

Jordan's Paradoxical Approach to Trade Unions

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A country's ability to safeguard the rights of its workers and ensure that no needs or interests are overlooked in development processes, that is, to ensure inclusive development – is largely a function of the extent to which plurality and diversity are regarded as strengths, as opposed to obstacles. Dialogue in all its forms presupposes heterogeneity, which in turn naturally begets conflict – not in the sense of a stubborn, selfish, or violent rejection of the other, but rather, in the emergence of dissonances that need to be addressed, which is where the very essence and value of dialogue lie. This is particularly true of social dialogue, which essentially refers to the processes through which a society strives to find harmony within the cacophony of needs, interests and opinions of which it is comprised. In this sense, preserving the freedom and independence of each social actor is a condition for the effective and peaceful negotiation of differences, based on mutual understanding and on the ability to compromise in the name of principles higher than mere self-interest. Over the past years, Jordan has crippled its own ability to address some of its key developmental challenges by failing to preserve a balance of power and influence among social actors – necessary conditions for a just and fruitful social dialogue. This is especially true of the relationships that have been established between the government, employers, and the labour movement. More specifically, Jordan has failed to allow for the establishment of new trade unions, to the detriment of working and living conditions in the country.

The rise and decline of the traditional labour movement

Although the first attempts at establishing trade unions in Jordan date as far back as the 1940s, the Jordanian labour movement is generally understood to have truly begun in the early 1950s, after the 1952 Constitution came into effect. The new Constitution was the first to guarantee the right of citizens to establish political and professional associations, and to protect freedom of opinion, assembly and press, thus paving the way for the establishment of the General Federation of Jordanian Trade Unions (GFJTU) in 1954. Notably, the provisions of Article 23 of the 1952 Constitution established the right to work for all Jordanian citizens, and provided that this right was to be safeguarded by the state – namely through legislation – in accordance with such principles as fair wages, reasonable work

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hours and rest periods, due compensation and the free establishment of trade unions “within the limits of the law,” among others¹.

The following year, Labour Trade Unions Law No.35/1953 was issued, establishing the right of any group of 7 or more workers in the same profession or institution to form a trade union, and acknowledging workers’ right to strike. These provisions allowed for the formation of several trade unions over the following two years, and by the end of 1955 the number of labour unions in Jordan reached 36. Of these, 25 organized themselves under the GFJTU. Jordan’s blooming labour movement became increasingly active and vocal on labour issues and political affairs at both the national and regional levels, entering into dialogue with other workers’ organizations in Egypt, Lebanon, and Syria².

However, the unions’ increased involvement in politics provoked a backlash which would cause their numbers to dwindle down to 16 by the early 1960s. In spite of the ensuing setbacks, the trade union movement would once again flourish over the following years and, supported by the new 12/1961 Labour Law, their numbers would once again began to rise, reaching 40 within the first half of the decade³.

Soon after, the economic situation in Jordan began to deteriorate, and unemployment levels rose substantially. Once again, the unions’ political activism and their association with left-wing movements drew hostility from the government. As a result, by the middle of 1970s the number of trade unions in Jordan had once again shrunk to a mere 17. The Federation was brought under government control, and a number of laws were enacted which significantly diminished the powers and influence of trade unions.

Over the next decade, from 1976 to 1989, the Jordanian labour movement would lose much of its former influence and bargaining power, especially as the government began to turn a blind eye to the lack of democratic practices within the unions and their umbrella Federation⁴, allowing for the consolidation of a leading elite. As union figures and leaders became less critical of the government they were permitted to retain their positions long after elections were due, a rift emerged between trade unions and the labour base. The reduced independence and democratic legitimacy of the officially recognized trade union movement led to a loss of credibility, and the number of union members progressively dwindled, as workers became increasingly sceptical of the unions’ ability to stand up for their rights and advocate for the improvement of working and living conditions.

The dawn of the 1990s raised hopes of the return of some repairs to the Jordanian labour movement, as numerous opposition figures were allowed to return to the fold. However, the fall of the USSR and the ensuing fragmentation of the Jordanian left, coupled with the

¹ The Constitution of the Hashemite Kingdom of Jordan, 1952, Art. 23 (f), King Hussein Library, retrieved 11/08/2017

² Hani al-Hourani, “The Jordanian Labour Movement: History, Structure and Challenges”, Bonn: Friedrich-Ebert-Stiftung, 2001

³ Ibid.

⁴ Azzam Al-Samadi, Sahar Ghoussoub (transl.), “Jordan in need of labour law reform”, Beirut: Al Monitor, 4 February 2014

State's renewed crackdown on opposition within the unions, the independence of the officially recognized labour movement was irreparably compromised. Then, in 1994, during the GFJTU's fifth general conference, the leading elite, loyal to the government, cemented its position by reducing the powers of the Federation's more democratic bodies – namely, the Central Council and the General Assembly – and strengthening the GFJTU's control over its subsidiary unions.

