

## **Instructions for 2012 (Instructions for Conditions and Procedures for the Employment and Recruitment of Non-Jordanian Workers for 2012) and Their Amendments**

### **Article (1)**

These instructions shall be called Instructions for Conditions and Procedures for the Employment and Recruitment of Non-Jordanian Workers and shall be effective from the date of their publication in the Official Gazette.

### **Article (2)**

The following words and phrases shall have the meaning ascribed to them in the Instructions hereunder unless otherwise indicated by context:

<b>Ministry:</b>	<b>Ministry of Labor</b>
<b>Minister:</b>	<b>Minister of Labor</b>
<b>Directorate:</b>	<b>The concerned labour directorate.</b>
<b>Director:</b>	<b>The director of the concerned labour directorate.</b>
<b>Worker:</b>	<b>A non-Jordanian worker who is inside Jordan.</b>
<b>Worker:</b>	<b>A non-Jordanian worker who entered the Kingdom under an employment contract with the intention of working.</b>
<b>Window:</b>	<b>Senior Businessmen and Investors Service Window.</b>
<b>Head of Window:</b>	<b>Head of the Senior Businessmen and Investors Service Window.</b>

### **Article (3)**

The Minister may establish one or more committees within the Ministry, referred to as the "Employment Committees." These committees shall be authorized to review applications for the employment and recruitment of non-Jordanian workers from both within and outside Jordan. The specific tasks of each committee shall be determined by the Minister in the decision establishing the committee. The Minister may include representatives from relevant authorities as members of these committees to seek their expertise and insights.

### **Article (4)**

Every employer who wishes to employ or recruit a non-Jordanian worker shall undertake the following:

- a) Fill out the approved recruitment form which is duly signed including the following:
  - 1- The name of the business and the name of its responsible owner or manager, its address, the nature of its work, and its branches, if any.

- 2- The name of the worker as stated in their passport, date of birth, nationality and the profession in which they will work.
- b) The following documents shall be attached to the recruitment application:
- 1- A work contract in two copies signed by both parties.
  - 2- A valid professional license for the business and attach a copy, or a work permit, a land registration document, and a lease contract (if applicable) that are duly certified and accompanied by copies. This applies if the worker is employed in a building or villa, subject to a limit of one approved worker per building or villa. If the worker is an agricultural worker, a letter issued by the competent Directorate of Agriculture shall be submitted.
  - 3- A copy of the worker's valid passport.
  - 4- A statement issued by the General Corporation for Social Security showing the business's contribution to social security.
  - 5- A copy of the projects and tenders awarded to the owner of the shop, indicating the party to which these tenders were awarded.
  - 6- A valid medical examination certificate for the recruited or employed worker issued by one of the health centers approved by the Ministry of Health.
- c) The following documents shall be attached to the employment application:
- 1- A valid professional license for the business and a copy, or a work permit, a land registration document, and a lease contract (if applicable) that are duly certified and accompanied by copies. This applies if the worker is employed in a building or villa, subject to a limit of one approved worker per building or villa. If the worker is an agricultural worker, a letter issued by the competent Directorate of Agriculture shall be submitted.
  - 2- A copy of the projects and tenders awarded to the owner of the shop, indicating the party to which these tenders were awarded.
  - 3- A copy of the worker's passport valid for a period of not less than one year.
  - 4- A work contract in two copies to be submitted upon the issuance of the approval of the application.
  - 5- The required documents shall be completed upon the entry of the worker into the territory of Jordan in accordance with Clause (B) above, accompanied by a non-conviction certificate issued by the relevant authorities in the worker's country of origin.
  - 6- Work permit fees are paid in advance and after the application is approved.

#### **Article (5)**

- a) The employer shall provide a legal or bank guarantee in the form determined by the Minister. The Minister shall have the right to dispose of it in the event that the employer breaches any of their obligations under the law and the regulations issued thereunder or under these Instructions in order to ensure the rights of workers and the costs of repatriation. The violating employer shall bear the value of these expenses in a total amount not less than (300) dinars for the treasury for each worker who is deported, which shall be deducted from the value of the guarantee. The Minister may recourse against the original employer regarding this

amount if the violating workers left the employer's employment without the employer notifying the Ministry during the validity period of their work permit, as follows:

