

Workers at the Ports Corporation

Labor Violations and a Shaken Trust

By

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Introduction:

This report is being issued in order to explore the working atmosphere at the Ports Corporation in terms of wages, bonuses, job stability as well as availability of occupational safety and health standards and other labor fundamental rights as stipulated by the Jordanian labor legislations represented in the Labor Law, Social Security Law and other relevant regulations.

This report is issued amidst numerous sit-ins and strikes carried out by workers at the Ports Corporation in Aqaba during the past three years, which represented a genuine crisis between the workers and the administration; therefore, the Labor Watch team deemed it appropriate to investigate the conditions experienced by workers at the Ports Corporation which prompted them from time to time to sit-in or go on strike, noting that the number of their protests since the summer of 2009 has reached approximately 20 protests. The present report is being issued by the Jordan Labor-Watch Program, an affiliate of The Phenix Center for Economics and Informatics Studies, Amman, Jordan within a series of periodical reports examining the working atmosphere in various economic sectors within the frame work of an action plan intended to cover most labor sectors where laborers are exposed to violations of their fundamental human

and labor rights.

In preparing this report, a qualitative approach was adopted through conducting several individual interviews with dozens of workers in the Ports Corporation, as well as meeting most of the union committee members in the Ports Corporation which follows the General Trade Union of Workers in the Seaports and Customs Clearance Services; in addition to a field visit by the report team to the port of Aqaba. The report team distributed a questionnaire to dozens of workers in order to measure how far the occupational safety and health standards are applied in Aqaba Ports Corporation.

It was noted, however, that workers in the Ports Corporation experienced major difficulties being denied fair wages for a decent life, their right to bonuses and housing allowances, as well as job stability; in addition to that the occupational safety and health conditions are significantly not applied properly, as this had shaken the mutual trust between workers in the Corporation and the Government besides ignoring the workers' demands for which they went on strike many times since 2009.

Aqaba port comprises a number of major harbors, each of which consists of a number of quays: The main harbor consists of 12 quays, while the central harbor consists of seven quays, and the industrial harbor consists of four quays.

Figures and statistics:

The number of workers at Aqaba Ports Corporation reaches 3300 workers; out of them 500 are expatriate workers of Syrian, Egyptian and Pakistani nationalities, in addition to Gazan workers who reside in Jordan but do not enjoy the Jordanian citizenship. Due to the nature of work in the Aqaba Port which is based mainly on loading and unloading functions that do not suit women, the percentage of women working in this institution is very low, and does not exceed 1%, concentrated in administrative positions.

Crisis of workers at the Ports Corporation between 2009 and 2012

“Unfulfilled Promises”:

After three years of continuous sit-ins and repeated requests of workers at the Ports Corporation demanding their rights, of which little was realized, their case remained at a standstill without any conclusive solution. Since the major strike of the port workers in 2009, which was dispersed by force through the intervention and use of tear gas by the gendarmerie forces on July 31st, 2009, wherein many participant workers were beaten and arrested. The said strike ended, how-

ever, by an agreement signed between the workers and the port management; ever since, the workers protested several times and they carried out more than 20 consecutive strikes.

During the 2009 strike, the demands of ports workers focused on allocation of plots of land, clarification of the future and rights of workers in the privatized Phosphate Section of the Ports Corporation, as well as determining compensations of workers in the said section, permanent employment of packing workers¹ in the various sections and departments of the Corporation. In addition, they demanded a thirteenth and fourteenth salary, housing and electricity allowances for Jordanian and expatriate workers, as well as the workers' right of association and union representation, housing allowance for the staff classified and the daily workers, and financial allowances for workers with longer experiences.

Upon dispersing the 2009 sit-in by force, negotiations began between workers' representatives on one side and the company management and Government representatives on the other side, which lasted for more than 9 hours. The Corporation agreed to meet some of the workers' demands on top of which was the payment of an amount of JD 1000 for each Jordanian worker and JD 500 for each non-Jordanian worker as a one time reward to be released with the September 2009 sal-

¹ Packing workers are those assigned for loading and unloading who are called team or group workers.

ary; employees included in the housing evacuation allowance decision who were living in the Shmaisani Aqaba and the First Residential Area, however, were excluded from that agreement. In addition, the Corporation approved the payment of the thirteenth month salary to be calculated based on the average salary for the period from 1 August, 2009 to 31 December, 2009, as well as the payment of a monthly housing allowance of JD 100 for all workers in the Ports Corporation to be effective as of the 1st. of August 2009 in accordance with the mechanism in place with the staff of the container terminal and to be paid retroactively by the beginning of 2010.

