

## Regulation No. (63) of 2020

### Regulation of Offices Working in the Recruitment of Non-Jordanian Domestic Workers

Issued pursuant to Article (10) of the Labor Law No. (8) of 1996

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**Article (1):** This regulation shall be called "the Regulation of Offices Working in the Recruitment of Non-Jordanian Domestic Workers for the year 2020" and shall come into force sixty days after the date of its publication in the Official Gazette.

**Article (2):** The following words and expressions shall have the meanings assigned to them hereunder unless otherwise provided by context:

<b>Ministry:</b>	Ministry of Labor
<b>Minister:</b>	Minister of Labor
<b>Directorate:</b>	The Ministry's Directorate of Domestic Workers.
<b>Director:</b>	Director of the Directorate
<b>Office:</b>	The establishment or company licensed in accordance with the provisions of this Regulation to recruit non-Jordanian domestic workers.
<b>Syndicate:</b>	Syndicate of owners of recruitment and employment offices for non-Jordanian domestic workers.
<b>Committee:</b>	The Committee for the Organization of Offices and Domestic Workers Affairs formed under the provisions of Paragraph (A) of Article (11) of this Regulation.

<b>Homeowner:</b>	A natural person who employs a worker in their home.
<b>Worker:</b>	Domestic worker, cook, gardener, patient companion, or the like, who works in the service of the homeowner on an ongoing basis.
<b>Domestic Work:</b>	Work related to household tasks such as cleaning, cooking, ironing clothes, preparing food, caring for family members, buying home needs, accompanying the sick, people with disabilities, gardening and the like.
<b>Financial Receipt:</b>	A receipt issued in the name of the homeowner that includes the amount of work permit fees, the additional amount, and the fees and allowances stipulated in the legislation in force, which are paid to the public treasury in exchange for the recruitment and issuance of the work permit.

**Article 3 (A):** Non-Jordanians may not be recruited to work in homes except through licensed offices or their branches in accordance with the provisions of this Regulation.

(B) The Minister may allow the employment of any non-Jordanian worker to work in homes if they are present in Jordan in a legal manner and with an entry visa for the purpose of work.

(C) Notwithstanding the provisions of Paragraph (A) of this Article, homeowners or their spouses residing outside Jordan may bring their domestic worker to Jordan for a maximum of 90 days, provided

the worker holds a valid residence permit from the country the worker came from.

- (D) If the duration of the worker's stay in Jordan exceeds (90) days, the homeowner shall issue a work permit within seven working days from the date of the end of that period.

**Article (4) (A):** The following is required for the license of the office to be renewed:

- 1- It shall be a sole proprietorship or a Jordanian company registered in accordance with the relevant legislation.
- 2- It shall submit to the Ministry a bank guarantee of 60,000 dinars, to be renewed annually during the last month from the date of its expiry in accordance with the formula approved by the Minister. The amount of the guarantee shall become 80,000 dinars for the license of the second office if the owner of the office, their spouse or one of their first-degree relatives is the owner of another office or a partner in it. The amount of the guarantee shall be increased by 20,000 dinars for the ownership of each new office or partnership in an office.
- 3- It shall be affiliated with the Syndicate.
- 4- It shall sign an undertaking in the form prepared by the Ministry, including the terms and conditions to ensure the proper performance of its work.
- 5- It shall provide the Ministry with a clear address and notify it in advance before changing the address.
- 6- Its scope shall be limited to carrying out mediation work to recruit non-Jordanian domestic workers.
- 7- It shall have a responsible manager and a representative who meets the conditions stipulated in this Regulation.
- 8- It shall comply with any other conditions determined by the Minister in accordance with the instructions the Minister issues for this purpose.

(B) The office owner and partner shall:

- 1- Be Jordanian national.
- 2- Not be convicted of a felony or misdemeanor related to honor or public morals, as evidenced by a non-conviction certificate issued within one month of submitting the application and a good conduct certificate, which shall be renewed annually.
- 3- The owner or partner, their spouse or a first-degree relative shall not be the owner or co-owner of a nightclub, disco or bar.
- 4- Not be an owner or partner in an office that has been closed and is still closed or its license has been revoked.

**Article 5 (A):** The application for licensing or renewing the office shall be submitted to the Directorate meeting the conditions stipulated in this Regulation and the instructions issued thereunder.

