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POLICY BRIEF HARASSMENT IN THE WORKPLACE IN JORDAN

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SUMMARY

This brief seeks to shed light on sexual harassment in the workplace in Jordan, pointing out that it is a serious problem affecting women. It can have a devastating impact on women victims, both personally and professionally. The brief is focused on the legal framework, analysing factors enabling sexual harassment in the workplace and barriers to reporting it.

The brief reveals that although Jordan has taken steps to address sexual harassment in the workplace, such as adopting the Anti-Harassment Law in 2018, the legal system as a whole is not yet well-equipped to address comprehensively this form of violence against women. The legal framework lacks a clear definition of sexual harassment and does not provide for procedures and mechanisms for preventing and combating it. Furthermore, there is lack of awareness among judges and other legal professionals, which additionally poses challenges to implementation and enforcement of existing legal frameworks. Moreover, the prevailing culture of shame leads to underreporting and, consequently, a lack of comprehensive data.

To address sexual harassment in the workplace efficiently, the brief recommends reforming the legal framework by providing a clear definition of sexual harassment and by criminalising it in the Penal Code and Labour Law, as well as by providing for procedures and mechanisms to combat it. The brief also recommends adopting a national strategy to prevent and address sexual harassment, and to provide training for first responders like judges, police and the inspection unit at the Ministry of Labour. Furthermore, the brief recommends a widespread national campaign to raise awareness among the general public.

DEFINITION OF SEXUAL HARASSMENT

The International Labour Organization (ILO) defines sexual harassment as “any behaviour of a sexual nature that affects the dignity of women and men, which is considered as unwanted, unacceptable, inappropriate and offensive to the recipient, and that creates an intimidating, hostile, unstable or offensive work environment”. Sexual harassment can occur in any workplace, regardless of size, industry, or location¹.

According to the United Nations (UN), sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct, or gesture of a sexual nature. Additionally, it includes any behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, especially when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex².

The Jordanian legislation does not define sexual harassment explicitly, but the Penal Code criminalizes actions that can be considered as sexual harassment. It does so under Articles 305 and 306 (related to the offense of indecent assault) as well as under Article 320 (related to the offense of indecent acts in public places). Additionally, Articles 296 and 299, which pertain to the offense of rape, provide legal provisions to address sexual harassment. These offenses fall under the category of actions that violate public morals and ethics³.



1. https://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--ilo-hanoi/documents/publication/wcms_371182.pdf.
2. United Nations Secretariat, 2008, at <https://documents.un.org/doc/undoc/gen/n08/238/36/pdf/n0823836.pdf?token=5s9ou4BcDGskHaBAEK&fe=true>
3. UNFPA, UNDP, UN Women, ESCWA, Gender Justice & the Law: Jordan 2018. Available on: <https://jordan.unfpa.org/en/publications/gender-justice-law-jordan-0>

SEXUAL HARASSMENT AGAINST WOMEN IN THE WORKPLACE IN JORDAN

There is limited data on the prevalence of sexual harassment in the workplace in Jordan. A study, conducted by the Jordanian National Commission for Women (JNCW) in 2019, found that 88.4% of respondents had experienced one or more forms of sexual harassment at work. The most common forms of harassment were verbal (88.4%), physical (68.7%), cyber (80.8%), and psychological (52.3%)⁴.

Another study, conducted by the International Labour Organization (ILO) in 2021, found that 75% of Jordanian women had experienced sexual harassment at work⁵. The study also found that women in the private sector were more likely to experience sexual harassment than women in the public sector. Moreover, the study found that 53% of women employees reported being subjected to verbal harassment, 29% to physical harassment, and 12% to sexual advances. These findings underscore the alarming extent of the problem, reflecting the urgent need for comprehensive preventive measures.

Furthermore, a study published in the “Jordanian Journal of Business Administration” (2019) conducted a comprehensive survey of employees across various industries⁶. The study indicated that 37% of surveyed women had encountered some form of workplace sexual harassment, while only a fraction of these cases was reported due to fear of retaliation or social stigma. These findings underscore not only the prevalence of harassment but also the issue of underreporting which exacerbates the problem.

It is important to note that the government of Jordan has taken steps to address sexual harassment by enacting legal measures, such as the Anti-Harassment Law in 2018. Nonetheless, implementation and enforcement face challenges, including the lack of clear procedures and regulations for reporting sexual harassment. This is exacerbated by a prevailing culture of shame, leading to underreporting and a subsequent lack of comprehensive data.

4. Jordan National Commission for Women. (2019). Sexual Harassment in Jordan: Executive Summary.

5. International Labour Organization. (2021). Violence and Harassment in the Workplace in Jordan.

6. Al-Mashaqbeh, A. (2019). “Workplace Harassment in Jordan: An Empirical Study on Prevalence and Impact.” *Jordanian Journal of Business Administration*, 15(5), 953-971.

