

# Legal Review of the Flexible Work Regulation of 2017

Issued by

**Karak Castle Center for Consultations and Training**  
**in Cooperation with Friedrich Ebert Stiftung (FES)**

August 2018



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## Contents

<b>Introduction</b>	<b>3</b>
<b>Project Background</b>	<b>4</b>
<b>Karak Center for Consultations and Training</b>	<b>5</b>
<b>Friedrich Ebert Stiftung</b>	<b>7</b>
<b>Project Objectives</b>	<b>8</b>
<b>Project Implementation Phases</b>	<b>8</b>
<b>Research Methodology</b>	<b>9</b>
<b>The Study Findings</b>	<b>12</b>
<b>The Second Phase of the Project:</b>	
<b>Holding a consultation session with stakeholders and specialists</b>	<b>18</b>
<b>Proposed Amendments to the Flexible Work Regulation</b>	<b>22</b>
<b>Flexible Work Instructions</b>	<b>26</b>
<b>Recommendations</b>	<b>27</b>

## Introduction

The flexible work arrangements is a variable work schedule in contrast to traditional work arrangements requiring employees to attend work for standard workday limits and at specific hours. Under flextime, employees choose their starting and quitting times subject to achieving the total daily, weekly, or monthly hours required by employers and subject to the necessary work being done. The flextime policy allows workers to determine when they will work; whereas the flex-place policy allows them to choose where they will work depending on the selected form of flexible work arrangements.

Historically, the flexible work arrangements were introduced in the United Kingdom in 1971. In Jordan, the Flexible Work Regulation (FWR) No. 22 of 2017 was published in the Official Gazette No. 5450 of 2017 on page 1924 on March 16, 2017. The government explained that the aim of the regulation is to enhance the economic participation of many segments of the population, especially women. Also, this regulation seeks to make the work environment more open and gives greater leeway for new and pioneer opportunities (as set out in the rationale of the regulation). On April 01, 2018, pursuant to the Article 13 of the regulation, the Ministry of Labor (MoL) issued the Flexible Working Instructions, it was published in Official Gazette No. 5509 of 2018 on page 1982.

## Project Background

The FWR and its instructions failed to live up to the expectations of those concerned with it, who consider that they have not introduced many changes. So hence, the idea of this project, which focuses primarily on examining the regulation and making the necessary recommendations to amend it, based on a field study to evaluate the understanding and the knowledge of the target group about the regulation and the extent to which they benefit from it. This, in addition to an in-depth review of its provisions by experts and specialists, and proposing amendments that meet ambition and achieve the intended objective of the regulation.

Karak Center for Consultations and Training thanks the Friedric Ebert Foundation in Amman for its support of this project. The center also extends thanks to the experts and specialists who have provided their expertise for the success of this project, as well as the government agencies that participated in the specialists' session, that was organized to discuss the regulation, and were attended by representatives of relevant government, private sectors, civil society, and lawyers.

## Karak Center for Consultations and Training

A national institution established in 2008 in the Governorate of Karak in the south of the capital Amman. The center aims to build and enhance the capacities of women and youth, and thereby contribute to their economic, political and legal empowerment and to improve their skills and to provide opportunities for equal and effective participation in the development of society within a framework that respects the principles of democracy, human rights and the rule of law.

### Vision

Towards a society of equal opportunities, achieving justice, and consolidating the participatory approach in accordance with relevant best international practices, and inconsistency with the legal framework and the national interests. This is realized through quality tools built according to the programs' application requirements.

### Message

Activating the role of civil society organizations, which contributes to promoting the participation of all segments of society in the decision-making process, especially women and youth, through building their capacities and raising their awareness of the concepts and requirements of the comprehensive and sustainable community development.

### Future Center Plan

The Center seeks to expand its work in terms of the target groups, the programs, and the geographical spread in the northern, central and southern regions of the Kingdom in order to enhance the access of the various categories of society to the expertise and skills provided by the Center.

## Objectives

- Promoting the principle of the rule of law and respect for civil, political, economic, social and cultural rights;
- Raising awareness of the concepts of good governance and active citizenship;
- Raising awareness among young people about the concepts of democracy and full-fledged citizenship so as to enhance their active participation in various fields;
- Building and enhancing the capacities of women in local communities and providing them with the necessary skills and knowledge to enhance their access to decision-making positions.
- Raising awareness of the concepts and mechanisms of participation in the decision-making process within the legal frameworks in force;
- Enhancing the contribution of women to economic, social and political development.
- Achieving a participatory decision-making;
- Enhancing the role of Jordanian women in decision-making;
- Increasing the representation of women in all locations of the Jordanian state;
- Providing women with the necessary skills to promote their knowledge, awareness, and abilities.
- Achieving justice and equal opportunities for all social groups;
- Enhancing adherence to the principle of the rule of law;
- Enhancing awareness of the human rights concepts and mechanisms;
- Raising awareness of the concepts of gender and key issues related to women's studies.
- Networking with civil society organizations.

