. The union recommended that he take the work, which he did despite his strong interest in having a union in his workplace.⁵⁰

In sum, the fear of government surveillance and repression makes it difficult for workers to form and/or join unions. Further, inadequate mechanisms for enforcing the right of workers to associate freely create disincentives to exercising that right.

c. Employer Interference and Anti-Union Discrimination

In Jordan, employer interference and anti-union discrimination stand as significant obstacles to the full enjoyment of the right to organize and bargain collectively. As recently as 2004, the Committee of Experts of the ILO once again called upon Jordan to adopt “rapid appeal procedures, coupled with effective and dissuasive sanctions against acts of interference.” Although noting that Section 97(c) of the Labor Code prohibits acts of interference by an employer, the ILO reiterated that the government must ensure that “measures prohibiting acts of interference receive the necessary publicity and are effective in practice” and that “the relevant legislation should explicitly lay down provisions for rapid appeal procedures, coupled with effective and dissuasive sanctions against acts of interference.”⁵¹ Nevertheless, the Government has not taken any measures to increase sanctions or to speed up the complaint and appeals procedures.

⁴⁹ Interview with representative of garment workers union by AFL-CIO staff on August 9, 2006.

⁵⁰ Id.

⁵¹ Committee of Experts on the Application of Conventions and Recommendations (CEACR): Individual Observation Concerning Convention No. 98, Jordan (2004).

The lack of strong protections against anti-union discrimination poses a serious threat to workers who attempt to stand up for their collective rights.

- On September 25, 2005, the Arab Bank fired Ibrahim Al-Ayyad, a dedicated employee with 20 years on the job and a member of the General Trade Union of Banks, Insurance and Auditing Employees. It is widely believed that his firing was directly related to his support for other union members at the bank, 11 of whom were fired following a strike arising from a dispute during the negotiation of a collective bargaining agreement.⁵²
- In 2001, 28 women were fired at the Jordan Food Industry Factory after they demanded that they be paid the minimum wage.⁵³
- Workers in a textile factory in the Irbid QIZ signed a petition requesting that their union bargain on their behalf. The company learned of the request and began to intimidate the workers, explaining that the company “will not allow you to do this.” The union quickly intervened and prevented workers from losing their jobs, but the workers are subject to close scrutiny by management.⁵⁴

Workers need not even take affirmative acts in order to trigger retaliation by the employer. Sometimes, mere suspicion is enough. For example, workers at a health services contractor in Amman explained that the employer “sometimes ... see[s] keen and smart people who might join the union, and they will kick them out.”⁵⁵ The workers explained that during a strike one of the security guards was fired because he told workers to go to the strike. Another worker who was simply standing with friends near the strike was also fired. Employers also resort to other tactics short of termination to intimidate workers. Leaders of the textile and health care workers’ unions have reported that companies will often try to evade the law by electing not to fire a worker but instead shift them from one position to another, less favorable one.

d. The right to strike is not enforced

As discussed above, the Labour Code only requires unions to give notice of a strike. In practice, unions must obtain permission from the government before one can occur.”⁵⁶ However, the government almost always declares a strike to be illegal. The general sentiment of the government toward strikes was most clearly articulated in April 2006. Workers affiliated with the General Trade Union for Workers in Mining and Metal Industries went on strike at the Arab Potash Company in order to improve wages and

⁵² ICFTU, Annual Survey of Violations of Trade Union Rights 2006, Jordan, available online at www.icftu.org/displaydocument.asp?Index=991223907&Language=EN.

⁵³ *Justice for All*, p. 20.

⁵⁴ *Id.* at p. 21.