Furthermore, the Ports Corporation decided to pay a monthly amount of JD 25 to all workers as a contribution to the electricity bill of their homes to be valid as of the first of August 2009 and to be paid retroactively by the beginning of 2010; workers residing free in the Laborers' City were excluded. In addition, a monthly work hardship allowance of JD 20 – 35 was decided for all workers to be determined depending upon workers' classification. Decisions included also the coverage of workers in the union's organization according to the stipulations of the unified system of trade unions.

After some demands were implemented and the rest ignored, workers of the Ports Corporation went on strike once

again demanding the Corporation's management to comply with provisions of the previous agreement signed in 2009, in addition to the creation and activation of the employees' provident fund, and reformation of the Corporation to a special status organization as is the case of Aqaba Development Company, whereby employees enjoy a range of benefits not available to those of the Ports Corporation; they also demanded cancellation of punishment actions against the packing workers who were to be downgraded to team workers, payment of workers' allowance due to the application of the "shifts system", provision of permanent status employment to those employed since the beginning of the year on the 2011 formation cadre, payment of a compensation of JD 18500, and provision of permanent status employment to holders of bachelor and graduate degrees in accordance with the civil service system.

A series of labor protests were carried out by the port workers during the past three years and resulted in Government promises, most of which were not fulfilled according to workers and the union committee. The last agreement was signed on 15 August, 2012 by which the demands of workers who stopped working for three days were approved. Moreover, the Council of Ministers approved the transformation of the Ports Corporation into a

Government company, or to reactivate the Corporations' statute, which was suspended since 2008 within a period not to exceed 4 weeks. The agreement with the union committee also included payment of an amount of JD 18,500 as a special allowance to purchase land to substitute the housing allowance for each employee to be paid on three installments (the first amounting to approx. JD 6,000 to be paid before the end of 2012, the second by the beginning of 2013, and the last by the beginning of 2014). In addition to a monthly allowance of JD 150 for all Jordanian workers, a thirteenth monthly salary for all Jordanian workers was approved retroactively as of the beginning of 2011, and a fourteenth monthly salary as of 1 January 2013. Permanent status employment was also granted to all daily workers, taking into account all of their actual service years to be calculated as of 1 November, 2011. The Prime Ministry decision related to reclassifying the team and packing workers into permanent daily workers while keeping their present wages as is was promised to be implemented by 1 October 2012. Furthermore, the annual salary increase for daily workers as of 1 January, 2013 was approved retroactively. Permanent employment status was to be given to holders of Bachelor and Graduate degrees in accordance with the civil service system. Additionally, the commitment was made

to implement decisions of the boards of directors related to the Ports Corporation, the Phosphate Development Company as well as Aqaba Development Company implying the realization of demands and rights of workers in the Phosphate Section.

This last agreement "was nothing but an anesthetic and temporary solution in order to suspend the strike, as none of its items were realized in favor of the workers", and "the Government and the Corporation broke the agreement" according to the union committee. Workers in the Ports Corporation returned to stop working and declared strike on 6 September, 2012. The response of the management of the Ports Corporation was to threaten to lay off striking employees and workers if they not returned to their work places. Said the Chairman of the Ports Corporation, who is the Chief Commissioner of the Aqaba Special Economic Zone Authority: "Whoever does not wish to return to his work place will be subjected to regulations and instructions applicable in the Kingdom, which ensure the rights of all parties of the production process".²

After 11 days of the strike, both sides, the workers and the management of the Ports Corporation reached an agreement to end the strike against realizing the demands of workers and employees in the Corporation which included the payment of an amount of JD 2250

² A statement issued by the Chairman of the Ports Corporation, Chief Commissioner of the Aqaba Special Economic Zone Authority

by the end of September, JD 2250 on the 15 of October of the present year, and the balance amounting to JD 4500 would be paid on installments until the beginning of June 2013; while the union committee sought the amount to be scheduled as follows: All Jordanian workers would receive an amount of JD 10000 to be paid on three installments, of which an amount of JD 1000 which was received before the feast would be deducted; while retired military workers would receive one third of the subject amount totaling JD 3330 on three installments, and the Gazan workers would receive a third of the amount of which an amount of JD 1000 which was received before the feast would be deducted. Furthermore, according to the agreement, the retired and the heirs of the deceased by 29 June, 2009 would receive one third of the subject amount totaling JD 3330, while the expatriate workers would receive a reward of JD 500 to be paid in two installments; and no payment would be made to those who previously received the amount of JD 20000; in addition to an undertaking on the part of the Ports Corporation not to take any disciplinary action against the strikers, and to solve the problem of workers in the Phosphate Department by the end of the same month.

With the numerous administrative references of the workers in the Ports Corporation, and sometimes the absence thereof, and with each of these

administrative references trying to give up his responsibility toward the workers, their rights remain lost, without being recognized. In addition to the growing gap of mistrust between the workers and the Government, considering that the Ports Corporation is a public sector corporation; the question remains: Would the Government stick to its agreement with the workers at the Ports Corporation, and whether the workers would end their sit-ins?