## Work mechanisms

- Providing consultations, and preparing studies and research;
- Holding local and international conferences and workshops;
- Organizing training courses and awareness campaigns;
- Organizing advocacy initiatives, making recommendations, and preparing policy papers;
- Holding meetings with those interested in the Center's goals and formulate feedback with them for public awareness;
- Promoting dialogue through workshops.

## Friedrich Ebert Stiftung

Friedrich Ebert Stiftung (FES) is a nonprofit organization committed to the values of social democracy. It is one of the oldest German political organizations, founded in 1925 as the political legacy of its founder Friedrich Ebert, the first democratically elected German President.

In Jordan, FES opened its office in 1986, through its long-standing partnership with the Royal Scientific Society (RSS).

The activities of FES Amman aim at promoting democracy and political participation, supporting progress towards social justice and gender equality as well as at contributing to ecological sustainability and peace and security in the region. FES Amman supports the building and strengthening of civil society and public institutions in Jordan and Iraq. FES Amman cooperates with a wide range of local partner organizations from civil society and the political sphere to establish platforms for democratic dialogue, organize conferences, hold workshops and publish policy papers on current political questions.



## Project Objectives

This project aims at measuring the effectiveness of the current FWR issued on March 16, 2017; the regulation came into force immediately from the date of its publication in the Official Gazette. In addition to reviewing the legal framework of the regulation, the project aims at issuing a policy paper containing a comprehensive assessment carried out by lawyers, representatives of civil society organizations, employers, the MoL, and stakeholders concerned with the implementation of the content of this regulation from governmental and independent institutions.

The FWR has received notable positive feedback from various industry circles, it was hailed as a welcome step in the direction of catering to and ultimately accommodating, a workforce shouldering differing familial circumstances for female workers in particular; in general, the possibility of reducing traffic and avoiding the stress of commuting during rush hours. However, there is still a need to discuss some other issues with respect to this regulation, including the need to amend the Labor Law to bring it into conformity with the provisions of this regulation.

## Project Implementation Phases

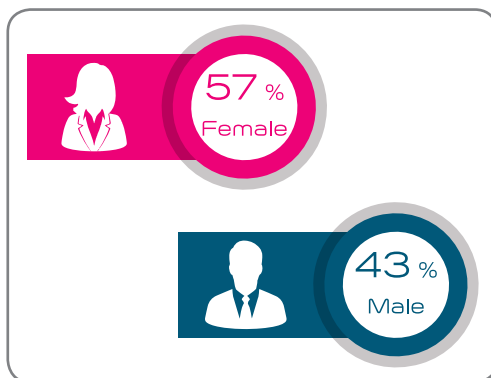
1. Conducting a field research to measure the workers' and employers' knowledge of the FWR, and the degree of their satisfaction with its effectiveness, in addition to receiving their suggestions and comments on the regulation;
2. Holding a specialized workshop attended by representatives from the MoL, lawyers, civil society organizations, and employers, to review the FWR, The workshop took in consideration all the views expressed and came up with important recommendations;
3. Establishing an online platform for interaction and discussion between the different stakeholders regarding the FWR;
4. Issuing an integrated report containing the results of the field survey, the workshop's outputs and the resulting recommendations;
5. Sending the report and the recommendations to ministries and decision-making bodies.

## Research Methodology

Initially, a field study was conducted in order to measure the workers and employers knowledge of the content of FWR and to gauge their satisfaction regarding its effectiveness of the regulation, as well as to take their comments and suggestions thereon.

The study aims to measure the extent of which companies, private institutions, and employees are acquainted with the current FWR and to measure the extent of which the new regulation is applied in the different companies and institutions, in addition to identifying mechanisms for developing a regulation that takes into account the views of companies and private institutions as well as employees.