⁵⁵ *Id.*

⁵⁶ *Id.* at p. 19.

benefits. In response, the General Secretary of the Ministry of Labor, Majid al-Habashna, declared to the press that that he considered all strikes to be illegal.⁵⁷

Employer retaliation for participation in strikes is not uncommon in Jordan. Moreover, workers are inadequately protected from such retaliation. In some cases, the government participates directly in such retaliation. In 2004, the Textile Workers Union called a strike at the International Carpet Production Company (al-Alemia) in Sahab over wages, health insurance and overall working conditions. At the time, the government declared the strike illegal because they claimed that it threatened the security of the state. Following the strike, the employer acceded to the workers' demands but then sent a request to the Ministry of Labor to allow him to reduce the number of workers employed at his company. His request was accepted, and the company fired all 10 members on the union committee that led the strike.⁵⁸ The courts have refused to assert jurisdiction over the case and as such the case remains unresolved.

This is not an isolated case - the Ministry of Labor has authorized other companies to reduce their workforce as a means to punish union leaders and to discourage workers from undertaking strikes in the future. In 2001, roughly 1,000 workers went on strike at the Boskin Company, a suitcase and handbag manufacturer, to demand better conditions. The company fired 11 workers of the union committee who led the strike. The company's regional manager also requested that the mayor imprison them for one day, and the police complied.⁵⁹

Workers who are dismissed for participating in a legal strike may bring an action to court and, if successful, may get an order requiring the employer to pay 3-6 month's salary or allow the worker to return to work.⁶⁰ However, these cases may take a couple of years to be resolved. If workers feel that they cannot strike or otherwise participate in union activity for fear of employer retribution, and have little hope of legal protection, the rights to organize and bargain collectively are severely undermined.

e. Wages, Hours and Conditions of Work

The working conditions throughout Jordan are generally poor and are notoriously so in the QIZs. Conditions in the QIZs are covered in Section 4 of this Request. General concerns as to wages and occupational safety and health are raised here.

⁵⁷ Interview with representative of garment workers union by AFL-CIO staff on August 9, 2006.

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ In Jordan, the judge has the discretion to award either reinstatement or compensation. However, the ILO has stated clearly that the "remedy of reinstatement should be available to those who were victims of anti-union discrimination." See Digest ¶ 755.

Wages

Jordanian labor leaders have contended that the official minimum wage in Jordan is insufficient to meet the basic needs of a worker and his or her family, despite an increase in May 2006.⁶¹ Importantly, the minimum wage law does not cover agricultural and domestic work, where many migrant workers are employed.⁶² Labor leaders also report that many employers avoid paying the legal minimum salary without sanction. “Out of 100 workers, 10 or 12 receive the minimum wage,” estimates Mazen al-Maaytah, President of the General Federation of Jordanian Trade Unions.⁶³

Labor Ministry statistics indicate that there are more than 200,000 women in the national workforce.⁶⁴ Women in many sectors have charged that they have been paid much less than the minimum wage. Some reportedly earn only \$60 a month for 10- to 12-hour days. Many women have also charged that employers force them to sign contracts stating that they are paid the minimum wage, though they are paid much less.

The failure of employers to pay the minimum wage, and of the government to enforce minimum wage laws, contributes to the incidence of child labor. Zakya Rashad works in a chemical factory and currently earns \$70 a month. She explained, “When I was first hired, I was given US \$60 monthly, with a promise of a raise when business improves...It was impossible to live on the salary I earn. I had to force my daughters to drop out of school and work.”⁶⁵

After her husband suffered a debilitating back injury, Khadra Um Thaer had to work to support her 12 children. She explained, “I couldn’t watch my children starve. I had to take any job offered me.” She works for \$60 a month in a textile factory that exports to Israel and the US. When she heard that the minimum wage had been increased she said “I couldn’t help but laugh, because the term ‘minimum wage’ isn’t in my boss’s vocabulary.”⁶⁶

Occupational Safety and Health

According to the Ministry of Labor, the number of workplace injuries has increased steadily in the past year, rising from 12,600 in 2003 to 13,800 in 2005.⁶⁷ Jordanian labor leaders have expressed deep concern over the rise in workplace accidents. Fathallah Omrani, President of GTUTI, explained this trend as the result of profit driven companies