The new and independent trade union movement

The GFJTU's monopoly over the Jordanian trade union movement would remain relatively uncontested until the latter half of the 2000s. In 2006, dozens of day labourers in the public agricultural sector formed an independent committee, the Day Labourers Committee, through which they launched a campaign of protests to demand greater job stability, higher salaries, and better working conditions. Following an intense wave of protests, their demands were eventually met. Then, in the summer of 2009, workers employed by the Aqaba Ports Corporation organized into a similar committee – the Aqaba Ports Corporation Workers' Committee – and launched a strike lasting several days, to demand better wages and improved working conditions. It is important to note that both committees were established outside of the GFJTU framework⁵. In the latter case, the General Trade Union for Workers in Ports and Clearance had been historically favourable to the interests of the employers at the Ports Corporation, and was accused by the newly founded committee of acting against the best interest of workers.

These and other instances progressively estranged the GFJTU from Jordan's labour base, which increasingly resented the former's subservience to the interests and demands of the government and business interests, its lack of democratic due diligence (which allowed for the consolidation of a ruling elite⁶) and its excessive control over each of the 17 subsidiary unions – a number which had not (and has not) changed since the 1976. In short, the GFJTU had become an instrument of government control, effectively nullifying the trade union movement's purpose of providing workers with a platform through which to make their voices heard and advocate for their rights and interests. Coupled with rising unemployment, decreased social spending, the privatization of numerous State-owned enterprises, the expansion of the informal sector and the liberalization of wage and employment policies (freezing wages and facilitating firings), among other factors, these circumstances shone a light on the need for a new and independent labour movement.

The dawn of the Arab Spring strengthened and emboldened workers' movements throughout the MENA region. In Jordan, it represented an opportunity for workers to reclaim their rightful role as equal and independent partners in policy dialogue. In 2011 alone, Jordan witnessed over 829 labour protests, most of which were organized

⁵ Azzam Al-Samadi, Sahar Ghousseub (transl.), *idem*

⁶ *Ibid*

independently of the GFJTU⁷. Within an unfavourable policy climate, proposals for the reform of the labour movement arose from within and without the GFJTU, calling for a revision of the Federation's by-laws and the strengthening of democratic practices within the organization. Numerous protests and rallies were carried out to demand greater transparency and accountability, as well as broader representation within the officially recognized trade union movement, though little was achieved. The issue of the GFJTU was indeed forwarded to the national Anti-Corruption Committee, which pledged to follow up on allegations of administrative and financial corruption, but to this day the situation has largely remained the same.

In the years leading up to 2014, twelve new trade unions were established, notably in the industrial, agricultural, and public services sectors⁸, which would eventually further organize themselves to form the Jordanian Federation of Independent Trade Unions (JFITU). Since their creation, however, these unions – along with their umbrella federation – have been repeatedly denied official status, and as such remain prohibited from opening headquarter offices, collective bargaining and collecting membership fees. As a result, they rely solely on the work of volunteers. In this regard, it is important to mention that although the establishment of new unions is allowed by law, their recognition requires the approval of a Tripartite Committee composed of the GFJTU, employers' organizations – such as the Chambers of Commerce and Industry – and the Ministry of Labour⁹. Yet, these institutions have been historically unwilling to recognize new unions; since 1976, all applications have been rejected, preventing the recognition of such organizations as the Independent Trade Union for Workers in the Phosphate Sector, the Independent Trade Union for Workers at the Jordan Electricity Corporation, and the Independent Trade Union of Aircraft Maintenance Technicians.

Indeed, the GFJTU has ceaselessly lobbied for its independent counterparts to be dismantled outright, as opposed to nurturing solidarity towards its fellow unionists. Similarly, employers most often refuse to enter into dialogue with the new unions unless strictly necessary and the same is true of the government. As such, Jordan's new and independent trade unions continue to be effectively denied a role in social dialogue, particularly collective bargaining.

Moving forward, the new tax policies implemented by the Jordanian Government, which have resulted from its agreement with the International Monetary Fund (IMF), can be expected to become a significant source of social tension in the country. It is clear that the official trade union movement, led by the GFJTU, can hardly be counted on to oppose these policies and support workers – given their historical support of the Government, and is equally apparent that the independent trade union movement simply does not have the capacity to face the new tax policies, as it does not have the social and technical capabilities

⁷ Jordan Labour Watch, "Labour Protests in Jordan 2011", Amman: Phenix Center for Economic and Informatics Studies, 2012

⁸ Jordan Labour Watch, "Freedom of Association in Jordan", Amman: Phenix Center for Economic and Informatics Studies, 2012

⁹ A. De Koster et al., "Social Dialogue in Morocco, Tunisia and Jordan", Brussels: European Commission, 2015

to confront them. The independent trade union movement rendered is currently incapacitated by a web of issues outside of the antagonistic relationship with the GFTJU, which includes opposition from official and security bodies and the strong presence of private the business sector in the chambers of industry and commerce.