EXISTING LAWS AND REGULATIONS RELATED TO SEXUAL HARRASSMENT IN THE WORKPLACE

In Jordan, there is no comprehensive and specific law on combating violence against women and girls (VAWG) that can provide for the definition and criminalisation of sexual harassment in the workplace. The Labour Law of 1996 deals with some forms of VAWG, particularly with regards to sexual harassment in the workplace, but its provisions are limited and do not fully address the complexity of the issue. The specific provision related to sexual harassment in the workplace can be found in Article 29/A/6, which grants employees the right to terminate their employment without notice and still retain their legal entitlements if they face any of the following situations: If the employer or their representative physically assaults them during work, subjects them to degradation, or engages in any form of sexual assault punishable under relevant legal provisions⁷.

One notable advancement occurred with the 2023 amendments to the Labour Law, which introduced fines for employers proven to have committed sexual harassment in the workplace. According to Article 5, paragraph B, “the business owners or manager of the institution or whomever represents them will be punished with a fine,” with penalties ranging from \$2,800 to \$7,000. However, the new amendments did not deal with the definition of harassment and legal recourse for victims remains vague.

This provision offers some compensation to workers who experience certain forms of harassment and assault. In certain cases, such incidents may be pursued under the Penal Code, Cyber Crime, and Telecommunication Laws. However, it is essential to note that the law does not comprehensively prohibit all types of sexual harassment.

Article 29/A presents several challenges. Firstly, it indirectly places the responsibility on the survivor, as it enables them to leave the workplace without notice under the law, rather than imposing penalties on the perpetrator or the organization. It notably refrains from using the term ‘sexual harassment.’ Secondly, while some cases reported to employers can potentially be addressed under other laws, not all instances of sexual harassment are adequately accounted for, and the term ‘degradation’ in Article 29 remains ambiguous and open to interpretation. This lack of clarity leaves non-physical forms of harassment unaddressed, such as quid pro quo offers of sexual favours for career advancement, gendered and sexual jokes, unwelcome advances, and hostile treatment after rejecting advances⁸.

Moreover, the Labour Law primarily addresses degradation and violence when perpetrated by the employer or their representatives. It fails to encompass the full spectrum of potential perpetrators, including other employees, clients, and affiliates of the organization. This limitation presents a gap in addressing workplace sexual harassment effectively⁹.

The ILO convention No. 190¹⁰ provides an expansive definition of violence and harassment,

7. ActionAid UK. (2020). The Justice Deficit for Women in Jordan: A Case Study of Violence and Harassment in the Workplace.

8. IBD.

9. IBD.

encompassing “a range of unacceptable behaviours and practices” that can lead to physical, psychological, sexual, or economic harm. This comprehensive definition is inclusive of various forms of VAWG, including non-physical sexual harassment, emotional abuse, and coercion, which have often been subject to debate¹¹.

Moreover, the convention acknowledges the interconnectedness between work and domestic violence. It commits to implementing measures aimed at addressing domestic violence effectively, highlighting its commitment to holistic solutions¹².

In addition to its broad definition of violence and harassment, the convention extends the notion of the ‘workplace’ to include not only the physical workplace but also the commute to and from work. Furthermore, it adopts an expansive definition of ‘worker,’ encompassing all individuals engaged in work, irrespective of their contractual status, including third parties.

Fundamentally, this convention embodies a comprehensive and all-encompassing approach to combat violence and harassment in all their manifestations. It recognizes the interconnectedness of various aspects and settings associated with work.

Despite this progress, specialized organizations consider it insufficient. Human rights activists and experts explain that one of the most significant problems women will continue to face even after the law is enacted and Convention 190 is signed is the proof of harassment. It is difficult to prove and requires the provision of assistance mechanisms. These may include the use of applications designed for documenting and reporting harassment cases, as seen in Egypt and Morocco. Alternatively, establishing a clear and comprehensive written policy within the workplace can facilitate the reporting and investigation of such cases. This policy could involve a dedicated committee comprised of representatives from human resources, employees, and management, tasked with handling instances of sexual harassment.

In a report by the Jordanian Labour Observatory in response to the amendment of the law, it suggests that legislative development requires an increase in the number of labour inspectors in general and the activation of night inspection tours. Furthermore, it states there should be an increase in the number of female inspectors because women may find it difficult to speak about issues like harassment and sexual violence to male inspectors.

The Observatory highlights that the current inclusion of the issue of sexual harassment in the Labour Law is limited to actions perpetrated by employers or their representatives. However, it fails to address instances of harassment that may arise from colleagues or visitors within the workplace.