⁶¹ See, IRIN, *Jordan: Minimum Wage Rise Not Enough*, supra n. 43

⁶² *Id.*

⁶³ *Id.*

⁶⁴ IRIN, *Jordan: Female labourers hard pressed to get minimum wage*, available online at www.irinnews.org.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ See, IRIN, *Jordan: Increasing Number of Injuries at Work*, supra. n 43.

and the government's desire to placate investors.⁶⁸ He noted too that violators of safety procedures were merely fined or given warnings – insufficient to have a deterrent effect on the employer. Omrani recommended that inspectors be given more authority, including the ability to shut down a factory in the face of real danger to the workers. Mahmoud Hyari, head of the Association of Construction and Logging Industries, also noted that employers often avoid using safety equipment due to the added cost.⁶⁹ Also contributing to the problem is the shortage of inspectors; currently, there are 80 inspectors covering 40,000 workplaces. Last year, 5,800 factories were inspected, resulting in fines for 373 of them.⁷⁰

4. The Desperate Situation of Migrant Workers: Exploited in the Qualified Industrial Zones (QIZs) and in the Home

a. Qualified Industrial Zones

Garment manufacturing is one of the leading sectors in the Jordanian economy today, amounting to roughly 30% of total exports to the global market, and almost 90% of its exports to the United States.⁷¹ The value of exports to the U.S. now exceeds over \$1 billion, up from \$17 million just 8 years ago.⁷² According to statistics from the Ministry of Labor for April 2006, the total number of workers in the nine QIZs reached 54,077, of whom 36,149 are migrant workers.⁷³

By law, non-Jordanian workers in the QIZ must apply for a special work visa.⁷⁴ That visa, however, allows them to work only for the factory that hires them, preventing foreign workers from moving to another employer in search of better pay or conditions of work. Workers who leave their employer become undocumented and subject to immediate deportation. Additionally, workers receive airline tickets home only upon the completion of their contracts. Workers who wish to leave before their contract expires are trapped, having no way to pay the fare home. Given their vulnerability, employers frequently take advantage of foreign QIZ workers, forcing them to work long hours without breaks, subjecting them to forced overtime, and delaying or withholding pay.

The 2005 Solidarity Center report on Jordan provides a chilling example of life in the QIZs.

In 2004, at the Silver Planet factory in the Al-Tajamout QIZ, a Chinese worker collapsed on the shop floor. She was rushed to the hospital but died there. The woman had visited the company clinic repeatedly seeking

⁶⁸ Id.

⁶⁹ Id.

⁷⁰ Id.

⁷¹ Ministry of Labor, Ministry of Labor Report on the Status of Migrant Workers in the Qualified Industrial Zones (May 2006), p.2.

⁷² Id. at p.3.

⁷³ Id. at p. 4

⁷⁴ Justice for All, at p. 40.

a medical leave, but the doctor there had denied that anything was wrong with her. Following her death, her 400 Chinese co-workers went on strike, demanding shorter shifts. They remained in their residences and refused to go back to work. Finally, managers agreed to end shifts at 7:00 p.m. rather than midnight.⁷⁵

Another worker, Ebtisam Ayad Muosbahe, vividly described her working conditions in an interview with the International Confederation of Free Trade Unions (ICFTU).

Imagine a hangar with 500 people inside. A hangar without heating or air-conditioning. In winter it's terribly cold; in summer, the heat is unbearable. That's what it's like in my factory. I have just arrived. In April the temperature is just about bearable. I can't imagine what it's going to be like this summer... The company has installed fans, but within five minutes they do nothing but blow hot air. That's what the conditions are like in the zone. And when work inspectors come to visit the companies working here, to check that the law is being duly applied, the managers ask us to wear our masks, to place protection on the machines and to wear our uniforms. Once they are gone, life reverts back to its usual course...⁷⁶

In March 2006, the National Labor Committee (NLC) released a 162-page report entitled, “*U.S. Jordan Free Trade Agreement Descends into Human Trafficking and Involuntary Servitude*,” that portrayed in detail the brutal working conditions suffered by migrant workers in the QIZ.⁷⁷ Based upon interviews with migrant workers in Bangladesh and clandestine factory visits and interviews in Jordan, the report sketches the working conditions in numerous factories in the QIZs. The report’s findings include:

