

REGULATION NO 90/2009 OF DOMESTIC WORKERS, COOKS, GARDENERS AND SIMILAR CATEGORIES

PUBLISHED ON PAGE 5348 OF OFFICIAL GAZETTE NO 4989 DATED OCTOBER 1, 2009

PROMULGATED BY VIRTUE OF SECTION 3/B OF LABOUR CODE NO 8/1996 AND AMENDMENTS THEREOF

Section 1:

These regulations shall be cited as the “2009 Regulation of Domestic Workers, Cooks, Gardeners and Similar Categories”, and shall come into force as of the date of publication in the Official Gazette.

Section 2:

Wherever they may occur in the present Regulation, the following terms and expressions shall have the respective meanings assigned thereto below, unless the context indicates otherwise¹:

Ministry: Ministry of Labour

Minister: Minister of Labour.

Agency: The Agency licensed to recruit and employ non-Jordanian domestic workers pursuant to the applicable legislations.

Householder: Every natural person who employs a worker within his household.

Worker: The domestic worker, cook, gardener or similar worker who performs work for the householder on a permanent basis.

¹ Translator’s Note: All references to the masculine gender in this translated text shall be regarded as references to the feminine gender. Similarly, references to nouns and pronouns in singular form shall equally denote the plural form.

Domestic work: Work needed to run the household, which can be performed by the household members themselves such as cleaning, cooking, ironing, preparing food, providing care for family members, purchasing household necessities and transporting children.

Section 3:

The contract of employment shall be made according to the form prescribed by the Ministry. It shall be made in writing, in four copies, in Arabic and in a language the worker understands. The householder, the worker, the Ministry and the Agency shall keep a copy of the contract each.

Section 4:

Obligations of the householder:

- a- Cover the yearly costs for issuing the residence permit and work permit for the non-Jordanian worker.
- b- Pay the monthly salary to the worker in Jordanian dinar or the equivalent thereof in foreign currency, as prescribed by the Minister. The householder and the worker shall keep evidence of monthly salary payment.
- c- Employ the worker in his permanent or temporary place of residence with his family. Only the householder and his household members shall be authorized to give work instructions to the worker.
- d- Treat the worker with respect, secure any and all decent work requirements and supply all his necessities such as clothing, food, beverage, a well-ventilated and well-lit room, accommodation and right to privacy.
- e- Enable the worker to call his family abroad at the expense of the householder, once a month. The worker shall be entitled to make extra calls at his own expense and exchange letters with his family.
- f- Abstain from taking along the worker whenever the householder and his family move to another country for temporary stay, unless with the approval of the worker. The embassy must be informed thereof in case of a migrant worker.
- g- Buy the non-Jordanian worker a ticket from his home country to Jordan and a return ticket after two years of employment.

- h- Provide medical care to the worker.
- i- Authorize the worker to practice his religious rituals as long as they are not against public order and morals.

Section 5:

- a- Obligations of the worker:
 - 1- Perform domestic work diligently and faithfully.
 - 2- Respect the privacy of the household and preserve the belongings of the householder and the goods of the household.
 - 3- Refrain from disclosing secrets he becomes aware of.
 - 4- Respect local customs and traditions.
 - 5- Refrain from leaving the house without the permission of the householder who must be informed of the worker's whereabouts.
- b- If it is proven that the worker had caused the loss or damage of tools, appliances or items belonging to, or in possession of the householder or entrusted to the worker, because the latter committed a fault or disobeyed the instructions of the householder, the householder may deduct the value or the repair cost of the lost or destroyed items from the wage of the worker, up to five days wage per month. The householder may go to the competent courts to claim compensation for the damages caused by the worker.
- c- If the worker runs away without good cause attributable to the householder, the worker shall cover all the financial obligations set forth under the signed contract of employment, in addition to repatriation costs.

Section 6:

- a- Total actual hours of domestic work shall be ten hours per day, excluding idle time and rest or meal breaks.
- b- The householder may schedule the work assigned to the worker during the day as necessitated by the nature of work and the needs of the household.
- c- The householder shall give the worker sufficient sleep time of no less than 8 hours per day.

Section 7:

- a- Workers shall be entitled to one day-off per week as may be agreed upon between the worker and the householder. If the householder needs the worker to work on his weekly day off, he shall give him another day off that shall be agreed upon between the worker and the householder.
- b- Workers shall be entitled to annual leave with pay for a period of fourteen days, as may be agreed upon with the householder. They may agree to defer the annual leave until the end of the employment contract.
- c- Workers shall be entitled to sick leave with pay for a period of fourteen days per one single year.

Section 8:

Upon expiry of the contract of employment or duration of employment, the householder and the worker shall sign a letter of discharge before the Ministry, before the worker leaves the country in case of a migrant worker. Each party shall keep a copy thereof.

Section 9:

- a- The Minister shall create under the Ministry, by ministerial resolution, a committee called the “Committee of Non-Jordanian Domestic Workers”, which shall include members representing:
 - 1- The Ministry
 - 2- The Domestic Helpers Recruitment Agencies Association.
 - 3- The Directorate of Public Security/Department of Residence, Borders and Foreigners Affairs.
- b- The committee’s terms of reference shall be specified in the afore-mentioned founding resolution. The committee may invite anyone to attend its meetings to seek appropriate advice.

Section 10:

The Ministry shall offer advice, guidance and awareness-raising to guarantee sound labour relations between householders and workers, through meetings organized by the Ministry with householders and workers at the Ministry, at households or at the Agency.

Section 11:

In case the Ministry receives any complaint or information regarding the violation of workers’ rights or the obligations of either party, the Ministry shall take the following action:

- a- Summon the householder and the worker to the Ministry to reach an amicable settlement of the complaint.
- b- Whenever the complaint is about the accommodation of the worker, the accommodation shall be inspected for compliance with the present Regulation by two labour inspectors, male and female, with the consent of the householder.
- c- The Minister may take any measures he deems appropriate in case the householder does not consent to the inspection visit referred to in section 11 (b).
- d- The householder shall be admonished to correct the violation, if any, within one week from being notified thereof. Otherwise, the householder shall be fined and the measures set forth under the Labour Code in force shall apply.

Section 12:

The Minister shall issue the needed instructions to enforce the present Regulation, including the terms and conditions prescribed in the contract of employment form.

Issued on August 25, 2009.