- 1- A guarantee of 300 dinars will be required for workers of nationalities restricted by the Residence Law for each intended recruit or worker to be employed.
- 2- A guarantee for workers of nationalities not restricted by the Residence Law for the value of:
  - 500 dinars in the event of the recruitment or employment of between three and ten workers.
  - 1000 in the event of the recruitment or employment of more than ten workers and up to twenty workers.
  - 2500 In the case of recruiting or employing more than twenty workers and up to fifty workers.
  - 5000 dinars in the event of recruiting or employing more than 50 workers and up to 100 workers.
  - 10,000 dinars in the event of recruiting or employing more than 100 workers and up to 200 workers.
  - 15,000 dinars in the event of recruiting or hiring more than 200 workers and up to 300 workers.
  - 20,000 dinars in the event of recruiting or employing more than 300 workers.
- b) Ministries, government departments and universities, public institutions, the Greater Amman Municipality, municipalities, regional offices, embassies, diplomatic bodies, and international organizations are excluded from providing these guarantees.
- c) For the purposes of exemption from submitting the guarantees stipulated in this article, the principles of the Golden List approved by a decision issued by the minister shall apply.

#### **Article (6)**

- a) The employer may nominate one or more representatives to follow up their transactions before the Ministry, according to an annual card issued by the Ministry, provided that the representative is not a representative of more than one employer.
- b) For the purposes of issuing or renewing the representative's accreditation card, the following documents are required:
  - 1- An application submitted by the employer.
  - 2- The representative shall be one of the employees of the employer.
  - 3- Non-conviction certificate for the representative.
- d) The Ministry shall collect an annual fee of twenty dinars for the issuance or renewal of the card.
- e) The Ministry may cancel the representative's card at any time if it finds that the representative does not comply with the laws, regulations, and these Instructions.
- f) The provisions of this Article shall not affect the judicial or special powers of attorney in this regard.



### **Article (7)**

- a) The approval of the recruitment application shall be valid for a period of two months for workers of nationalities not registered under the Residence Law from the date of obtaining it, and for a period of four months for workers of nationalities registered under the Residence Law from the date of approval by the Employment Committee. The employer shall complete the procedure for the entry of the worker into the country during that period and complete the procedures related to obtaining the work permit. The validity period of the work permit shall start from the date of the worker's entry into the country.
- b) In the event that workers of restricted nationalities approved for recruitment fail to enter the country, the employer may apply for their replacement within the four-month period specified in paragraph (A) of this Article. The employer shall demonstrate that the visa has been canceled and the worker has not entered the country. This application may not be repeated more than once for the same workers.