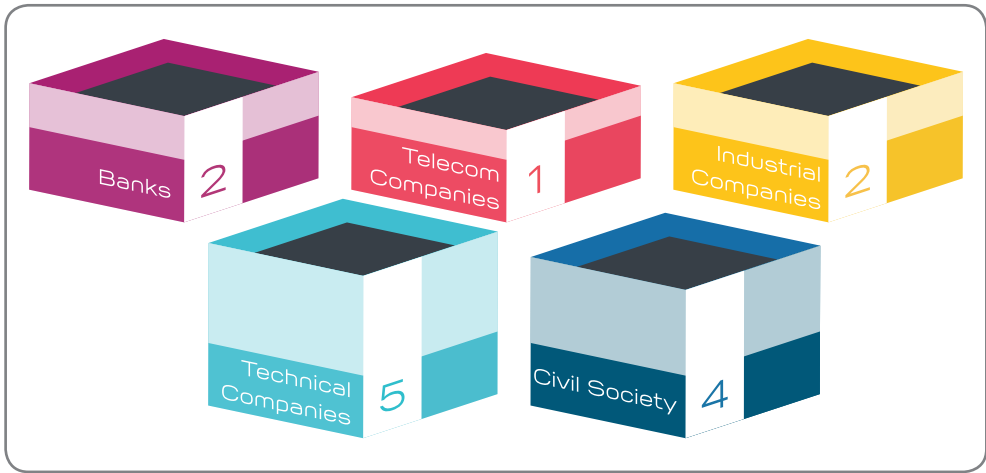
This report compiled and analyzed the data obtained during the interviews with 28 participants representing 14 institutions, of which 57 percent were women. All participants were Jordanian nationals who run business enterprises or employees in the Jordanian private sector. The interviews were conducted between April and May 2018.



### **The respondents were divided into two groups:**

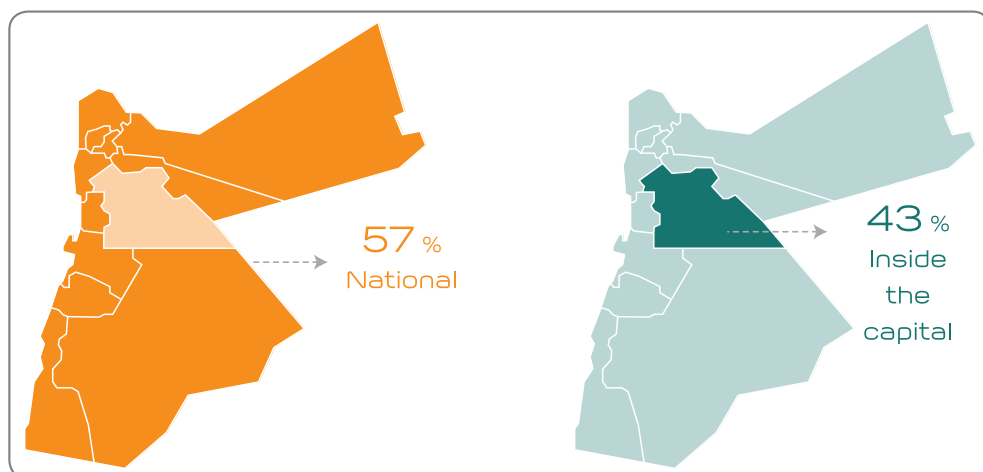
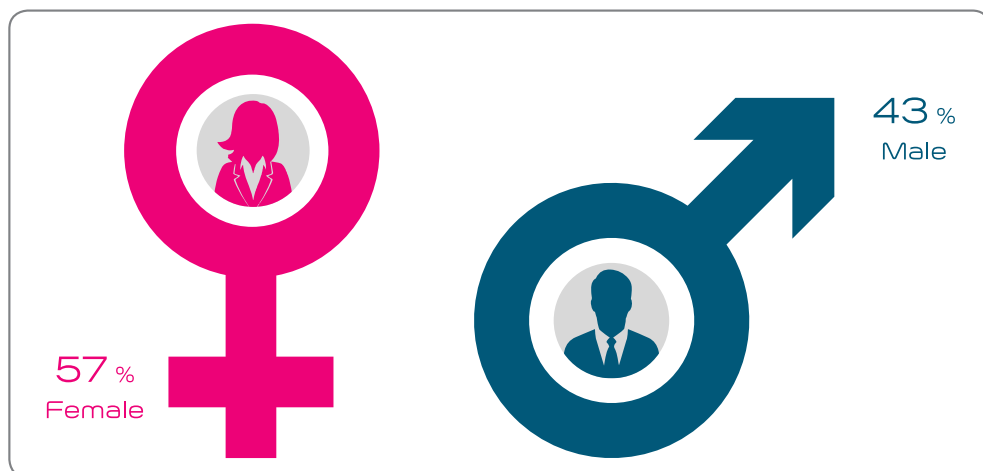
1. The management of private companies and institutions represented by the directors of these companies or their human resources departments responsible for the implementation of the FWR;
2. Male and female employees of private companies and institutions, represented by a group of employees to whom this FWR may apply.

The surveyed institutions in the capital Amman accounted for 43 percent, while the percentage of the surveying institutions all over the kingdom was 53 percent. The sampled institutions were chosen randomly by field researchers based on the information available about them. The distribution of the nature of the institutions' work was as follows:



The research team designed the research tools in partnership with the management of Karak Center, which included the design of two types of forms; the first one was for the management of companies and private institutions, whereas the second form was designed for staff members of institutions to which such regulation is applicable.

