



النهضة العربية للديمقراطية والتنمية  
Arab Renaissance for Democracy & Development



FORD  
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العدالة الجنسانية  
Gender Justice



# Barriers to Balance

## Overcoming Obstacles to Women's Economic Participation in Jordan



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2018



ARDD

النهضة العربية للديمقراطية والتنمية  
Arab Renaissance for Democracy & Development

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## About ARDD

The Arab Renaissance for Democracy and Development (ARDD) is a Civil Society Organization, founded in 2008, that seeks to foster transformative change towards an empowered, resilient and just society in Jordan and the Middle East. The organization supports marginalized individuals and communities—including refugees and migrants—in acquiring and enjoying their social, political and economic rights, through raising legal awareness, providing legal services, psychosocial support, and promoting civic engagement. ARDD’s work focuses on three main areas, which include:

- Women and Gender: protection, empowerment, and participation
- Civic Engagement and Accountability: civil engagement, education, and social cohesion
- Legal Empowerment and Reform: legal reform, capacity building, and leadership

ARDD achieves change in these areas through legal assistance, psychosocial support, media and grassroots mobilization, and research and advocacy to ensure that the international community and the Jordanian government are aware of the challenges that refugees and other vulnerable persons of concern face in Jordan.

**As an organization that was founded and is managed by women, ARDD has a keen understanding of how the inclusion of women can play a vital role in making humanitarian action more effective.** Through its longstanding experience working with women in vulnerable situations, ARDD has learned that empowerment work is most effective when women themselves are given an active role in the formulation of their needs, as well as the appropriate responses.

ARDD is one of the primary providers of legal aid to vulnerable communities in Jordan. It is the implementing partner of UNHCR in all legal aid activities and provides services to all refugee communities in Jordan. We are UNRWA’s partner for its GBV referral system, and provide additional legal aid services through programs with other partners. The Legal Aid Unit provides a wide range of protection services, including but not limited to: legal consultations, mediation, litigation, legal-awareness sessions, training of government officials, INGOs, NGOs, as well as providing assistance to partners on SGBV and child protection. ARDD also has a 24-hour emergency legal helpline, which responds to urgent legal cases. The organization



is an evidence-based resource-center that informs the legal protection practitioners through legal studies and research. ARDD contributes to the Protection, MHPSS, SGBV and PSEA working groups. The organization is also a member of ICVA, the START Network and EuroMed Rights. The proposed actions of this project are based on the organization's ongoing work on women's empowerment and coordination with its partners. ARDD currently has nine offices and two community centers in Jordan and it is the only national organization with legal aid offices in the Za'atari and Azraq Syrian Refugees Camps. It has 95 full-time employees out of which 30 are lawyers. ARDD together with UNHCR is the referral point for all legal issues that arise during the Urban Verification Exercise currently taking place. The organization maintains a strong relationship with the relevant government agencies, and all ARDD projects are approved by the Jordanian government.

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## Executive Summary

In Jordan, and much of the Global South, women face a unique dilemma. On the one hand, in the face of low rates of female labor force participation and increasing youth unemployment, women are exhorted by governments and NGOs alike to enter the labor force or else become entrepreneurs. On the other hand, a domestic division of labor, that often places unequal burdens on women, has meant that any engagement in the market economy must occur on top of the unremunerated and unequal care economy. Compounding this dilemma are the myriad barriers to paid employment: including a general lack of job opportunities, workplace discrimination, social policy (e.g., insufficient maternity leave and lack of childcare) and harassment.