### **Article (8)**

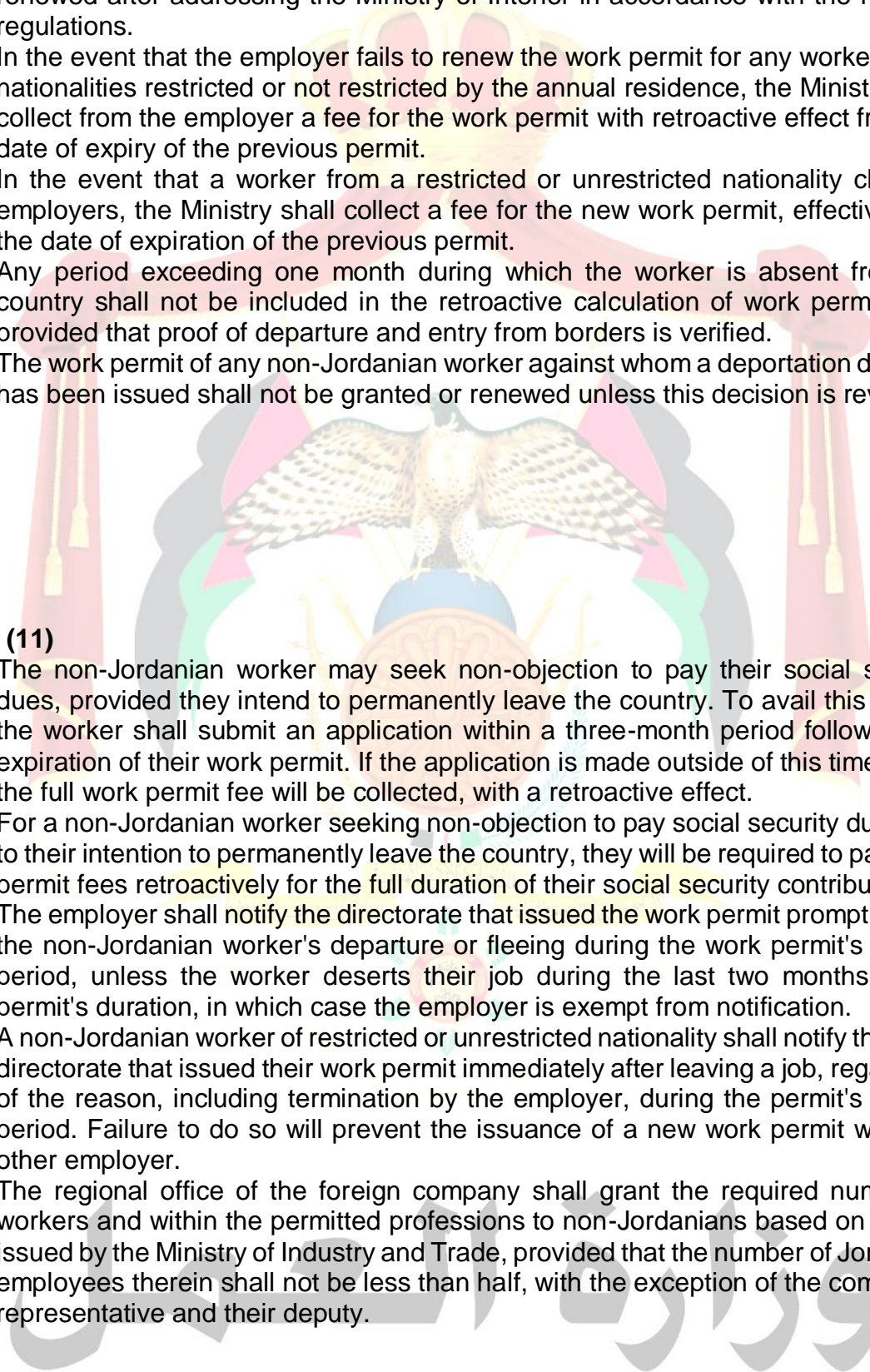
The employer or their authorized representative may consult the competent directorate at least one month prior to the expiration of the work permit of a non-Jordanian worker, in order to initiate the renewal process.

### **Article (9)**

- a) The permit of a non-Jordanian worker shall be issued after obtaining the approval of the Minister or whoever authorized by the Minister in accordance with a special form that includes the following:
  - 1- The name of the worker according to their passport, date of birth, nationality and the profession they are authorized to work in, even if they are recruited from outside Jordan or employed from inside it.
  - 2- The name of the employer, establishment or farm where the worker works.
  - 3- The date of entry into force of the work permit and the date of its expiry.
  - 4- Receipt vouchers numbers and dates.
  - 5- Seal and signature of the director of the concerned labor directorate.
- b) The Ministry shall collect from the employer, upon payment of the fees, an amount of ten dinars for each worker, as an audit fee for application of employment, recruitment, or renewal of the work permit necessary for the worker who has been approved.

### **Article (10)**

- a) The use, recruitment or renewal of work permits for non-Jordanian workers shall be carried out according to the needs of the sectors of the labor market, taking into account the list of closed professions. The Ministry may determine the percentage of non-Jordanian workers in any of the economic sectors in a manner that serves the policy of Jordanization of workers.
- b) A work permit shall be granted to any non-Jordanian person who enters Jordan without the intention of working by a decision of the Employment Committee.

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- c) A work permit for nationalities registered with the annual residence permit shall be renewed after addressing the Ministry of Interior in accordance with the relevant regulations.
  - d) In the event that the employer fails to renew the work permit for any worker of the nationalities restricted or not restricted by the annual residence, the Ministry shall collect from the employer a fee for the work permit with retroactive effect from the date of expiry of the previous permit.
  - e) In the event that a worker from a restricted or unrestricted nationality changes employers, the Ministry shall collect a fee for the new work permit, effective from the date of expiration of the previous permit.
  - f) Any period exceeding one month during which the worker is absent from the country shall not be included in the retroactive calculation of work permit fees, provided that proof of departure and entry from borders is verified.
  - g) The work permit of any non-Jordanian worker against whom a deportation decision has been issued shall not be granted or renewed unless this decision is revoked.