Interviews were conducted in person or through telephone surveys, ranging from 45 minutes to one hour.



## The Study Findings

The research team analyzed the interviews that had been conducted and arrived at the following conclusions, which were initially presented to and discussed with a group of specialists at a session held on May 13 - 14, 2018 at Harir Palace Hotel. Based on those conclusions, the current report included a number of recommendations for the improvement of the FWR.

### **The results of the interviews analysis**

#### **Confusion and misunderstanding regarding the notion of flexible work arrangements**

The results of the survey indicated that there is a confusion among employers and human resources officials in private companies and institutions between allowing employees to work outside the offices of institutions or working within a variable work scheduled on one hand, and the idea of flexible work arrangements that the FWR introduced on the other; in addition to the subsequent need to change the work contract between the institution and the employee for this purpose.

Paragraph (a) of Article (5) provides that “the categories prescribed in Article (3) of this regulation shall require the transfer of a contract of employment into a flexible work contract in accordance with the nature of the work”.

Paragraph (b) stipulates that “The employer may not impose upon the worker the transfer of the status of his employment contract which is subject of invalidating any procedure that may detract from the worker’s rights provided for in the law”.

As there are companies and institutions that allow employees to work outside the offices of the institution or work within variable hours, which all based on agreements between employees and corporate officials and are constantly changing and are not permanent.

Also, many employers and employees believe that their institutions apply flexible work arrangements as laid out in the FWR No. 22 of 2017. However, it was noted that there were no changes in the internal by-laws of those institutions or consequential changes in the employment contracts of employees. This is contradictory to Paragraph (a) of the Article (12) of the FWR which stipulates that: “The employer in the establishments that apply the flexible work regulation shall comply with the following:

- (A) Amend the by-law of the institution in accordance with the provisions of this regulation and the instructions promulgated thereunder.

The study also revealed that there are concerns among some of the respondents from the institutions’ management that amending the by-laws of the institutions in line with the FWR, may involve adding unnecessary bureaucratic complexities to this matter. This is in addition to the lack of adequate knowledge of the pros and cons of applying this regulation to the institutions.

### **Applying the FWR and its importance**

All respondents from the employer’s category believe that the FWR applies to a particular proportion of employees, and they expressed this after the research team elaborated on the details of the FWR to the respondents.

**Articles (3) and (4) of the FWR No. 22 of 2017 specifies the categories that may be subject to the regulation and the forms of the flexible work contract. Article (3) stipulates that:**

The following categories are subjected to the provisions of this regulation:

- (A) The worker who has been employed by the employer for three consecutive years;
- (B) A worker with family responsibilities, including a pregnant woman, a worker caring for a child, caring for a family member, or caring for the elderly because of disability or illness;
- (C) A dully enrolled university student;
- (D) A worker with a disability.

**Article (4) stipulates that: The flexible employment contracts take the following forms:**

- (A) Part-time work: The employee is entitled to work for a reduced time after the employer's approval if the nature of the work permits.
- (B) Flextime work: the worker shall have the right and after the employer's approval to distribute the specified working hours on a daily basis in a manner consistent with the worker's needs, provided that the total number of hours worked on a daily basis shall not be less than the usual working hours of the worker.
- (C) Compressed week: The worker shall have the right and after the employer's approval to distribute the weekly working hours on a number of days less than the usual number of working days in the establishment, provided that it does not exceed eleven hours per day.
- (D) Flexible year: After an agreement with the employer, the worker shall be entitled to distribute the annual working days on specified months of the year provided they are no longer than what is prescribed by the law.
- (E) Teleworking/remote work: under this pattern, the work is completed remotely, after the approval of the employer and without the need for the presence of the worker in the workplace.

The results of the study also showed that the respondents, employers, and employees, believe that the FWR relieves the burden on the employees and assists in taking into account their responsibilities outside the institutions. This is illustrated by the Article (4), which specifies the categories that the FWR is applicable mainly on workers with family responsibilities, which includes pregnant women, caregiver of a child, the care of a family member, the care of the elderly due to disability or illness, as well as the worker who is enrolled as university student.

**In addition, the study showed that respondents are conceived of the importance of the FWR, as indicated below:**

- Applying FWR increases the efficiency of staff due to the flexible working hours;
- The regulation helps institutions that need to work outside normal working hours;
- Extending the regulation's scope of application would help organizations grow by increasing staff while reducing operational costs.