Entrepreneurship opportunities are similarly fraught: women, in their attempt to lift themselves and their families out of poverty or precarity, must rely on micro-financing or, more commonly, the ubiquitous unofficial or informal finance markets—an option that frequently leads to crushing debt and even imprisonment (ARDD 2018a). **Together, market barriers to employment, workplace harassment and discrimination, and indebtedness represent three contributors to the cycle of poverty in which women in Jordan have been placed. This comprehensive report, issued on International Women’s Day 2019, first assesses each of these three factors in turn and then synthesizes the available evidence to arrive at a series of policy proposals aimed at empowering women in both the market economy and the care economy.**

### Barriers to Employment

- ARDD found one of the most frequently cited barriers to women’s paid employment to be the lack of job opportunities present. Of the 439 survey participants, 166 women were employed (37.8%) and 273 unemployed (62.2%), with 192 of those unemployed being Syrian (70.3%).
- Correspondingly, a **high number of women resort to informal work** due to the lack of paid job opportunities for women in the formal sector and the responsibilities of women in the home, in terms of childcare and housework.
- Additionally, **the percentage of paid working women in ARDD’s study who were self-employed was far higher than previous research** (UN Women, 2017), suggesting this to be a particularly strong trend among the most vulnerable.

- Furthermore, **ARDD's findings show that such informal paid work is largely encouraged by NGOs** through their provision of gender stereotyped vocational training that pushes women to pursue home-based entrepreneurial projects, and insecure 'cash-for-work' opportunities.
- ARDD's study focused on particularly vulnerable Syrian refugee and host community women, levels of education were typically lower than those found in other studies (UN Women, 2017).
- Though Jordanian women had higher levels of education overall, they were not more likely to be in paid employment than Syrian refugee women, supporting the paradox that there is no clear correlation between education level and chances of paid employment.
- Part-time job opportunities are in high demand from host community women and Syrian refugee women (UN Women, 2017; WANA Institute, 2018). **ARDD found long working hours to be one of the main obstacles faced by women** to accessing the labor market.
- ARDD found that while low pay was found to act as a deterrent for both Jordanian women and Syrian refugee women to accessing the labor market, it was particularly so for Syrian refugee women who tend to face lower wages.
- **Lack of access to work permits was not found to be a pressing issue for Syrian refugee women.** The sectors open to non-Jordanians are typically sectors that Syrian women do not commonly work in, such as construction, agriculture and manufacturing, while traditionally female sectors, such as teaching, hairdressing and administrative work, remain closed.
- **ARDD's findings show that Syrian refugee women's access to the labor market is particularly dependent on wasta.** This confirms previous studies (UN Women, 2017; OECD, 2017).
- **The cultural force of shame (or 'Aeb) and social pressures—cultural, familial, societal or religious—that act as barriers to women's access to employment, to be upheld by many women themselves**
- ARDD's findings suggest that, rather than being faced with greater freedom and having the choice to work (UN Women, 2017), **Female heads of household (FHHs) are faced with greater** responsibility and pressure to work.

## Workplace Discrimination and Harassment

- Surveys and focus group discussions (FGDs) conducted by ARDD confirmed the existence of both a gender pay disparity and gender segregation in the workplace.
- ARDD's findings also suggest that many women leave employment after giving birth – a trend that may be affected by the short period of maternity leave provided in Article (70) and the shortfalls of Article (72).
- A high level of gender discrimination exists in the hiring process. Gender stereotypes contributed to employer's lack of desire to hire women for so-called "statistical" reasons as well as sexism or "taste-based" reasons. Another category of discrimination along nationalistic lines particularly affects Syrian refugee women.
- Additionally, ARDD's findings show that some employers are employing Syrian refugees in closed sectors in defiance of work permit regulations, **suggests that closing certain sectors to Syrian refugees is not increasing the employment of Jordanians but rather increasing the vulnerability of and hardships faced by Syrian refugees.**
- ARDD's findings suggest that the practice of not discussing sexual harassment due to social stigma, as reported by IRC (2017), ILO (2017b), UNDP (2012), and UN Women (2017), has become second nature to women. Furthermore, the lack of understanding or acceptance of the root causes of sexual harassment leads some work places to adopt approaches to sexual harassment, such as gender-segregated work spaces, that only reinforce traditional views, and the root causes, of sexual harassment.
- ARDD found that, in addition to the Jordanian Labour Law not covering all forms of sexual harassment (ILO, 2017b), the lack of guidance given to workplaces on how to combat sexual harassment also contributes to ad hoc approaches to addressing sexual harassment and a lack of clear reporting policies for employees.