- extreme working hours, including multiple consecutive shifts, without rest;
- no sick days, requiring the sick to work despite intense pain;
- extremely low wages, allegedly as low as a few cents an hour, and unpaid overtime;
- non-payment of wages for months at a time;
- hazardous working conditions and inadequate or non-existent safety equipment or procedures;
- beatings and other physical and psychological abuse as a means of discipline
- rape and sexual harassment of women workers;
- unsanitary living conditions, where workers are forced to share cramped quarters with no running water, bathing facilities or adequate bedding;
- threat of deportation used a means to intimidate and quash demands for recognition and enforcement of basic labor rights.

⁷⁵ Id.

⁷⁶ ICFTU, Spotlight Interview with Ebtisam Ayad Muosbahe, June 17, 2005, available online at www.icftu.org.

⁷⁷ NLC, U.S. JORDAN FREE TRADE AGREEMENT, *supra*, n. 1

The report created an immediate reaction in Jordan. Following its release, the Ministry of Labor investigated the findings of the NLC report by conducting a series of field visits and off-site interviews with workers that were facilitated by the relevant embassies. However, the Ministry of Labor acknowledged that the information it obtained might not have reflected the actual conditions in the factories, as the workers feared reprisals for testifying.⁷⁸ The Ministry of Labor acknowledged that violations exist as to overtime hours (hours worked and payment), wages that do not include holiday and weekend pay, failure to observe social security laws (including deducting employers' mandatory contributions from workers' wages), overcrowded housing and sanitary facilities which did not meet basic standards, and violations of health and safety standards.⁷⁹ According to the Ministry, 200 penalties were assessed and two factories were closed.⁸⁰ By mid-July, a total of seven factories had been closed by order of the government and the workers transferred to other companies.⁸¹

In June 2006, the NLC issued a supplement to the initial report, entitled, *The Good, the Bad and the Ugly*.⁸² The report does acknowledge that the Ministry of Labor took steps to address some of the violations in the QIZs. In some factories, for example, passports were returned, hours were reduced and wages paid. However, the NLC has subsequently received reports from workers about serious problems in those and other factories. In July and August of 2006, the AFL-CIO also dispatched researchers to the QIZs to conduct interviews with workers to assess the efficacy of the Ministry of Labor's enforcement efforts. Long after the "crackdown" on illegal employment practices, however, the researchers found many of the same problems. Workers continue to work extremely long hours, do not receive their full wages, have their wages withheld, work in dangerous or unhealthy environments and have their passports withheld by the employer. Attached as Annex 1 are summaries of interviews conducted in July and August 2006 in various factories in the al-Hasan and al-Dhulayl QIZs.

b. Domestic Workers

Domestic servants, the majority of which are migrant workers, often find themselves in degrading conditions akin to forced or compulsory labor. Indeed, the practice has been described as "contract slavery," because domestic servants "often work under employment contracts that are not respected and because they face a combination of abuse and violence, denial of freedom to move and communicate, and exploitative working conditions."⁸³ The Solidarity Center report elaborates further, reporting that "[e]mployers often imprison domestic workers and illegally confiscate their travel

⁷⁸ Ministry of Labor Report, *supra*, n. 71, p. 8. The report noted, "It was felt however that workers did not divulge much information as the atmosphere must have been intimidating."

⁷⁹ *Id.* at pp. 8-9.

⁸⁰ *Id.* at p. 9.

⁸¹ National Labor Committee, Jordan Factory Update, July 17, 2006.

⁸² National Labor Committee, *THE GOOD, THE BAD AND THE UGLY* (June 13, 2006).