Work Conditions:

In this section of the report, the work conditions under which this labor sector operates will be explored through the following set of criteria:

Wages and allowances:

It is noteworthy in the beginning to state that workers in the Ports Corporation are classified into: 1. daily laborers, 2. team workers. These two categories include loading and unloading workers, levers workers (machines), and team workers “loading and unloading of vehicles”, and workers in ships’ warehouses “who unload inside the ship”. It is also noteworthy here, according to workers that “some workers are assigned to perform administrative jobs in a step taken by the Corporation to limit appointments and reduce the cost of wages”. In addition to workers, there are section heads who undertake

administrative functions in the Corporation. Wages in the Ports Corporation are determined according to the nature of the work; it has ranged after the restructuring decision which became applicable as of the 1st. of January, 2012, however, between JD 300 to JD 700; while it has never exceeded JD 400 before the restructuring decision. It is noted, however, that the salaries which exceeded JD 500 after the restructuring scheme relate only to workers who have served more than 25 years in the Corporation, while salaries of the executives and section heads range between JD 2000 to JD 3000 according to the workers' union committee; the said figures show the big gap between salaries of employees who served for long years and those of the executives. Workers in Aqaba view the pay rates as low, especially that a large part of their salaries go to housing cost; workers pointed in this regard, that any increase in their salaries would be accompanied by an increase in the rent of their houses, for the house owners increase the rent proportionally, making the increase without any benefit on their living standard.

Members of the workers union committee reported that allowances and overtime payment are not awarded to all workers, but are subject to the kind of relationship between the worker and his supervisors, for many workers who sit in the same office and carry the same

job title, but do not enjoy the same opportunity regarding their bonuses; for example, some of them are granted dust allowance, electricity allowance or acquisition allowance, while the others are deprived of those bonuses.

Lack of job stability:

Workers at the Ports Corporation miss job stability such as many private sector institutions, where the worker's feelings of dissatisfaction and insecure toward himself, his job, where he is employed are experienced by the vast majority of workers. Many of those interviewed confirmed the absence of job security due to the high temperamental considerations on the part of many executives in the Corporation, as well as that bonuses and privileges depend on the supervisor's satisfaction where this may cause depriving many of these workers their basic rights as stipulated in the Jordanian labor legislations. In addition, in case a worker refuses to work in such an atmosphere, or objects a decision, he is threatened by salary deduction, deprivation of bonuses or by putting him on a written notice.

Occupational Safety and Health:

"Production, machine and then humans" is the slogan of the Ports Corporation in terms of occupational safety

and health toward workers, according to statements of interviewed workers. A claim which was cross checked by Labor-Watch team through monitoring many practices that violate the standards of occupational safety and health as stipulated in the Jordanian legislations, whether those issued by the Ministry of Labor or by the Social Security Corporation. It was found that the application of occupational safety and health requirements is nearly non-existent, or not compatible with the basic requirements which should be available at such a working site like ports, loading and unloading docks whereby hazardous materials are often handled. The work atmosphere can only be described as difficult for workers in this labor sector, which does not comply with the occupational safety and health standards as stipulated in the Jordanian laws, regulations and instructions issued by the Jordanian official competent authorities.

Workers also lack personal safety tools, such as: gloves, shield jacket, and helmet; many workers reported that since ten years no personal safety tools were handed out to workers, with the exception of handing out a “safety” every two years, which is inconsistent with the Jordanian and international standards of occupational health and safety, which imply that failure to provide the conditions and standards of occupational safety and health and

tools thereof at the work sites is a clear violation to Article 2, paragraph “a” of the instructions of occupational safety and health conditions issued by the Social Security Corporation which provides “Institutions are committed to fulfill the conditions and standards of occupational safety and health and provide relevant tools at the work sites”. As regards the fire department, it is unable and unqualified to deal with fires, should any fire occur in the port, it is handled by the Nave, according to interviewed workers, thus, the management violates the provisions of Article 14 of the instructions related to the protection of workers and institutions of work sites risks; however, a fire fighting vehicle is available as well as fire extinguishers which are spread over various work locations, but these are not maintained regularly, as 90% of these fire extinguishers are unusable according to workers, in another violation of the provisions of Article 14 of the instructions related to the protection of workers and institutions of work sites risks.

Regarding training of workers on occupational safety, a number of them confirmed that it is limited to workers in the naval school only; while the rest of workers are not trained accordingly, which constitutes a violation of the regulations and instructions of occupational safety. Furthermore, workers in the Ports Corporation are not qualified

to deal with hazardous materials and large packages which are uploaded and downloaded to and from ships.