## Women's Indebtedness

- According to ARDD's survey of Syrian and Jordanian women in Amman and Mafraq, **the majority 65% of those surveyed reported currently being in debt**, while 40% of Jordanians reported never having been in debt, and 3.9% reported having been in debt but since having got out of debt.
- **Syrian refugee women, however, were far more likely to be in debt**—almost all 92% of surveyed Syrian refugee women reported currently being in debt, while only 5.7% reported never having been in debt, and 2.3% reported having been in debt but since having got out of debt.
- Women in Jordan are encouraged to take on debt from microfinance institutions (MFIs) in order to pursue income-generating activities that will, in theory, lift them out of poverty. **This focus has led to Jordan becoming the fourth largest microfinance market in the Arab region.**
- Microfinance differs from other types of aid programs (particularly cash-grant, social service, or employment-based initiatives) in that **it directly transfers the risk of program success onto its beneficiaries**. Thus, if women are unable to turn their loans into business "success," they then enter the risk of default. In the extreme, non-repayment of debt can result in imprisonment, and increasing crisis among women in Jordan.
- ARDD found that the most common causes of debt include: **unemployment and low wages, the high cost of basic items, bills and transport, and the difficulty for female heads of household to find work.**
- Significantly, **poor income was more commonly cited as a cause of debt than was a lack of income or not being able to find work**: 37.5% of Jordanian women and 33.9% of Syrian refugee women cited poor income, compared to 29.5% of Jordanian women and 16.3% of Syrian refugee women who cited a lack of income, and 18.2% of Jordanian women and 12.7% of Syrian refugee women who cited not being able to find work.
- ARDD found that **women play an active role in addressing debt**, including working, looking for work or debt relief, taking on the household responsibilities so that other family members can work, reducing spending on food and household items, and doing the finances.

## Methodology

### Objective

This report is a first report containing analysis of preliminary findings in the context of the project. It provides a contrasted reading of findings with regards to women's perspectives on barriers they face in accessing the labor market. **The data and findings presented in this report are derived from original survey data and data derived from, and consultations with, ARDD's Legal Aid department.**

ARDD recognises the value of household work carried out by women, and how it contributes to an important and overlooked development of a care economy in Jordan (ARDD, 2017). To this end, the report pays attention to household and care work and includes this as part of the larger analysis vis-à-vis the framework of the labor market.

### Research Methodology

To date, the report builds on a mixed methods research, adopting a data collection approach that gathered both qualitative and quantitative data, during April 2018.

Qualitative data was collected from a desk review, 2 community-based consultations with 18 Syrian refugee women, 19 Jordanian women and 1 Palestinian woman, some of whom were either heading or working in female-led partner CBOs in Mafraq and East Amman, and an FGD with 15 Jordanian and Syrian women, especially female heads of households. In addition, interviews were held with the representatives of 13 companies from the private sector.

Quantitative data was collected through 439 surveys delivered during the consultations and FGD sessions and on the phone to 300 Syrian refugee women, 129 Jordanian women, 4 Iraqi women and 6 Palestinian women.

## Demographic Profile of Respondents

The women who participated in the study were of the most vulnerable Syrian refugee women and host community women, who include Jordanians and other refugees present prior to the Syrian Crisis who are residing in Mafraq or East Amman and between the ages of 18 and 50. The women who participated met at least one of the following criteria:

- Women facing economic vulnerability, including, but not limited to, female heads of households, women living in poverty, women facing or at risk of facing debt challenges, and women suffering from trauma.
- Women with low access to services due to economic conditions, low literacy rates, or residence in under-served communities.
- Women supporting or heading households, including any disabled or elderly members.
- Women who have previously applied for a loan or work permit or women who have previously faced harassment in connection with pursuing work opportunities.

Participants came from disadvantaged areas of Amman or Mafraq - a governorate of Jordan close to the Syrian border that suffered economically prior to the Syrian crisis. Along with Amman and Irbid, it is one of the governorates hosting the majority of Syrian refugees. In 2015, Syrian refugees constituted 52% of the population of Mafraq (ILO/FAFO, 2015).