- (B) The Minister shall, based on the recommendation of the Committee, issue his decision regarding the license of the office within fourteen working days from the date of submitting the license application.
- (C) The duration of the license shall be two years, unless the Minister decides that its duration shall be one year and it shall be renewed on the basis of an application submitted for this purpose.
- (D) The Director shall issue his decision regarding the renewal of the license of the office within seven working days from the date of submitting the application for renewal of the license that meets the required conditions.
- (E) The license will be revoked if the office fails to operate within six months of license issuance.
- (F) The Ministry shall collect an allowance of 50 (fifty) dinars for each year for a license or renewal of a license issued by it to the office or any of its branches.
- (G) The Ministry and the Syndicate shall maintain a publicly accessible website listing licensed offices, including their branches, addresses, contact information, and any offices with cancelled, suspended, or closed licenses. This list will be continuously updated.

**Article (6)** (A): The office may open a branch in each governorate provided that:

- 1- The amount of the guarantee provided by the office in accordance with the provisions of Clause (2) of Paragraph (A) of Article (4) of this Law by is increased by 25,000 dinars for each branch.
- 2- A manager and a representative of the branch who meet the conditions stipulated in this Regulation is appointed.

(B) The license of the branch and the renewal of its license shall be subject to the procedures for licensing and renewing the license of the office stipulated in this Regulation.

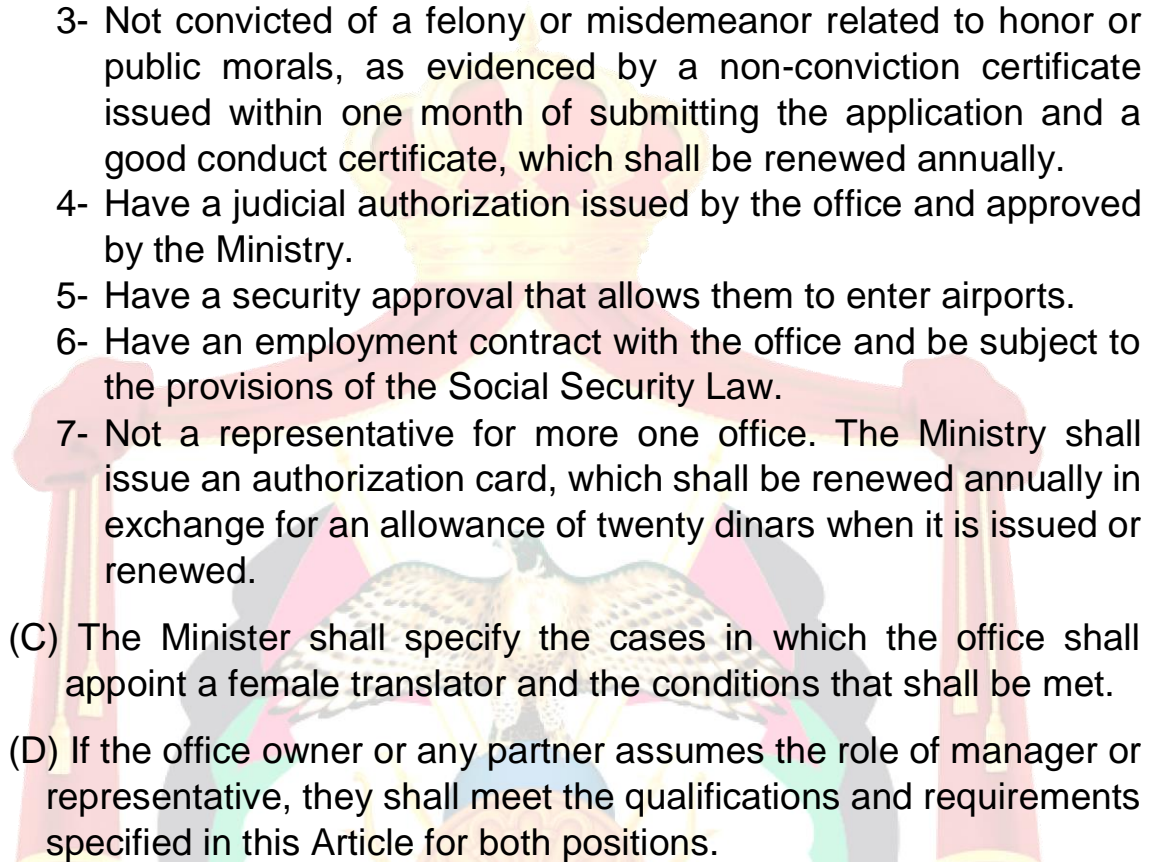
(C) The decision to cancel or suspend the license or close the office shall apply to both the office and the branch.