These points are of great importance in improving the economic situation of institutions and individuals in general. Such a response indicates the significance of this regulation once its scope of application was broadened. This is in line with the global studies conducted on this subject, that shows that among the advantages of flexitime, that it improves people's abilities to reconcile between their work and family life, and have helped to lower rates of work attendance and illness. On the other hand, the benefits of flexible work arrangements on institutions include increased motivation for employees, improved efficiency and effectiveness of the operation and reduced faults. In addition, employers are able to make employees work overtime without additional pay and reduce the number of facilities required,

### **Disadvantages of offering FWR**

On the other hand, the results of the study showed that there is concern among employers and officials that applying the regulation may cause delay in the completion of the required assignments in addition to the fear of non-compliance of employees to finish the tasks required of them- which could be handled through putting in place effective follow up mechanisms.

In addition to that, the application of the FWR may also increase the burdens imposed on management departments of monitoring the work of staff outside the institutions.

Whereas, in the case of employees in companies and institutions worked according to one of the flexible work arrangements forms stipulated in Article (4) of the regulation, including part-time, working within flexible hours, compressed work week, flexible year, and teleworking; this would increase the burden imposed on management departments for ensuring the timely completion of job assignments, in contrast to having staff under their direct supervision. This concern is justified given the lack of awareness among employers about the benefits of flexible work arrangements, as well as the lack of studies that indicates the significance and advantages of applying flexible work arrangements. Also, there were concerns related to a subsequent reduction of the social security salary in the event of applying one of the forms of flexible work arrangements, which will be explained later.



### Why should the regulation be applied?

According to respondents from the management departments of the institutions surveyed, the current FWR of work does not offer any privileges to help apply the regulation in their institutions. The FWR does not introduce much change on the ground. Many institutions implement some flexible types of work internally by mutual agreement between the officials of the institutions and their employees where required, without entering into the bureaucratic procedures required for the implementation of the FWR.

The current FWR does not provide any privileges that spores institutions that can apply it even in the first period of implementation until it is enforced widely, in order to show the benefit of applying such a regulation, particularly in helping to reduce the capital expenditure of enterprises compared with the expenditure incurred for the presence of all employees in one place during specific hours.

### The relationship between institutions and the MoL

Respondents believe that the application of the current FWR will increase the bureaucratic procedures imposed on institutions considering the reporting mechanisms established by the regulation. In addition to the changes that must occur on the by-laws of institutions and workers' employment contracts. And also, as noted above, this is connected with the importance of granting privileges to enterprises applying the FWR in view of the entailed burden on the institutions' management as a result.

### **Article (11): The Tripartite Committee for Labor Affairs established by law shall have the following functions:**

- (A) To study the reports referred to in Paragraph (b) of Article (12) of this regulation and make the necessary recommendations thereon to the Minister;
- (B) To form a technical committee to follow up on its recommendations.

**Article (12): The employer in the institutions that apply the flexible work regulation shall comply with the following:**

- (A) Amend the institution by-law in accordance with the provisions of this regulation and the instructions issued thereunder;
- (B) To submit periodic reports to the Tripartite Committee on Labor affairs, stating:
  - (1) The date of starting the flexible work regulation;
  - (2) Flexible types of work;
  - (3) The number of permanent employees in the establishment;
  - (4) The number of employees subject to the flexible work regulation;
  - (5) Procedures for converting a contract of employment into a flexible work contract.

**Awareness of the FWR**

None of the respondents noticed adequate sensitization about the FWR by any government body, except for what was published in the media about the promulgation of the regulation and its instructions. Some respondents asked the researchers to provide them with an overview of the FWR and its types.



## The Second Phase of the Project: Holding a consultation session with stakeholders and specialists

### Outputs of the specialists' session

Over the course of two working days during the period May 13 - 14, 2018, Karak Center for Consultations and Training held a session for a group of experts to discuss the FWR No. 22 of 2017 and its instructions issued during 2018.

The meeting, which was held under the auspices of the government coordinator for human rights, and was attended by representatives of various government institutions, the private sector, civil society institutions, social security, independent trade unions, lawyers, and trade unionists.

During the meeting, the main preliminary results of the research were reviewed and details of the articles of the FWR No. 22 of 2017 and its instructions were discussed. The main results of this meeting were as follows:

- Participants agreed that there should be incentives and privileges for employers as a motivation for them to apply the FWR.
- Applying the FWR helps reduce the problem of traffic congestion and thus alleviating the great pressure on the public and the private transport network, given the difference that this entails on the attendance and leave hours of workers, makes the burden spread over different hours of the day.
- The economic and social effects resulting from the application of the FWR should be examined. The ideal application cannot be achieved by only engaging women, but by creating mechanisms that stimulate the economic activity and support the application of the FWR.
- The application of the FWR increases the proportion of university students who work part-time or irregularly in the labor market, which contributes to reducing the unemployment rate and thus improve the economic conditions.
- One of the most important outputs of the discussions during the session was the



focus on the risk posed by the continued employment according to the various modalities of flextime will result in excluding workers from being incorporated under the security umbrella for certain periods or reduce their wages taxable by Social Security when

reducing their working hours short periods at lower salaries, which requires solving this legal dilemma and the potential risks.