⁸³ Justice for All, p.41.

documents, a tactic used to guarantee that workers will not 'run away'...They may starve, beat, and rape workers or even falsely accuse them of criminal acts.”⁸⁴ A recent study conducted by UNIFEM found that up to 50% of domestic workers suffer abuse.⁸⁵

As explained in Section 2 (c), above, this abuse continues due in large part to the denial of access to the judicial system for these workers. Fear of deportation is another major reason why claims go unreported.⁸⁶ In 2003, the Ministry of Labor instituted a number of new requirements for employment agencies that provide ministry oversight of foreign domestic workers' recruitment and employment. The Ministry closed unlicensed recruiting agencies. Initiatives included imposing mandatory bonds on recruitment agencies to secure back wages and return tickets for unpaid or abused domestic workers, a designated contact person for each domestic worker, and a new standard work contract that applies to all migrant domestic workers arriving after July 2003.⁸⁷

A significant flaw in these rules is that they are not retroactive. Workers who arrived before July 2003 continue to face employer abuse and the threat of being reported for deportation. When asked about this gap in protection, Jordan's chief labor inspector responded, “When [abuse] happens, domestic workers will go to the police—and of course there are the Sri Lankan and Filipino embassies.”⁸⁸ However, workers are unlikely to go to the police, as they have been known to beat migrant workers.⁸⁹

5. Conclusions and Recommendations

As this document demonstrates, Jordan is not in compliance with its commitment to “respect, promote, and realize” the core ILO conventions embodied in the ILO Declaration on Fundamental Rights and Principles at Work. Nor has it “strived to ensure” that internationally recognized labor rights are fully recognized and protected by domestic law. Further, Jordan has failed to “effectively enforce its labor laws, through sustained or recurring course of action or inaction, in a manner affecting trade.” Thus, for the reasons set forth herein, the AFL-CIO and the NTA request that the U.S. Government invoke Article 17's dispute resolution procedures by requesting consultations with respect to Jordan's failure to fulfill its labor obligations under the FTA. We also request that the U.S. pursue its rights under Article 17 until sufficient measures are in place to assure Jordan's compliance with these obligations. Specifically, these measures would include: 1) reform of the labor law consistent with ILO conventions, recommendations and any other technical advice, 2) effective enforcement of labor laws, including an overhaul of the labor inspection system undertaken in consultation with unions and workers; and 3) third-party monitoring of labor rights in the QIZs.

⁸⁴ Id.

⁸⁵ Sheila M. Dabu, *Justice For All?*, Jo Magazine, June 2006, p. 56.

⁸⁶ Justice for All, p.41 (finding that “[v]ictims, who feared losing their employment and being returned to their home country, generally did not report complaints to government officials.”).

⁸⁷ Justice for All, p.41-42

⁸⁸ Id. at p. 42.

⁸⁹ Id.

Annex 1:

Case #1

Who: Bangladeshi Tailor

Where: Sun Jordan (al-Dhulayl), Lama (al-Hasan)

Date of Interview: July 24, 2006

Basic Facts:

He reported that he currently works 10 hours per day, but is only paid for eight hours. He also told us that he is sometimes forced to work 14 hours per day when the factory needs to meet a quota. He currently does not possess his passport, and his residency and work permits have both expired. He had worked previously at Lama in al-Hasan, where he described the living conditions in the dormitories as primitive. There was no running water and they were generally "treated like animals." The workers had very long shifts (7:30am-10:00pm), with only 45 minutes for break. He was paid on a very irregular basis, every 3 to 4 months, and at a wage below the legal minimum. Workers at Lama were sometimes forced by supervisors to take amphetamines to make them work faster. His last four months of wages were withheld.

The Textile Union and the Bangladeshi Embassy both intervened on behalf of the workers. The Ministry of Labor responded by shutting the factory down without prior notice to the workers. With no plan in place, the workers stayed in the abandoned company lodging, where they were beaten by representatives of the factory. He reported that the Ministry has done nothing to resolve the outstanding issues following the closure of the factory, and that the Embassy has failed to follow up on their behalf.