**Article (7)** (A): The manager of the office who is appointed to manage it, deal with homeowners, sign recruitment and transfer contracts, and receive financial allowances from them shall meet the following:

- 1- Be Jordanian national.
- 2- Be at least 25 years old and shall have a first university degree.
- 3- Not convicted of a felony or misdemeanor related to honor or public morals, as evidenced by a non-conviction certificate issued within one month of submitting the application and a good conduct certificate, which shall be renewed annually.
- 4- Work on a full-time basis under an employment contract and shall be subject to the provisions of the Social Security Law.
- 5- Be authorized in financial and administrative matters according to a certificate issued by the Commercial Registry Directorate or the Companies Control Department in the Ministry of Industry, Trade and Supply.

(B) The representative appointed in the office to follow up on transactions with the competent bodies shall:

- 1- Be Jordanian national.
- 2- Be not less than age of 18 years.

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- 3- Not convicted of a felony or misdemeanor related to honor or public morals, as evidenced by a non-conviction certificate issued within one month of submitting the application and a good conduct certificate, which shall be renewed annually.
  - 4- Have a judicial authorization issued by the office and approved by the Ministry.
  - 5- Have a security approval that allows them to enter airports.
  - 6- Have an employment contract with the office and be subject to the provisions of the Social Security Law.
  - 7- Not a representative for more one office. The Ministry shall issue an authorization card, which shall be renewed annually in exchange for an allowance of twenty dinars when it is issued or renewed.
- (C) The Minister shall specify the cases in which the office shall appoint a female translator and the conditions that shall be met.
- (D) If the office owner or any partner assumes the role of manager or representative, they shall meet the qualifications and requirements specified in this Article for both positions.

**Article (8) (A):** The office shall not:

- 1- Recruit workers except through a licensed entity in the state that has agreements or memorandums of understanding with Jordan and sign an agreement to regulate the relationship between this office and that entity in accordance with the laws in force and the agreements and memorandums of understanding signed with those countries regarding the recruitment of workers.
- 2- Use the headquarters of the office or its branches under any circumstances to accommodate the worker or to reside in it.
- 3- Allow any other suspended or closed office or any unlicensed person or entity to practice the recruitment of non-Jordanian domestic workers in any form in the name of the office.
- 4- Employ workers only for domestic work and ensure they are not used for daily labour or assigned to work for anyone other than the authorized homeowner.

- 5- Conduct business in its own name, another office's name, or through its headquarters in any way, if it is suspended, closed, or has its license revoked, except for completing transactions previously submitted to the Ministry with their prior approval.
- 6- Force the homeowner into signing agreements that impose unauthorized fees, contrary to the Ministry of Labor's specifications.

(B) In the performance of its duties, the office shall be committed to the following:

- 1- Sign a contract with the homeowner according to the form approved by the Ministry for this purpose.
- 2- Follow up on the completion of the procedures for the recruitment of workers for the competent authorities.
- 3- Display prominently in its premises and on its website the recruitment costs for domestic workers, broken down by nationality, as well as the homeowners' obligations towards workers. Additionally, the office shall make recruitment applications available, including the domestic worker's personal information and photo, on its website.
- 4- Provide an electronic database that includes data on the expatriate workers, their nationalities and numbers, the names of the homeowners, and any other information decided by the Ministry, and provide the Ministry with reports that include the information upon request.
- 5- Maintain paper or electronic records of contracts with homeowners and workers, as well as approved recruitment documents, for a minimum of five years from the worker's entry date into Jordan. These records shall be accessible to labour inspectors, who may view and copy them as needed.
- 6- Maintaining the information of workers and homeowners that is accessed and not disclosing it except in the cases specified or permitted by the legislation.
- 7- Provide private housing for domestic workers and shelter them, provided that the conditions and control procedures of housing are determined in accordance with instructions issued by the Minister for this purpose.

**Article (9) (A):** The Minister shall determine, based on the recommendation of the Committee, the costs of:

- 1- Recruitment of domestic workers of each nationality in a detailed and clear manner, including the fees for work permits specified in accordance with the legislation in force, travel tickets, and the fees paid by the office, including the recruitment allowance and the medical examination allowance inside and outside Jordan. These costs are reviewed whenever necessary.
  - 2- The transfer of the worker within Jordan from one homeowner to another.
  - 3- Allowance for the days spent by the worker in the service of the homeowner in the event that the worker does not continue to work for homeowner.
- (B) The office shall collect recruitment costs from the homeowner only when handing over the worker. It is prohibited to collect any payments from the homeowner before the worker's handover, except for work permit fees. The paid fee is considered the homeowner's entitlement. The office shall provide a financial receipt to the homeowner upon request.
- (C) The office may not charge the homeowner any amount in excess of the amounts referred to in Paragraph (A) of this Article.
- (D) The office shall provide a receipt to the homeowner for any amount received, signed by its manager, and including the office's name, registration number, address, recipient's name and signature, and the office's seal.
- (E) The office and homeowner are prohibited from receiving any payment from the worker or deducting any part of their wage to cover recruitment costs. Additionally, the office is prohibited from contracting with any party that charges workers for employment opportunities in Jordan.