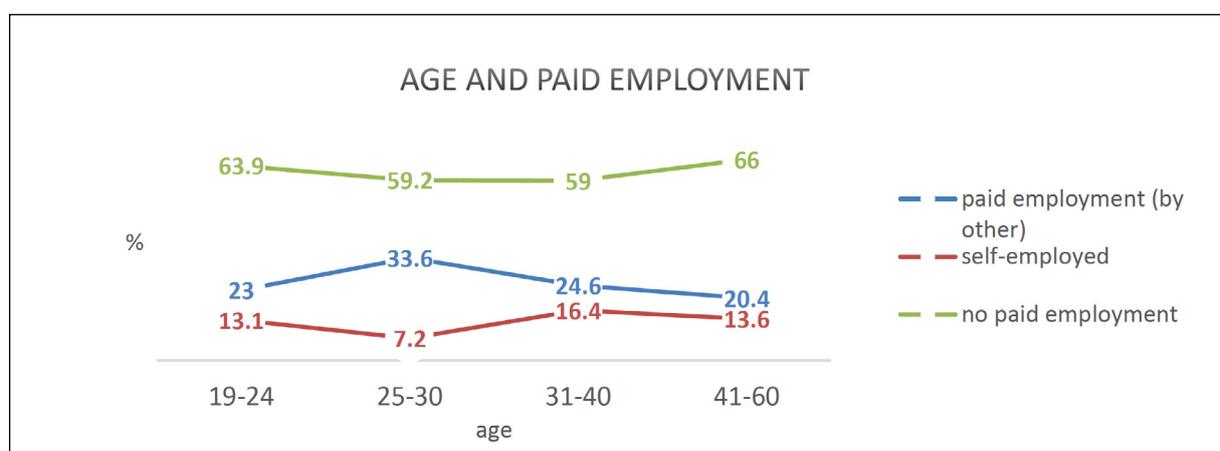
## Data From Legal Consultations

Quantitative data was also collected from legal cases conducted by ARDD in the period of the 1 July 2017 to 20 July 2018. In total, **3077 legal consultations** were conducted in Amman and Mafraq, of which 1466 were with Jordanian women and girls (1350 women and 116 girls) and 1611 with Syrian refugee women and girls (1483 women and 128 girls). **857 mediation cases** were handled, of which 263 were with Jordanian women and girls (250 women and 13 girls) and 594 with Syrian refugee women and girls (498 women and 96 girls). **4 litigation cases** were handled, 2 with Jordanian women and 2 with Syrian refugee women. ARDD also consulted with the legal aid office regarding the prevalence of debt among women in Jordan.

## Chapter 1: Socio-Economic Barriers to Employment

### Women and the Crisis of Informal Labor in Jordan

ARDD found one of the most frequently cited barriers to women's paid employment to be the lack of job opportunities present. Of the 439 survey participants, 166 women were employed (37.8%) and 273 unemployed (62.2%), with 192 of those unemployed being Syrian (70.3%).<sup>1</sup> Of those respondents who were not in paid employment at the time of the survey, 11% of Jordanians and 19% of Syrian refugees reported a lack of job opportunities in their area as a reason they were not in paid employment. In the community-based consultations and FGD, participants also brought attention to the weak economy and lack of job opportunities. Consequently, a considerable number of women resort to informal or precarious employment, engaging in low-quality, low-paying jobs (OECD, 2017; ILO, UNDP, & WFP, 2017; CARE Jordan, 2017; ODI, 2017; UNHCR, 2017; UN Women, 2017). Indeed, 34% of employed survey respondents answered that they are self-employed, and FGD participants estimated 50-60% of the women they knew to be working in the informal sector.



Characterized by lack of social protection and employment contracts, as well as exclusion from the benefits of labor legislation, informal employment is pervaded by uncertainty, insecurity, inadequate work conditions and low wages (ILO, UNDP,

<sup>1</sup> FHH were far more likely to be in paid employment than those non-FHH: with 48% of FHH, compared to 30% non-FHH. These rates are much lower than the perceptions of women in the consultations and FGD, who estimated 60-80% of the women they knew to be in either formal or informal paid employment.