Case # 2

Who: Bangladeshi Sewing Machine Operator

Where: Falcon (al-Hasan) & Robina (al-Dhulayl)

Date of Interview: July 24, 2006

Basic Facts:

The interviewed worker and her husband both worked at Falcon until her husband was jailed for not having a work permit. She subsequently lost her job after two years of service at Falcon and found work at the Robina factory in al-Dhulayl. In the presence of a plant supervisor, she reported to us that her working hours typically lasted from 7:30am to 6:00pm, but were sometimes extended until 9:00pm. She told us that the company had confiscated her passport. She also noted that workers were responsible for all expenses for services that the health clinic could not provide, even when such services were necessary to address workplace injuries.

Case # 3

Who: Bangladeshi Sewing Machine Operator

Where: MFT & Panorama (al-Dhulayl)

Date of Interview: July 24, 2006

Basic Facts:

At MFT, the worker reported working from 7:00am to 6:30pm for a base rate of 95 dinars. The typical workday is 10 hours and 45 minutes, excluding a half hour period for lunch and a fifteen-minute break. However, he reported that he is only paid for eight hours and required to work the additional time to pay for his food and lodging. He also reported that he is often forced to work overtime until 9:00pm. His salary is paid but is usually delayed. He mentioned that he is afraid that treatment of workers at the factory may deteriorate, which could be a problem since management holds his passport. He noted that the work permits for all workers at MFT have expired.

Before coming to Jordan from Bangladesh, he said that he had paid 780 dinars to a recruiting agency, as well as a 1000-dinar bribe to the Bangladeshi Embassy to ensure his recruitment. He had to sell his farm and borrow money from relatives in Bangladesh to cover the cost. When he arrived to the Amman International Airport, he was not allowed to enter the country until a factory representative came to the airport 24 hours later. The papers that allowed him to work at Panorama, written in Arabic, expired in May 2006.

At Panorama, he reported that there were many serious health and safety issues. For example, workers were not given protective masks and the dust from the cloth he worked with caused him to cough and made it difficult for him to breathe. He brought this grievance to the manager but nothing was ever done about it. The doctor only visited the health clinic once a week, as the factory did not have an agreement with the union clinic to use its facilities. He worked for a month and a half at Panorama, typically from 10am to 3am, or 17 hours each day. He reported that Panorama's dormitories housed 10 workers per room, were dirty, and had no access to water. The food provided by the company was also of poor quality. Five to six dinars were usually cut from his salary each month to pay for social security and health insurance. He has not seen these benefits.

Cases # 4 & 5

Who: Two Bangladeshi Sewing Machine Operators

Where: Al-Jabri (al-Hasan)

Date of Interview: July 26, 2006

Basic Facts:

These interviews were conducted under extreme duress, despite the factory manager's promise of complete access to the workers. The supervisor refused to stand more than five feet away from the worker during the first interview and made a "zip your lips" motion to him. The entire interview was conducted in a few minutes, during which the worker was visibly nervous. His answers on workplace conditions, if true, would have described a company in full compliance with labor laws and regulations.

The second interview was conducted immediately after the first in the same workroom. This time, the supervisor was asked to stand at a distance far enough so he could not hear the worker's testimonial. The supervisor again made a "zip your lips" motion to the worker. Unlike the first worker, who was very nervous, the second worker was angry. He said that the conditions in the dormitories were very poor. He also told us that he is paid only 0.3 dinars per hour of overtime worked and that the manager covered no medical costs.

Case # 6

Who: Jordanian woman, wife of "missing" Bangladeshi worker

Where: Sun Jordan 3 (al-Dhulayl)

Date of Interview: August 1, 2006

Basic Facts:

Regarding the working conditions at Sun Jordan 3, the woman reported that her husband, "Mohammed," worked 14 hours a day, every day of the week. His manager had threatened to cut two month's worth of salary if he did not work on Fridays, the regular day off in Jordan. After Mohammad had been missing for two days, his wife contacted the textile union representative in al-Dhulayl on August 1, 2006. The representative contacted the Ministry of Labor, who in turn called one of the company's managers. It was discovered that Mohammed had purportedly "caused problems" at the factory because he had demanded payment of his wages. A factory manager reportedly wanted to make an example of him to other workers with such demands by sending him back to Bangladesh. On Sunday, July 30, at 12:30pm, a factory manager told Mohammed to pack his bags because he was being sent to another place. This "other place" was the Amman International Airport, from where he was sent via Gulf Airlines back to Bangladesh. When the official from Ministry of Labor learned about these events, she threatened to close the factory if Mohammed was not returned to the factory immediately. To date, the case remains unresolved.