10. ILO Convention 190, at <https://www.ilo.org/global/topics/violence-harassment/lang-en/index.htm>.

11. International Labour Organization. (2021). Violence and Harassment in the Workplace in Jordan.

12. ActionAid UK. (2020). The Justice Deficit for Women in Jordan: A Case Study of Violence and Harassment in the Workplace.

EMPLOYER REPORTING MECHANISMS

Jordanian law prohibits sexual harassment in the workplace, but it does not specifically require employers to establish reporting mechanisms. However, the Jordanian Labour Law does require employers to provide a safe and healthy work environment for their employees, and this includes protecting them from sexual harassment¹³.

Some employers in Jordan have established reporting mechanisms for sexual harassment, but these mechanisms are often not well-known or understood by employees. Additionally, many employees are afraid to report sexual harassment for fear of retaliation or losing their jobs.

FACTORS ENABLING SEXUAL HARASSMENT AGAINST WOMEN IN THE WORKPLACE

There are a number of factors that enable sexual harassment in the workplace and create barriers to reporting it.

The societal context is characterized by patriarchal gender power structures, where women frequently confront a perception of inferiority compared to men. This established power disparity can render women more susceptible to sexual harassment. These deeply rooted cultural values may lead to a scenario where victims of sexual harassment face potential blame, including “provocative actions or behaviour”.

The ILO in Jordan clarifies that there is a weak legal protection mechanism because Jordanian law does not explicitly prohibit sexual harassment in the workplace. This makes it difficult for victims to seek justice through the legal system. Furthermore, even when victims of sexual harassment do report it, there is often no effective enforcement of the law. This can lead to perpetrators being unpunished and victims feeling discouraged from reporting future incidents¹⁴.

Another factor that enables sexual harassment is related to culture. A study on Sexual Harassment at Work in Jordan shows that a culture that tolerates or even encourages sexual harassment can create an environment where perpetrators feel comfortable harassing others. This can be due to factors such as sexist jokes, sexualized language, and objectifying behaviour¹⁵.

13. International Commission of Jurists. (2018). Sexual harassment in Jordan: A review of the legal framework and practice.

14. Jordanian Lawyers Committee for Human Rights. (2018). Sexual Harassment in Jordan: A Legal and Social Perspective.

15. Al-Salameen, F. A., Al-Shebli, M. A., & Al-Jazy, S. A. (2019). Sexual Harassment in Work in Jordan: A Mixed-Methods Study.

BARRIERS TO REPORTING SEXUAL HARASSMENT IN THE WORKPLACE

Despite the prevalence of sexual harassment in the workplace in Jordan, most women do not report it. There are a number of reasons for this, including fear of retaliation, lack of awareness¹⁶, lack of trust in the complaint process and the fear of stigma.

Victims of sexual harassment may fear that they will be fired, demoted, or otherwise punished if they report the harassment. This is a particular concern for victims who work in jobs where they are dependent on their employer for their livelihood, or where they work in male-dominated environments.

Victims may also lack trust that their complaint will be taken seriously or that they will receive justice. This may be due to a lack of awareness of their rights, or to previous experiences of reporting harassment and not being taken seriously.

Additionally, victims of sexual harassment may be ashamed or embarrassed to report the harassment, especially if the perpetrator is someone they know or respect. This reluctance to report may be influenced by cultural values that place a high value on modesty and honour.

Some victims may not be aware that sexual harassment is illegal or that they have the right to report it. Also, in a patriarchal society where women are often seen as inferior to men, victims of sexual harassment are blamed for the harassment, instead of being protected.

SEXUAL HARASSMENT – ONE OF THE REASONS FOR WOMEN’S WITHDRAWAL FROM THE LABOUR MARKET

A study on sexual violence by JNCW showed that women who experienced sexual violence in both public and private places were more likely to withdraw than those who did not experience sexual violence. Specifically, 80% of those who had withdrawn from the labour market reported that they have been subjected to some forms of sexual violence¹⁷.

According to an ILO report on violence and harassment in the workplace in Jordan, 2021, sexual harassment can lead to women’s direct withdrawal from the labour market due to the stress, anxiety, and other negative consequences of the harassment. Furthermore, another study showed that sexual harassment can also lead to women’s indirect withdrawal from the labour market, as many may stay in their jobs, but they may be less productive, less engaged, and less likely to pursue promotions. This can lead to them being passed over for career development opportunities¹⁸.

The withdrawal of women from the labour market can have a number of negative consequences not only for women but also for the society as a whole. At the individual level, women who withdraw from the labour market may experience economic hardship, social isolation, and a loss of self-esteem. At the societal level, the withdrawal of women from the labour market can lead to a loss of productivity, economic growth, and innovation¹⁹.

16. International Labour Organization. (2021). Violence and Harassment in the Workplace in Jordan.

17. <https://haqqi.info/en/haqqi/media/study-sexual-violence-one-reasons-womens-withdrawal-labor-market>.