#### **Article (11)**

- a) The non-Jordanian worker may seek non-objection to pay their social security dues, provided they intend to permanently leave the country. To avail this option, the worker shall submit an application within a three-month period following the expiration of their work permit. If the application is made outside of this timeframe, the full work permit fee will be collected, with a retroactive effect.
- b) For a non-Jordanian worker seeking non-objection to pay social security dues due to their intention to permanently leave the country, they will be required to pay work permit fees retroactively for the full duration of their social security contributions.
- c) The employer shall notify the directorate that issued the work permit promptly upon the non-Jordanian worker's departure or fleeing during the work permit's validity period, unless the worker deserts their job during the last two months of the permit's duration, in which case the employer is exempt from notification.
- d) A non-Jordanian worker of restricted or unrestricted nationality shall notify the labor directorate that issued their work permit immediately after leaving a job, regardless of the reason, including termination by the employer, during the permit's validity period. Failure to do so will prevent the issuance of a new work permit with any other employer.
- e) The regional office of the foreign company shall grant the required number of workers and within the permitted professions to non-Jordanians based on a letter issued by the Ministry of Industry and Trade, provided that the number of Jordanian employees therein shall not be less than half, with the exception of the company's representative and their deputy.

- f) No worker of restricted or unrestricted nationality may transfer from the Aqaba Economic Zone to another sector or employer outside that area, with the exception of construction sector workers in joint ventures of the same company, subject to the approval of the Employment Committee.

#### **Article (12)**

- a) Conditions for the transfer of the recruited or employed worker of restricted and unrestricted nationalities from one employer to another after the expiry of the work permit period:
- 1- The worker is allowed to move from one employer to another in the same sector or in any other sector except the agriculture sector.
  - 2- Agricultural workers are allowed to move from one employer to another in the same agriculture sector.
  - 3- Non-Jordanian domestic workers and workers in Qualified Industrial Zones are not allowed to move to any other sector.
- b) The transfer of the recruited or employed worker of restricted and unrestricted nationalities from one employer to another during the validity of the work permit is subject to the following:
- 1- Agriculture and construction sectors:
    - a) The worker may transfer to a new employer within the same sector, provided that the worker, original employer, and new employer agree, and subject to the approval of the Ministry, the cancellation of the original work permit and the issuance of a new work permit with new fees for a period of one year.
    - b) A worker may be employed by another employer in the same sector, without revoking the work permit or incurring new fees, if the permit is obtained from the Ministry. This arrangement shall be done through an employment agreement that outlines all the obligations owed to the worker by both the original employer and the new employer, in compliance with the law, regulations, and Ministry guidelines, including worker injuries.
  - 2- Other sectors:
    - a) The transfer of a recruited worker to a new employer is only permitted after a minimum of six months have passed since the worker's original work permit was issued with the same employer. The transfer is subject to the approval of the Ministry, the original employer, and the new employer, as well as the cancellation of the original work permit and the issuance of a new permit for a period of one year, with new fees.
    - b) An employed worker in Jordan may be transferred from one employer to another, subject to the following conditions: the original employer's consent shall be obtained, the original work permit shall be canceled, and a new work permit shall be issued for a period of one year, with new fees. After the expiration of the work permit period, the transfer may take place without requiring a consent from the original employer.

#### **Article (13)**



- a) The Minister may create a window to serve senior businessmen in the labor directorates to consider the applications of senior businessmen and investors to meet their needs of expatriate workers, experts, and technicians.
- b) In each directorate where this window is established, the Minister shall form a committee headed by the director and with the participation of representatives of the relevant authorities to determine the category of senior businessmen and investors benefiting from the window services, consider objections to the decisions related to their applications, and submit proposals regarding the review of the grounds for employment and recruitment for this category.
- c) The window shall be responsible for:
  - 1- Considering applications for employment and recruitment submitted by senior businessmen and investors and proceeding with procedures in accordance with the principles in force in these Instructions.
  - 2- Referring the recruitment applications to the director to take the decision to approve or not to approve on the grounds mentioned in these Instructions.
  - 3- The Head of the Window shall take the decisions related to the renewal of work permits and the change of the employer in accordance with the principles contained in these Instructions.
- g) Applications for the employment and recruitment of experts and technicians require the following:
  - 1- There is no Jordanian alternative.
  - 2- The employer shall train a Jordanian substitute to replace the expert or technician.
  - 3- The expert or technician shall be granted a work permit for a period of one year, renewable based on a training and operation agreement with the Ministry and the approval of the Employment Committee.