Case # 7

Who: Bangladeshi Worker

Where: Mediterranean Resources (al-Dhulayl)

Date of Interview: August 1, 2006

Basic Facts:

He reported that he works 13 hours a day, including breaks, from 8am to 9pm. He is forced to work five hours of overtime but is only paid for two, at 0.350 JD/hour. His supervisor informed him that the three non-paid hours are to pay for his lodging and food. He has not received his wages yet because he is new to the factory, but he believes he will earn 150 JD/month; however, he has no work contract that states or confirms this. When asked if he was aware that he should get paid more per hour of overtime worked (1.25x), he said that he knew, but was afraid that he would be fired if he requested it. He is also afraid that he will be fired if he complains to management about the long work hours. He does not have a work permit, and management holds his passport.

Case # 8:

Who: Bangladeshi Worker

Where: Needlecraft (al-Dhulayl)

Date of Interview: August 1, 2006

Basic Facts:

The worker has previously worked at Sun Jordan 1 before it was closed. He reported being beaten by the manager and working for 13 hours a day. At Needlecraft, where he had been for only a week, he works from 7am to 9pm, or 14 hours but, fortunately, is no longer beaten. He reported that management holds his passport. He does not know what his wages are since he does not have a written work contract.

Case # 9

Who: Bangladeshi Worker

Where: Rainbow, Panorama and Needlecraft (al-Dhulayl);
Sodona and Qastar (Sahab al-Tajamouat)

Date of Interview: August 1, 2006

Basic Facts:

She arrived in Jordan in 2003 and began to work at Panorama. She had signed a work contract in Bangladesh that lasted two years but, upon arrival to Jordan, she was forced by the company to sign a new contract for three years. She was initially paid 85 dinars per month, but 5 dinars were illegally deducted from her salary to pay for social security – which she never saw. Additionally, she was not paid for all of her overtime. She reported being hit by the factory's manager, Ala al-Din, for going on strike. He also verbally abused her by saying that she is "not a virgin", "pregnant", and "a dirty woman".

In 2005, she worked at Rainbow but left because she was not paid for over two months. However, she left Rainbow without her passport, which management had confiscated. She then found work at Sodona, in the Sahab al-Tajamouat QIZ, where she worked for three months and nine days. She then worked for three months and 11 days at Qastar, a cookie factory, in Sahab al-Tajamouat. She worked at both factories without a work

permit and without her passport. Neither factory paid her for the days she worked beyond three months.

By the time she finished working at Qastar, her work permit at Rainbow had expired. Unable to return there, the Ministry of Labor transferred her to Needlecraft, where she began work on July 27. She still does not have her passport or work permit, and was not given her social security. At Needlecraft, she is supposed to work a 10-hour shift but is often forced to work overtime for an additional three hours. Her workday is from 7am to 8pm. On the day of the interview, she reported that she had just finished working a 25-hour work shift. Since she began work at Needlecraft one week ago, she had worked two 25-hour shifts. She was not aware of her wages since she did not have a written work contract.

Case # 10:

Who: Bangladeshi Worker

Where: Hi Tech (al-Dhulayl)

Date of Interview: August 3, 2006

Basic Facts:

The worker had worked at Hi Tech for 4.5 years. He reported that while his work contract only mandates 10 hours of work for \$128, he was never able to leave work before 7pm. He said he typically day began at 7am, but that the shift could go until any time between 7pm and 11pm. During the three weeks prior to July 23, 2006, when he was fired, he reported working constant 24-hour shifts. His work cycle consisted of a 24-hour shift, then five hours of sleep, then another 24-hour shift. This 29-hour pattern was repeated over the course of three weeks. On July 23, he refused to continue working after putting in a 16-hour shift. In response the supervisor, Fujari, took him to the manager and beat the worker in front of him. He also verbally abused him, and insulted his mother and sister, making him cry and yell in their presence. They gave him a blank piece of paper to sign, which he refused to do, so they fired him.