The risks of applying the FWR are as follows:

1. The conditions of social protection: extending the regulation's scope of application has risks of failing to protect the unlicensed sectors and by weakening the social institutions' role in protecting workers. This is illustrated by the fact that when the unlicensed institutions and sectors apply the FWR without a license, it necessarily follows compromising the protection of workers whether in the employment contract or the work conditions.
2. The working hours may be condensed to one week and thus they will not be included in the social security scheme; this is illustrated when a worker finishes the required working time in a certain period less than the period agreed upon, which would entail excluding him/her from the social security umbrella.
3. Work in an insecure place/failure to provide a safe working environment free from



injuries and accidents.

4. Giving low wages and exploiting workers under pressure.
5. The ability to self-control and employment; the worker, may not finish his/her job as required to the fullest.



- Revising and amending Article (4) of the Social Security Law to ensure the participation of employees in the social insurance, even if for one working hour per week;
- Conducting a wider study to apply the FWR in companies without exception to



discuss it with the owners of companies and factories;

- Participants believe that there is a need for an extensive study by the MoL with various parties to reform the FWR and therefore broaden its scope, especially making amendments that would guarantee the rights of

employees set forth in the Social Security Law.

- There is an urgent need to raise awareness of the current FWR and its instructions so that institutions can recognize the importance of this FWR and how to apply it more widely.
- Participants believe that the legal provisions contained in the FWR of requiring the employer's consent to convert the contract from fixed to flexible and vice versa will make the worker the weakest party in this equation.

- The participants agreed that the three-year requirement for a worker to request a transfer to flexible work arrangements was a non-efficient and non-equitable measure, especially since the FWR allowed the new staff to work according to flexible working arrangements.
- The interests of the parties, the worker, and the employer, should be taken into account in the event that the current FWR and its instructions were reviewed because there are many challenges and pressures facing the two parties.
- It is necessary to find a real partnership with workers and ensure that they are consulted on issues that concern them when enacting laws and legislation and not be considered a recipient only, but rather as a stakeholder. Accordingly, we must adopt the conditions of the worker and the employer and coordinate to obtain the consent of all parties as well as to clarify agreement between the worker and the employer is considered as being fundamental in the FWR to ensure the quality of production.
- Stressing the importance that the government should send regulations and draft laws such as the FWR to the companies well in advance before its final adoption in order to give them enough time to examine the regulation and give comments on it. Some members of the Amman Chamber of Industry and Trade complained that the FWR was not submitted to them well in advance which did not allow them sufficient time to make substantive comments thereon.

## Proposed Amendments to the Flexible Work Regulation

Proposed amendments to the Flexible Work Regulation No. 22 of 2017 issued under Article 140 of the Labor Law No. 8 of 1996.

Original Text	Proposed amendment	Rationale
<p>Article 2: The following words and phrases wherever stated in this regulation shall have the meanings assigned to them below unless the context indicates otherwise:</p> <p>Law: the Labor Law.</p> <p>Minister: Minister of Labor.</p> <p>Flexible work: Every intellectual or physical effort undertaken by the worker for remuneration according to one of the forms of flexible employment contracts specified in this regulation.</p> <p>Employer: Any natural or legal person employed in any capacity by one or more persons for remuneration.</p> <p>Flexible contract worker: Every person who is male or female performs a paid work and is subordinate to the employer within one of the forms of flexible employment contract specified in this regulation.</p> <p>Contract of employment: A written agreement in which the worker undertakes to work under the flexible work contract of employment to work with the employer under his supervision and management for remuneration. The contract shall be fixed-term, indefinite period or specific or non-specific work in accordance with the flexible forms of work specified in this regulation.</p> <p>Remuneration: All that the worker is entitled to in the contract of flexible work in exchange of work performed, in cash or in kind, in addition to any other benefits of any kind, If the law, the contract of employment or the rules of work procedure stipulate their payment; or payment has been established between them except for wages due for overtime work.</p>	<p>Flexible contract worker: Every person who is male or female performs a paid work and is subordinate to the employer within one of the forms of flexible employment contract specified in this regulation, which shall be limited in duration and be renewed by mutual consent of both sides (to be consistent with the regulation).</p> <p>Contract of employment: A written or oral agreement in which the worker undertakes to work under the flexible work contract of employment to work with the employer under his supervision and management for remuneration. The contract shall be fixed-term, indefinite period or specific or non-specific work in accordance with the flexible forms of work specified in this regulation. The employer undertakes not to replace the worker after the flexible work contract is effective.</p>	<p>To protect workers from being the weakest link.</p> <p>The requirement that the contract is written prevents the illiterate workers from understanding the content of the contract, especially since the contract of employment can be substantiated by all means of proof.</p>