The office may renew the work permit for the second year on behalf of the homeowner, at their request, for a fee determined by the Minister.

**Article (10):** Electronic linkage shall be established between the Ministry, the Syndicate, the offices and any other entity approved by the Minister.

Article (11): The Minister shall form the following committees:

- (A)1. A committee for the organization of offices and domestic workers affairs, headed by the competent Assistant Secretary-General, the membership of the Director, and three employees designated by the Minister. This committee shall assume the tasks and powers stipulated in this Regulation and the instructions issued thereunder, in addition to the tasks specified for it in the decision to form it.
- 2- Organizing all affairs related to the Committee, including how to hold its meetings and take its decisions in accordance with instructions issued by the Minister for this purpose.
3. The Committee may invite any person from within or outside the Ministry to attend the meeting of the Committee to seek their opinion on the matters presented to it without having the right to vote.
- (B) An advisory committee established, chaired by the Director, and comprising representatives from the Ministry of Labor, the Ministry of Interior, the Department of Residence and Borders, the Syndicate of Owners of Recruitment and Employment Offices for Non-Jordanian Domestic Workers, and two members of the union's administrative body. The committee's purpose is to facilitate consultation and cooperation between the union and the Ministry on all matters related to the domestic workers sector.

**Article (12) (A):** The Ministry may inspect at any time the offices to ensure and verify their compliance with the laws, regulations, instructions, and decisions related to their work under penalty of taking the procedures and penalties stipulated in this Regulation.

(B) The Director may take any of the following actions or penalties against any violating office:

- 1- Warn the office to remove the violation and not to repeat it.
- 2- Warn the office to remove the violation within the period specified in the warning and suspend it from work until the violation is removed.
- 3- Suspend the office from work for a period of no less than one month and no more than (6) months.

(C) The Minister may, upon the recommendation of the Committee, take any of the following actions or penalties against the violating office:

- 1- Close the office for a period not exceeding one year until the violation is removed. If the violation is not removed during this period, the office license shall be considered null and void.
- 2- Increase the amount of the guarantee provided by the office by 20,000 dinars in the event that the office is repeatedly suspended from work for three times or closed twice.

3- Cancel the license of the office permanently if it is proven that the violation committed constitutes a serious violation of human rights or the legislation in force, including:

- (A) Recruitment of a worker by illegal means or with forged papers.
- (B) Recruitment of a worker under the age specified in the agreements or memorandums of understanding signed between Jordan and other countries. The passport of the worker shall be approved to determine their age.
- (C) Exploit the worker by making them work on a daily basis, seizing their wages, or withholding any part of their earnings.
- (D) Physically or sexually assault the worker, abuse them, or violate their fundamental rights, as determined by a final judicial ruling.
- (E) Transfer a worker by illegal means to another country.

**Article (13) (A):** The period of the financial receipt shall be eight months from the date of its issuance, whether or not the worker enters Jordan.

(B) If the worker fails to enter Jordan within two months of signing the contract between the homeowner and the office, the office must cancel the visa and provide a financial receipt to the homeowner within three working days. Otherwise, the homeowner has the right to cancel the visa.

(C) The homeowner has the right to use the same financial receipt for two additional times to bring or transfer a domestic worker to work for them.

(D) If a worker fails to enter Jordan and the visa is cancelled, the homeowner may recover the amount of the financial receipt from the Ministry of Finance within 60 days of visa cancellation, provided they do not wish to use the receipt.

**Article (14):** The Ministry of Health shall issue the result of the medical examination of the worker within (3) working days of the examination.

**Article (15) (A):** The office shall:

- 1- Deport a worker with a communicable, contagious, or a disease that does not allow the worker to carry out their work or the pregnant worker within a period not exceeding seven working days from the date of issuance of the medical examination by the Ministry of Health to their home country.
- 2- Complete the medical examination procedures for the worker within a period not exceeding three working days from entering Jordan and hand them over to the homeowner, provided that the worker is medically fit, unless the office provides proof that the delay in issuing the medical examination is due to reasons related to the Ministry of Health.
- 3- Submit the application for issuing the work permit and the annual residence permit of the worker and hand them over to the

homeowner within three working days from the date of issuing the result of the medical examination of the worker.

- 4- Arrange for a ticket at its expense for the worker who refuses to complete the duration of the employment contract with the homeowner and wishes to return to their home country.