Core issues Looking into the stated motives behind the protests held in Jordan over the past few years, it is possible to get an idea of the most common issues, which have prompted Jordanian workers to mobilize. Since 2012, the two most common motivators have been dissatisfaction with remuneration, on the one hand, and with laws and regulations, on the other. The former, in particular, has been the motivating factor behind nearly half of all labour protests in the country in any given year, with the notable exception of 2015, when it accounted for only 22% of reported protests¹⁰. Regarding the latter, however, it is also worth pointing out that, since 2012, hundreds of protests have been carried out against the implementation of policies which have increased tax burdens, facilitated layoffs, and hindered the procurement of necessary permits, among other measures which have negatively impacted on the livelihoods of workers in the Kingdom.

Additionally, dozens of protests have been carried out to demand the establishment of new unions. Though these issues generate less protest than the two issues discussed above, , the fact that protests are held yearly to demand the creation of unions – on average, between 1-1.5% of total protests per year, and reaching 5% in 2016 – shines a light on the significant challenges faced by workers in exercising their constitutional right to form and join trade unions¹¹.

Standards and principles

With regards to international standards, Jordan demonstrated a fair degree of good will by ratifying most of the conventions which fall under the ILO Declaration on Fundamental Principles and Rights at Work, which is the foremost document concerning the protection of workers' rights worldwide. Furthermore, several of these conventions have been included into the national gazette, and from there integrated into national legislation. The Jordanian Constitution does in fact also protect freedom of association and peaceful assembly (including the right to form and join trade unions), the right to strike, and others – in short, it provides a legal framework which safeguards the right of workers to advocate for their needs and interests.

However, these fundamental principles are routinely violated. For instance, in spite of the relevant constitutional provisions, civil servants continue to be denied the right to unionize, even after the Constitutional Court issued a decision stating that workers in the public

¹⁰ Jordan Labour Watch, "Labour Protests in Jordan 2015", Amman: Phenix Center for Economic and Informatics Studies, 2016

¹¹ Ibid.

sector are as much entitled to the right to organize as any other¹². Furthermore, Jordan has yet to ratify one of the ILO's key conventions, namely, ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organize, which further sheds light on the country's reluctance to fully recognize the importance of a free and independent labour movement.

Conclusion

Ultimately, Jordan's position towards organized labour is a contradictory one. On the one hand, its legal framework contains most of the necessary elements to allow for the emergence of a free and independent trade union movement; on the other, Jordan's unions – that is, those associated with the GFJTU – have come under ever-increasing government control over the past decades, while new and independent trade unions have been relentlessly repressed. The GFJTU's ties to the government partly explain its opposition to the emergence of an independent trade union movement –not limited to the unions associated with the JFITU. More than that, however, they expose the fact that Jordanian workers aren't truly allowed to convey their needs and concerns freely. Given this situation, the key priority of the officially recognized federation (and, by extent, the 17 unions under its control) seems to be the appeasement of the governing elite, rather than the concerns and the wellbeing of those whom it allegedly represents.

If dialogue presupposes the involvement of two or more distinct and independent parties, then surely social dialogue in Jordan – at least as far as the labour force is concerned – can be nothing but fiction, as long as new and independent unions are denied a voice in public affairs. Within the current paradigm, given the complicity between workers' organizations and the established powers, there is only room for monologue (diatribe), which in democratic terms is synonymous with autocracy.

In conclusion, the recognized trade union movement in Jordan has become all but an instrument of government control over organized labour. Current labour policies are unconstitutional, undemocratic, and consistently in violation of international standards. Though it is quite impossible to determine the precise reasons why successive administrations have been unwilling to enable workers to freely organize and advocate for their interests, the preservation of social stability comes across as one of the more probable motives. This, however, rests upon a mistaken assumption: denying workers an independent platform through which to express their grievances and discuss viable solutions will not do away with or subside their need to make their voices heard; instead, it will compel them to make use of whichever means remain at their disposal – namely, strikes and protests – to ensure that they aren't left out when deciding the future of the country. Dialogue, not exclusion, will be key to safeguarding security, stability, and justice in Jordan in the years to come.

¹² Jordan Labour Watch, "Decent Work in Jordan", Amman: Phenix Center for Economic and Informatics Studies, 2016

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