Original Text	Proposed amendment	Rationale
<p>Article 3: The following categories shall be subject to the provisions of this regulation:</p> <p>A. The worker who has worked for the employer for three consecutive years;</p> <p>B. A worker with family responsibilities including a pregnant woman, a worker caring for a child, caring for a family member or caring for the elderly because of disability or illness;</p> <p>C. A worker of regular university study;</p> <p>D. A worker with a disability.</p>	<p>Eliminating the 3 executive years requirement and replace it by the completion of the probation period.</p> <p>C. A worker of regular university study, or in any vocational or training program.</p>	<p>The FWR allowed the employer to hire new employees for the first time according to the FWR.</p>
<p>Article 4: The flexible employment contracts take the following forms:</p> <p>(A) Part-Time work: The employee is entitled to work for a reduced time after the employer's approval if the nature of the work permits.</p> <p>(B) Flextime work: the worker shall have the right and after the employer's approval to distribute the specified working hours on a daily basis in a manner consistent with the worker's needs, provided that the total number of hours worked on a daily basis shall not be less than the usual working hours of the worker.</p> <p>(C) Flexible week: The worker shall have the right and after the employer's approval to distribute the weekly working hours on a number of days less than the usual number of working days in the establishment, provided that it does not exceed eleven hours per day.</p> <p>(D) Flexible year: After the agreement with the employer, the worker shall be entitled to distribute the annual working days on specified months of the year provided they are no longer than what is prescribed by the law.</p> <p>(E) Teleworking/ remote work: under this pattern, the work is completed remotely, after the approval of the employer and without the need for the presence of the worker in the workplace.</p>	<p>(A) Part-Time work: The employee is entitled to work for a reduced time after the employer's approval if the nature of the work permits, provided that this does not affect the social protection of the worker nor remove him from the social protection coverage;</p> <p>(B) Flextime work: the worker shall have the right and after the employer's approval to distribute the specified working hours on a daily basis in a manner consistent with the worker's needs and nature of the job, provided that the total number of hours worked on a daily basis shall not be less than the usual working hours of the worker.</p>	<p>In order to ensure adequate protection for the worker (especially those who do not know the consequences of converting from fixed work contract to a flexible one) and the risk of leaving the social security or reducing the salary that is subject to the social security.</p> <p>D) Flexible year: The flexible year should be defined, taking into account the importance of non-interruption of the worker from the social security coverage.</p>



Original Text	Proposed amendment	Rationale
<p>Article 5:</p> <p>(A) The categories prescribed in the Article 3 of this regulation shall require the transfer of a contract of employment into a flexible contract of work in accordance with the nature of the work;</p> <p>(B) The employer may not impose upon the worker the transfer of the status of his employment contract which is subject of invalidating any procedure that may detract from the worker's rights provided for in the law.</p>	<p>B. The employer may not impose upon the worker the transfer of the status of his employment contract from fixed to flexible, which is subject of invalidating any procedure that may detract from the worker's rights provided for in the law.</p>	
<p>Article 6: The salary due to the worker in the flexible work contract shall be determined in proportion to the amount of time or work performed during the month, provided that it is not less than the minimum wage.</p>	<p>Article 6: The salary due to the worker in the flexible work contract shall be determined in proportion to the amount of time or work performed during the month, provided that it is not less than the minimum wage, and does not affect the social security pension.</p>	<p>It is ideally expected for the worker to execute his job completely but according to a flexible work arrangements and therefore he is entitled to a full wage remuneration.</p>
<p>Article 7: In a flexible work contract, the worker's entitlement to annual and sick leaves and any other leave shall be determined on the basis of the percentage of the hours worked.</p>		<p>The leave mechanism should be clarified.</p>
<p>Article 8: A worker who has transferred his contract of employment from a fixed contract into a flexible contract may convert to the fixed work regulation upon a request submitted to the employer and with the consent of both parties.</p>	<p>Article 8: A worker who has transferred his contract of employment from a fixed contract into a flexible contract may convert to the fixed work regulation upon a request submitted to the employer and with the consent of both parties. The employer may not refuse to transfer without justified and legal reasons.</p>	

Original Text	Proposed amendment	Rationale
<p>Article 12: The employer in the institutions that apply the flexible work regulation undertakes to fulfill the following:</p> <p>A. Amend the institution's by-laws in accordance with the provisions of this regulation and the instructions issued thereunder;</p> <p>B. To submit periodic reports to the Tripartite Committee for Labor Affairs stating the following:</p> <ol style="list-style-type: none"><li>1. Date of starting the flexible work regulation;</li><li>2. Flexible work types;</li><li>3. The number of permanent/fixed-term employees in the establishment;</li><li>4. The number of flextime employees;</li><li>5. Procedures for converting a contract of employment into a flexible work contract.</li></ol>	<p>3. The number of fixed-term employees in the establishment.</p>	

## Flexible Work Instructions

Flexible Work Instructions of 2018 issued pursuant to Article 13 of the Flexible Work Regulation No. 22 of 2017.