(B) After the homeowner receives the worker in accordance with the provisions of paragraph (A) of this Article, if the worker refuses to work for any reason, the office shall take action, except when there are specific exceptions. These exceptions are: 1) physical abuse of the worker proven by a government medical report issued by the forensic doctor in the Ministry of Health; 2) non-payment of wages to the worker; 3) the worker leaves work to go to another party; 4) a subsequent government medical report finds the worker has a communicable, contagious, or other illness that does not allow them to carry out their work; or 5) the worker is pregnant. In these cases, the office shall, within 90 days from the date of the worker's entry into Jordan or 30 days from the date of their transfer to another employer, take the following action:

- 1- Return the amounts paid by the homeowner within (14) days and deduct from them an allowance for the days spent by the worker in their service.
- 2- Replace the worker with another worker from outside Jordan at the request of the homeowner and without incurring any additional financial costs in accordance with the recruitment procedures stipulated in this Regulation.
- 3- Replace the worker with another worker from within Jordan at the request of the homeowner and without incurring any additional financial costs, provided that the procedures for the transfer of the worker are completed within thirty days from the date of handing over the worker to the homeowner.

(C) The office may transfer the worker who refuses to work for the homeowner due to physical abuse established by a government medical report issued by a forensic doctor in the Ministry of Health or failure to pay wages to them to another homeowner.

(D) If the worker does not enter Jordan for any reason or it is found upon entry that there is a deportation decision against him, the homeowner has the right to recover the financial receipt and all the amounts he paid to the office, or replace the worker with another one, provided that the worker's visa is cancelled and it is proved that he did not enter the country.

**Article (16):** The Minister may, upon the recommendation of the Committee, confiscate the guarantee provided by the office or any part thereof to cover any obligations or compensation resulting from its violation of the provisions of this Regulation and the instructions and decisions issued thereunder, in cases where the office has violated the provisions of this Regulation.

- (A) If the office does not return the financial receipt and the amounts paid by the homeowner or submit a transaction to recruit or replace a new worker at the request of the homeowner in accordance with the provisions of this Regulation.
- (B) If the office fails to deport the worker to their country in cases that require their deportation and within the period specified for travel in accordance with the provisions of this Regulation or in the event that the worker refuses to work without any reason and wishes to return to their country.
- (C) The office violates the undertaking signed by it.
- (D) If the office receives any amounts from the homeowner contrary to the provisions of this Regulation or the relevant legislation.
- (E) If the legal period for the financial receipt has expired and the worker has not been handed over to the homeowner due to a default from the office.
- (F) If the office commits any other violation of the provisions of this Regulation, the instructions and decisions issued thereunder, and the provisions of the legislation related to the work of the office and the recruitment process.

**Article (17) (A):** For the purposes of issuing the work permit in the name of the homeowner, the office shall obtain an insurance policy from any legally licensed company.

(B) The terms and conditions of the required insurance policies, the obligations of the office, the insurance companies, the homeowner, the insurance coverage, including the coverage of workers' flight from homes, exceptions to that coverage, the deductible amount, and other related matters, shall be determined by instructions issued by the Minister for this purpose and in coordination with the Ministry of Industry, Trade, and Supplies.

**Article (18)** The Minister may take any action he deems appropriate for the purposes of controlling and regulating the labour market, including the following:

- (A) Stop issuing licenses for new offices.
- (B) Open the door for recruitment from the countries he deems appropriate.
- (C) Prevent or close the recruitment of workers from some countries, provided that the offices are given a period not exceeding three months to meet their previous obligations.

**Article (19):** Offices shall be classified in accordance with instructions issued by the Minister for this purpose and the classification shall be published on the website of the Ministry, the Syndicate and the offices.

**Article (20):** All offices existing and operating before the entry into force of this Regulation shall adjust their status in accordance with its

provisions and the instructions issued thereunder within 90 days from the date of its entry into force. Failing to do so may cause their guarantees to be confiscated and their licenses to be cancelled.

**Article (21) (A):** The Minister shall issue the necessary instructions for the implementation of the provisions of this Regulation, provided that they are published in the Official Gazette.

(B) With the exception of the power to issue instructions, the Minister may delegate any of his powers stipulated in this Regulation to the Secretary-General of the Ministry or the Director, provided that the delegation is in writing and specific.

Article (22): The Regulation of Private Offices Working in the Recruitment and Employment of Non-Jordanian Domestic Workers No. (12) of 2015 shall be repealed, provided that the instructions issued thereunder shall continue to apply until they are amended, repealed or replaced by others in accordance with the provisions of this Regulation.

وزارة العمل