A worker advocate not affiliated with the union took on his case and filed a complaint with the Ministry of Labor on July 24, who in turn sent an inspector to Hi Tech. The Ministry's report confirmed the worker's story. Specifically, it found that Bushar, the factory's production manager, took part in beating him with Fujari. After the investigation, Bushar contacted the worker advocate to tell him to drop the case and threatened to claim that the worker had stolen from the factory. The Ministry of Labor suggested that the worker take a settlement, then resume work at Hi Tech. The worker said that he did not want reinstatement because of the beatings and 24-hour shifts.

To date, the worker has not been paid one month's salary, social security, nor given two years' worth of accumulated vacation. The management still claims that they did not beat him. The advocate has met with the managers three times, but they have yet to find an

agreeable solution. One of the management's proposals included payment of 270 dinars to the worker, plus social security and one month's salary, if he signs a paper saying that he was not beaten. The proposal was declined because it is feared that if he signs, the Ministry of Labor will consider the worker a liar and send him to jail.

Case # 11

Who: Bangladeshi Stock Room Worker

Where: Needlecraft (al-Dhulayl)

Date of Interview: August 1, 2006

Basic Facts:

At the interview, the worker was visibly nervous and exhausted. He said he was nervous because his supervisor threatened that if he went to talk to the union, he would be beaten, put in jail, and deported. He also reported that he worked a 24-hour work shift and had just finished at 7am that morning. He worked the entire 24 hours unloading trucks into the stock room storage area, and reported that he was not fed during the shift. He pointed to cuts on his face, which he said were the result of falling due to exhaustion. He said that his arms ached from carrying loads that were too heavy for him.

The worker said that he had been beaten with a metal rod, and showed us bruises on his knees. Management told him that if he “took a day off, they would cut one month’s salary, even if I am sick”, which he reported directly. He described the lodging as being infested with mosquitoes, with each small room housing six workers.

After he left, the union contacted Needlecraft’s management, which sent an assistant to the union’s office. The assistant denied everything. However, when the union told him that there was clear proof of what had happened and that an American organization was documenting worker rights violations, the assistant phoned one of the managers who, within a few minutes, arrived to the office. When told about the findings, he was visibly concerned and promised that the problem would be solved. However, on August 6, the worker called the union to report that management had threatened to beat him again if he ever tried to visit the union office again. During a surprise factory visit on August 8, the manager reported that he had taken steps to resolve the situation and had disciplined his supervisor. During the visit, they received assurances that the worker was free to visit the union clinic as he chose. Field researchers are continuing to monitor the situation.

Case # 12

Who: Doctor at Union Health Clinic

Where: Reporting on United Creation (al-Dhulayl)

Date of Interview: August 1, 2006

Basic Facts:

The doctor reported that because workers typically work 16 hours a day, it is difficult to keep his patients awake when they come into the clinic. He reported that workers lose a lot of weight on the job due to poor food and harsh working conditions. The doctor discussed how union-sympathetic doctors are very important to have in factory clinics. Because these doctors are not employees of the factory, they do not face consequences for opposing management decisions. For example, he reported that doctors can grant sick leave to workers; a decision that managers have to respect. In addition, doctors have an uncensored view of working conditions, since they supposed to be on site during working hours -- assuming management follows the law.

The doctor described the situation in a factory called United Creation, which employs 1400 workers. Based on the number of workers, Jordanian labor law mandates a proportionate amount of doctors and nurses. United Creation, with a workforce of 1400 workers, should have three doctors and five nurses. The factory has only one nurse and no doctors. To make things worse, the doctor said, women make up the vast majority of the workforce, and the nurse is male. He reported that the Ministry of Labor put pressure on United Creation to address this problem but to no avail to date.