18. Al-Salameen, F. A., Al-Shebli, M. A., & Al-Jazy, S. A. (2019). Sexual Harassment at Work in Jordan: A Mixed-Methods Study.

19. Jordan National Council for Women. (2019). Sexual Harassment in Jordan: Executive Summary.

RECOMMENDATIONS FOR ADDRESSING SEXUAL HARASSMENT IN THE WORKPLACE IN JORDAN

Although progress has been made in Jordan to address sexual harassment in the workplace both on a legal and social level, the legal system is not yet well-equipped to deal with sexual harassment cases. There is a lack of a clear and comprehensive definition of sexual harassment, which makes it difficult for victims to report sexual harassment and for prosecutors to bring cases to trial.

Furthermore, there is a lack of awareness of sexual harassment among judges and other legal professionals. Many judges and other legal professionals are not familiar with sexual harassment law and practice. This can lead to cases being dismissed or to victims being awarded inadequate compensation²⁰.

Furthermore, there is a lack of general awareness of the root causes of sexual harassment, such as inequality between women and men and harmful cultural norms, which can be addressed through education, advocacy, national campaigns and other social interventions.

To address sexual harassment in the workplace effectively, the following is recommended:

- Ensure sexual harassment is clearly defined and criminalised in the legislations such as the Penal Code and Labour Law, where it is also extended not only to include harassment by the employers and their representatives, but also harassment by co-workers, customers, and visitors to the workplace. This brief wants to emphasise that addressing sexual harassment in the workplace can be achieved more comprehensively through enacting a specific and comprehensive law on VAWG. Such a law would ensure prevention, protection, remedies for survivors of VAWG, and prosecution of perpetrators. Furthermore, by having a comprehensive law on VAWG, the fight against violence would gain comprehensiveness and legal capacity over other laws.
- Issue detailed instructions by the Ministry of Labour that include reporting procedures and mechanisms on sexual harassment cases in workplaces, obliging employers to amend the internal regulations to explicitly mention sexual harassment and disciplinary actions against offenders as well as related legal proceedings.
- Make it mandatory for all workplaces to have a written and clear policy/procedures on reporting sexual harassment at the workplace, with clear instructions on how to report cases of harassment, as well as for investigating and resolving issues promptly. The policy should ensure the protection of the complainant and their confidentiality.
- Develop national resources for both employees navigating workplace harassment situations, and for employers in managing the response and investigating reports that come forward.
- Provide training programs to managers, supervisors and workers on ways to better understand the concept of sexual harassment and include procedures on dealing with cases in their policies.

20. International Labour Organization. (2021). Violence and Harassment in the Workplace in Jordan.

- Adopt a national policy and/or a comprehensive national strategy to combat sexual harassment. The policy/strategy should be developed in a collaborative manner involving decision makers at the national and local level, unions, civil society, local community leaders, political parties and all relevant stakeholders. The policy/strategy can be discussed with both employees and employers for their feedback.
- Conduct national awareness-raising and behavioural changes campaigns using media channels including social media. These efforts should be accompanied by dialogues and meetings with local and national leaders and local communities, including youth, to challenge the stigma and shame associated with sexual harassment, combat gender norms and stereotypes and encourage women to report incidents of violence against them.
- Provide training and capacity-building for first responders like the police and the inspection unit at the Ministry of Labour on handling cases and reports of sexual harassment and on responding appropriately using a gender-sensitive approach.
- Ensure that official reporting and complaints submission procedures are clear, safe and accessible in the various governorates and that all relevant institutions have sufficient knowledge and expertise to refer victims to the competent authority, including specialized police centres, the Cyber Crimes Unit and the Family Protection Department.
- Provide independent legal and psychosocial counselling to women victims of sexual harassment using different modalities including both in-person and online sessions to make it easier for women to seek help and support.
- Ensure collaboration between all relevant stakeholders, including the government, parliament, civil society, labour unions, private sector, media and educational institutions to work on combating sexual harassment in the workplace.
- Establish a monitoring mechanism on a national level to document and track cases of violence against women and girls including sexual harassment in the workplace.



EuroMed Feminist Initiative (EFI) is a policy platform that provides expertise in the field of equality between women and men, democracy building and citizenship, and advocates for political solutions to all conflicts, and peoples' rights to self-determination. EFI Headquarters are in Paris, with offices in Amman, Beirut and Erbil.

The policy brief "Harassment in the Workplace in Jordan" deals with the legal framework related to sexual harassment, analyzing factors enabling sexual harassment in the workplace and barriers to reporting it. Tackling sexual harassment in the workplace is complex issue that requires working at the legal, institutional and social levels. Although progress has been made in Jordan to address sexual harassment in the workplace both on a legal and social level, the legal system is not yet well-equipped to deal with sexual harassment cases. This brief includes recommendations at all levels including legal and social spheres.