Original Text	Proposed amendment	Rationale
<p>Article 3: Every employer who employs ten or more workers and applies the flexible work system shall amend the institution's internal laws to regulate the work in his establishment so as to include the following:</p> <ol style="list-style-type: none"> <li>1. Types of flexible working arrangements applied in the organization;</li> <li>2. Categories of workers to whom flexible work is applied in the institution;</li> <li>3. Weekly rest days in accordance with the worker's flexible work contract;</li> <li>4. Annual leave in accordance with the worker's flexible work contract;</li> <li>5. Amend the sanctions list to conform to flexible work;</li> <li>6. Procedures for transferring the status of the employment contract from permanent to flexible or vice versa, including the following: <ul style="list-style-type: none"> <li>- Determination of the applications submission dates for the conversion of contracts;</li> <li>- Application in writing from the worker who wishes to transfer the status of the contract from permanent to flexible or vice versa in accordance with the model adopted by the employer;</li> <li>- Period or periods in which the worker is required to transfer his contract to a flexible including the flexible work contract start and dates;</li> <li>- Exceptional reasons for accepting the transfer of contracts out of schedules.</li> <li>- The time taken to decide on the request to transfer the contract and notice the worker to change the status of the contract from permanent to flexible or vice versa or rejection of the request, should not exceed one-week maximum from the date of the application submission;</li> <li>- Reasons for accepting the request to revert the -contract from flexible work to a permanent one before the agreed date for this purpose;</li> <li>- Procedures to challenge the management decision to refuse to transfer the character of the contract.</li> </ul> </li> </ol>	<p>Eliminating the requirement of ten employees.</p>	<p>Even if the law required ten workers to set up a statute, the law must be amended to guarantee the rights of workers. These among the most important amendments to the Labor Law.</p> <p>The time taken to reach a decision to requests for transferring contracts and notice the worker to change the status of the contract from permanent to flexible or vice versa or reject the request, should not exceed one-week maximum from the date of the request submission.</p>

## Recommendations

Karak Center for Consultations and Training, based on the field study conducted in relation to the Flexible Working Regulation No. 22 of 2017 and its instructions, in addition to the meeting of experts and specialists held on that issue, recommends the following:

- The flexible work regulation should provide for benefits and incentives for the companies and institutions that are implementing it, even for the first period of implementation, until its scope of application is extended.
- The application of the flexible work regulation more broadly opens up more prospects for university students and women to participate in the labor market depending on their educational or family circumstances, which stimulates the national economy and reduces the incidence of poverty and unemployment.
- The flexible work regulation should be clearly included in the Labor Law and not simply give its definition.
- The legal texts of the flexible work regulation and its instructions must be reviewed in order to standardize the terms used in them. For example, there is constant confusion between the terms of permanent work and fixed work.
- Conducting awareness-raising sessions for organizations and their employees on the content and importance of the flexible work regulation and, in particular through social media.
- Holding consultative meetings with employers to identify barriers that prevent them from abiding by regulation.
- Obtain feedback about the regulation from the institutions that applied it and draw upon their expertise in this field.
- To pilot implementation of the regulation under the supervision of the Ministry of Labor on a number of institutions and measure the effects of its application in order to know its positive and negative impact, which will only become apparent in practice.

- Activating communication between the MoL and the Social Security Corporation to study the impact of the FWR on the worker's right to social security so that the hours, days and wages are calculated in a way that does not affect the worker's right and his social security entitlements due to the interruption of employment, which would require amending the Social Security Law.
- A comprehensive review of labor and social security laws should be carried out with regard to the application of the flexible work regulation, so as to address all the legal problems that hinders the wide application of this regulation and also to integrate the flexible work regulation into the various articles in the law of the labor and other laws affecting both employer and employee.
- Amending the flexible work regulation by eliminating the requirement of completing three years in the institution before requesting to apply for transfer to flexible work arrangements, this measure does not take into account the norms of justice among employees.
- Establishing clear and specific online regulations to streamline procedures and the relationship between institutions that apply the regulation and the Ministry of Labor, in order to shorten bureaucratic processes in such cases.



## **Karak Castle Center for Consultations and Training**

A national institution established in 2008 in the Governorate of Karak in the south of the capital Amman. The center aims to build and enhance the capacities of women and youth, and thereby contribute to their economic, political and legal empowerment and to improve their skills and to provide opportunities for equal and effective participation in the development of society within a framework that respects the principles of democracy, human rights and the rule of law.

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