& WFP, 2017). ARDD found that both Syrian women and their husbands have faced situations of exploitation and abuse by employers, ranging from being made to carry out demeaning tasks unrelated to their job role, to not being paid the agreed compensation, and even being threatened with expulsion from Jordan.

Furthermore, the markets for such work are typically small and dependent on social networks. NEF (2014) found that home-based projects suffered from a lack of resources,

limited marketing knowledge and restricted markets that often depended on friends and neighbours. Indeed, ARDD found that a number of women who had acquired skills from vocational training lacked equipment and a viable market. One woman, who learned how to sew and had a sewing machine, said that she had no neighbours and thus no-one to sell her products to. Another woman actually came to a FGD with perfumes she had mixed at home and tried to sell them to the FGD facilitator.

Programmatic interventions that aim to provide vocational training for women can have perverse outcomes, such as, for example, preparing women for informal rather than formal employment, and reinforcing a gendered division of labor (Tobin and Campbell, 2017). For instance, an NGO employing Syrian refugee women and men as ‘volunteers’ in Zaatari camp offered training as part of the program in information technology skills (including secretarial work), life skills (including maths and reading, resume writing and interview techniques); technical skills, and soft skills, such as sewing and hairdressing. Women, however, were not able to receive the technical skills training, as it included air conditioning and electrical maintenance, welding, and plumbing – traditionally male occupations.<sup>2</sup> Aware of these limitations, women themselves have proposed to ARDD that they would benefit from marketing skills as a part of such training. Before delving deeper, it is worth establishing the economic context which informs the struggles women currently face in finding employment in Jordan.

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<sup>2</sup> The Jordanian Red Crescent’s Vocational Centre seeks to “build the capacity of the local community through empowering women and creating new sources of income that would help them achieve independence and economic security, and further integrate into local society and economy”, yet the majority of skills it offered to Syrian refugee and host community women in 2015 were traditionally female and mostly useful in the informal sector. They included soap making, accessory design and assembly, basket weaving, candle making and shaping, design and sewing, make-up and hairdressing (Jordan Red Crescent, 2015). Again, it is surprising that hairdressing is offered given that Syrians are not permitted to work in this sector. ODI’s (2017) report into the potential of the gig economy as a form of work for Syrian refugee women also points to the trend of informal employment.

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## **The Economic Context: A Limited and Low-Paying Labor Market**

Jordan has one of the smallest economies in the Middle East and, as a result of its lack of natural resources and high rate of imports, is largely reliant on foreign assistance and remittances. Its economy has thus been significantly affected over the past decades by regional conflict and international politics. Though in the late 1970s and early 1980s, arguably due to a development focus on employment, poverty and equity, Jordan showed impressive growth rates and greatly reduced poverty and inequality of income; the collapse of oil prices in 1983 and the Iraq-Iran war reduced regional demand for Jordanian workers and levels of Arab aid (Harrigan et al. 2006).

Many Jordanians thus began returning home and the decrease in remittances, coupled with the increasingly unstable macro-economic climate, led to higher unemployment rates within Jordan (Arouri, 2007). The Second Gulf War (1990) also forced about one-third of a million people to leave Kuwait and other Gulf States. The influx of more returned workers was to add even more pressure on the Jordanian infrastructure and labor market, with unemployment rates, especially among women, soaring (ibid). In the 1990s, IMF and World Bank conditionalities included the facilitation of lay-offs as Jordan was pushed to privatise state-owned companies and liberalise the economy, and led also to the neglect of the agricultural industry, further affecting employment rates and industry (Harrigan et al., 2006; Awad, 2017).

Today, Jordan's economy continues to struggle, with the average economic growth during the period 2010-2014 being below 1% per capita (ILO, UNDP, & WFP, 2017). The high influx of Iraqi and Syrian refugees as a result of both wars has placed further strain on the labor market (ILO, UNDP, & WFP, 2017). According to UNHCR, as of February 2018, there are 740,160 registered refugees living in Jordan, with 657,628 of them Syrian (up from 735,922 and 655,056 in Oct 2017, respectively) (UNHCR 2017a, 2018), while government estimates of Syrian refugee figures, which include non-registered refugees, are higher at approximately 1.3 million (European Parliament, 2017).