The Occupational Safety and Health Department in the Corporation suffers non-qualification and ineffectiveness; the available ambulance is not equipped to deal with potential cases. As regards the first aid kit, it only contains cotton, gauze, wounds adhesive tape, and sterilizer, which is inconsistent with the decision of the Minister of Labor on the medical means and equipment for workers emergency, which identified 17 required items for medical aid. Besides all this, a periodical medical examination of workers in the port and on the quays is not being made, although laws demand a medical examination of the worker to be carried out twice a year in order to maintain his safety and reduce his exposure to risks.

One of the main violations committed in the Corporation is that the used machinery such as “cranes” are not regularly maintained, operators of these machinery are not trained enough; any violation committed by the worker is his responsibility; a worker was imprisoned due to his involvement in an accident in Aqaba, while the company did not provide any assistance; others are being fined due to traffic violations, according to reports of interviewed workers.

Equipped restrooms are not available

for the workers, as the existing restrooms lack everything including air ventilators and cleanliness, insects grow significantly therein, which represents a clear violations of the provisions of Article 11 of the instructions related to the workers protection of the work atmosphere hazards. Many workers confirmed that in case a worker refuses to perform works which subject him to danger, such as “spilled oil in a loading place”, the worker is subjected to threats of salary deduction or deprivation of allowances, and this had happened actually with dozens of workers in the ship loading and unloading department, according to reports of many workers.

Despite the presence of a medical treatment unit at the site of the Ports Corporation in Aqaba, it, according to workers, is not equipped and without an assigned doctor, the only treatment which is given to workers is “pain-killer”, which is contrary to the workers’ preventive and curative healthcare system in the institutions No. (42) for 1998, which requires the presence of a medical unite (clinic) with three assigned doctors, and four nurses to be available at the work site for institutions where a number of 2001 workers or more work.

Workers in the Ports Corporation are exposed to many work related injuries due to lack of occupational safety equipment. Some of the interviewed

workers confirmed that some of the ladders used in loading and unloading operations are unsafe and are not maintained regularly, most of these ladders are broken which resulted in cases of falling workers, according to workers' statements. Other interviewed workers confirmed the weak ability of the Ports Corporation in dealing with work related injuries, noting that in case a worker is injured on the wharf or anywhere, he is not given any attention and no medical assistance is given to him; the only case where a worker is taken care of and his injury is treated is in case he is injured on board a ship, due to the fact that the ship owner is to bear the treatment cost.

With regard to workers at the Phosphate Department, they are exposed to many occupational hazards, the most important of which is the vapors and gases of various types, which have serious illness implications on the workers, and may expose them in the future to infection with a number of diseases like "cancers, asthma, sediments, breath shortness and skin diseases", especially that workers do not use any of the preventive tools to reduce the inhalation of these fumes, which is a clear violation of Article 6 of the instructions related to the workers protection of the work atmosphere hazards. Many workers stated that the Corporation management does not hand out any masks to reduce inhalation of these fumes; it is

to be noted, however, that work in the Phosphate Department usually requires that workers drink glasses of milk on daily basis in prevention of some diseases which threaten workers in this type of industry, the management of the Corporation does not provide the same according to statements of some workers.

Daily Workers:

The daily workers at the Ports Corporation count approximately 900 workers, and do not enjoy most of the rights enjoyed by their peers who work for the Ports Corporation and other independent and Government institutions in the cadre classified, as they suffer lack of stability and job security enjoyed by classified workers reflecting a state of absence of justice principles; as any direct supervisor is able to punish or transfer the worker or even dismiss him from work without having to follow the administrative procedures applicable in the case of classified workers. Furthermore, the vast majority of the daily workers are deprived of bonuses earned by their classified peers. Daily workers in the Ports Corporation complained that not all their years of service were considered, as many of them pointed that upon changing their status to permanent employment, only five years of their years of service were considered without any justification, according to workers.

Conclusion and recommendations:

The conclusion of this report is that the majority of workers in the Ports Corporation suffer from various violations of labor laws and relevant regulations and therefore their majority is deprived of their fundamental labor rights, in particular of occupational safety and acceptable health conditions. There is a substantial disparity in the levels of respect for the fundamental labor standards. The majority of workers in the Ports Corporation are deprived of job stability, as this right is enjoyed by only 20%. Most of the workers lack allowances and overtime pay.

The following recommendations would, if adopted, ease some of the violations, from which workers in the Ports Corporation currently suffer:

1. Application of relevant labor laws and regulations to all workers in the Ports Corporation without discrimination.
2. Implementation of all clauses of the collective agreements, which were signed between the workers, their union committee and the management of the Ports Corporation.
3. Improvement of occupational safety and health conditions in the various Aqaba Port wharfs in line with relevant laws and regulations in order to protect workers.

4. Unification of the administrative references that deal with workers in the Ports Corporation.

5. Application of decent work conditions and standards to all workers in the ports.