#### **Article (14)**

Notwithstanding the provisions contained herein regarding workers of unrestricted nationalities, the following principles shall apply to workers of Egyptian nationality within the scope of this Article.

- 1- Every employer who wishes to recruit a non-Jordanian worker of Egyptian nationality shall submit the following documents:
  - a) An Application for recruitment and filling out the form approved by the Ministry.
  - b) The employer shall provide a valid professional license to the business and attach a copy of it. Alternatively, the employer can provide a letter issued by the competent directorate of agriculture if the worker they wish to recruit will be working in the agriculture sector. If the worker will be employed in a building or villa, the employer shall submit a work permit, a land registration document, and a lease contract (if the employer is a tenant). These documents shall be duly certified, and the employer shall attach copies of them. However, the approval shall be only valid for one worker per building or villa.
  - c) The Employment Committee may request a recommendation from the relevant union, association, or governing body that represents the economic sector that the employer operates in. This recommendation should indicate the actual extent of the employer's need for the workers they are applying to hire.

- d) The employer shall provide copies of any projects or tenders that have been awarded to them, clearly indicating the entity that awarded those projects or tenders.
- e) The employer shall provide a statement issued by the Social Security Corporation showing the business's contribution to social security.
- f) The rest of the required documents are completed when the worker enters the Jordan's territory, namely:
  - 1- A copy of the employment contract certified by the Egyptian Ministry of Manpower.
  - 2- The worker's passport and a copy thereof.
  - 3- A valid medical examination certificate issued by one of the health centers accredited by the Ministry of Health, in addition to providing a medical examination from the worker's country, and a non-conviction certificate.
- 2- The approval of the recruitment application shall be valid for a period of two months from the date of the approval of the Employment Committee. The employer shall select the worker through the publicly available workers' data on the website of the Ministry or through their own personal choice, shall pay the fee for issuing the work permit and sign the computerized work contract in the concerned labor directorate.
- 3- The employer is permitted to replace one worker with another in the case of recruitment, but this can only be done once and the same fees paid previously shall apply. This replacement is allowed in the following cases:
  - a) In the event that the worker does not sign the work contract within two weeks from the date of payment of the work permit fees by the employer.
  - b) In the event that the worker signs the employment contract and stamps their passport with information about the employer and the sector in which they will work, and they do not enter Jordan within (45) days from the date of signing the contract, provided that a replacement application is submitted to the Ministry within a period not exceeding four months from the date of payment of the work permit fee.
- 4- The worker shall be prohibited from entering Jordan after the lapse of (45) days from signing the employment contract.
- 5- The validity period of the work permit of the Egyptian worker shall start from the date of their entry into Jordan.
- 6- When entering Jordan through Aqaba border crossing, the recruited worker shall pay an amount of \$250 US dollars or the equivalent in Jordanian dinars as an insurance fee. This fee is to ensure the worker's commitment to join the employer they have been recruited by. The worker can recover this insurance value once they have joined the employer and have been issued a work permit within 45 days of entering Jordan. However, if the worker fails to fulfill this commitment, the insurance amount is forfeited and becomes revenue for the treasury, and cannot be recovered by the worker.

#### **Article (15)**

The Minister may cancel a deportation decision that was issued under the provisions of Article (12/g) of the Labor Law, if the Minister is convinced that there are valid reasons requiring the cancellation of the deportation order. However, in such cases, the employer



or the director of the business shall bear the expenses, costs, and service allowances incurred by the Ministry and other official bodies related to the monitoring of violations and the apprehension of workers who have violated the law for the purposes of deportation. Additionally, the employer/business shall pay a total amount of 3,000 Jordanian Dinars to the public treasury as a penalty for the worker's employment in a manner contrary to the provisions of the law.

**Article (16)**

Subject to the provisions of Clause 3 Paragraph A of Article 12 and Article 15, the provisions of these Instructions shall apply to all sectors except the sector of domestic workers and workers in Qualified Industrial Zones.

**Article (17)**

The Minister may issue the necessary grounds for implementing the provisions of these Instructions, and/ or issue any exceptions the Minister deems appropriate to any of their provisions.

**Article (18)**

The Instructions of the Conditions and Procedures for the Employment and Recruitment of Non-Jordanian Workers published in the Official Gazette No. (4976) dated 19/8/2009 are hereby repealed.

وزارة العمل