The closure of trade routes through Syria and Iraq has also decreased investor confidence, and falling demand has led many sectors to lay off workers (ILO, 2017d). The country is thus now facing severe impediments to creating sufficient jobs, not only for refugees, but also for its own population. As of 2016, approximately 1.4

million Jordanians were in paid employment and 210,000 Jordanians were without paid employment. Just over half of Jordanian men were in paid employment, while only one in ten Jordanian women was in paid employment. In 2016, about 200,000 Syrians were also estimated to be in paid employment, with less than 7% of Syrian women in paid employment (ibid).

Furthermore, the minimum wage, as of May 2018, for Jordanians is 220 Jordanian dinars (JD) (\$310) per month, and for Syrians is 150JD (\$211). Given that the majority of work in Jordan is in low paid sectors such as agriculture, customer service and manufacturing, pay is typically insufficient. Such pay often offers insufficient motivation, particularly to women, to work, given the costs of transport and childcare. From the ARDD survey participants who believed there to be obstacles to women's work, 26% of Jordanians and 38% of Syrian refugees regarded unacceptable pay as an obstacle. Such low pay is compounded by the fact that women often receive less pay than male colleagues in the same position. From the survey participants dissatisfied with available work opportunities for women in their area, 39% of Syrian refugees in paid employment and 19% of Jordanians in paid employment cited one reason as being that women's salaries were very small compared to men's.

Clear from the findings too is that low pay is a greater issue for Syrian refugees than it is for Jordanians. While many migrant workers flock to Jordan to find work and still benefit despite the lesser salary, the majority do so alone to send money back home to their families. Since Syrian refugees, however, are usually living in Jordan with their families, such low-paying jobs are not sufficient to cover their expenses (ibid). Worth noting too is that, of those refugees living outside of camps, the majority reside in disadvantaged areas, where competition for jobs is already high, such as in Mafraq.

## **The Labor Market Mismatch**

Frequently cited as an obstacle to accessing paid employment opportunities by respondents to ARDD's survey was the lack of available job opportunities matching women's education, skills or experience. 16% of Jordanians and 26% of Syrian refugees reported a lack of available job opportunities appropriate to their level of education, skills or experience as a reason they were not in paid employment.

This sentiment was confirmed in the FGDs. The women admitted that, for many sectors, the level of education is not of benefit to women but rather experience in such work is important.

One of the fundamental challenges that host community and Syrian refugee women face in accessing economic opportunities are the current inefficiencies of the labor market. High unemployment, especially among young educated women, is a result of the distinct gap between labor demand and supply (OECD, 2017).

In line with the above noted 'gender paradox', despite being from more vulnerable segments of the population, most Jordanian women had relatively high levels of education: 40.3% without paid work and 25% with paid work had completed up to tawjihi, while 27.3% without paid work and 40.4% with paid work had a Bachelor's degree.

Syrian refugee women had significantly lower levels of education: 66% without paid work and 36% with paid work had completed up to primary education, 21.9% without paid work and 35.2% with paid work had completed up to secondary education, and 6.8% of those without paid work and 25% of those with paid work had completed up to tawjihi. Less than 5% of those with or without paid work had a Bachelor's degree.

Such a disparity between educational level and paid employment is known as the 'labor market mismatch' and recognised by many organisations as an issue prevalent in Jordan (ILO, UNDP, & WFP, 2017; UN Women, 2017). The International Labor Organisation (ILO) found that the labor market mismatch in Jordan also affects men, with the majority of those without paid employment divided equally between those with less than secondary education and those with a university education (ILO, 2017d). As a result, many higher educated Jordanians find work abroad and lower paid positions are filled by immigrant workers, mostly from Egypt (ibid). For Syrian refugees, and particularly women, however, such an option is not possible and many are forced to search for paid work outside of their education.

Women also face the additional challenge of the segmented labor market that means that their level or type of education is often unsuitable for the labor market. Complying with their level of education, Jordanian women are mostly suitable employees for skill-intensive sectors, such as education, healthcare, social work or finance and business services. With these sectors comprising only a limited range of occupations in the Jordanian labor landscape, women appear to either have a distinct interest only in particular areas of work or their access to other sectors is restricted. Indeed, paid employment opportunities for women are mainly found in the civil service, particularly education and health, which occupies almost half of

the country's female labor force and whose low rate of job creation places further limitations on available opportunities (UN Women, 2017; ODI, 2017a).

Such segmentation is produced by the gender norms that determine which occupations are socially acceptable for women (World Bank, 2013). Construction, for instance, as in many countries, is still seen in Jordan as an occupation unsuitable for women, yet this and the agricultural sector are where most jobs are to be found for Syrian refugees (ILO, 2017e). As can be seen by the restriction of courses on offer to women by the NGO in Zaatari camp (Tobin & Campbell, 2017), other fields seen to be closed to women include plumbing, electricity and welding.

### **The Paradox of Work Permits for Syrian Refugee Women**

Since 2016, following alleviations on the administrative requirements, the Ministry of Labor has the authority to issue work permits that are renewable after a period of one year for professions open to Syrian refugees and other non-Jordanians (UNHCR, 2017b). In spite of the 2016 Jordan Compact agreement's aim to ease access to the labor market for Syrian refugees by enhancing work permit allocation, refugees continue to encounter severe challenges in accessing paid employment opportunities, and access to work permits is seen to constitute a significant challenge for Syrian women refugees (ODI, 2017a).

It is clear that women are not benefiting from the work permit scheme. According to the Overseas Development Institute (ODI, 2017a), as of May 2017, from the total of 50,909 work permits that the Jordanian government issued to Syrian refugees, only 5% were issued to women. Many employers insist on high fees in order to apply for work permits, despite the government having disregarded employee fees with the condition of a one-year contract. The fact that women are underrepresented among Syrian refugees who hold permits indicates the difficulty in overcoming challenges related to the high permit cost (CARE Jordan, 2017). In addition to these financial challenges, lack of awareness of the work permits framework and processes, along with fears of losing humanitarian assistance, are believed to further obstruct Syrian women refugees' access to the labor force (ODI, 2017a). According to ILO (2017c), many Syrian women refugees appear to lack information on the work permit framework and the rights and duties granted to those who hold them.

REASONS FOR NOT BEING IN PAID EMPLOYMENT	JORDANIAN WOMEN	SYRIAN REFUGEE WOMEN
Available opportunities in their area not suited to their education, skills or experience	16%	26%
Childcare or housework	19%	26%
Lack of job opportunities	11%	19%
Medical reasons	8%	17%
Family objected	14%	10%
Unacceptable pay	6%	14%
Other care responsibilities	6%	8%
No need	6%	7%
No work permit	-	2%
Poor transportation	25%	2%
Feared losing humanitarian support	-	1%

ARDD found the lack of information on work permits to be an issue for some. Of the 233 women who neither possessed a work permit nor had applied for one in the last year, 22.7% said that they did not know how to apply, 15.9% did not know that it was necessary to have a work permit, 2.6% said that it cost too much (despite the fact that work permits were free at the time of the study for contracts of one year or more), and others cited reasons related to bureaucracy – 6.9% that the process is long and 4.7% that they did not have the necessary documents. 4.3% of women also said that they were afraid of losing humanitarian assistance if they applied.

Significantly, 4.7% of women who had not applied for a work permit reported the reason as being that their employer did not want to apply for one, supporting others' findings that employers are inconsistent in their obligation to obtain work permits for refugees (UNHCR, 2017; CARE Jordan, 2017).

However, ARDD found that, despite much focus on improving access to work permits for Syrian refugees in order to improve their employment opportunities (ODI, 2017a), for Syrian women refugees, work permits were not a primary barrier. The survey found that, from the 192 Syrian refugee women who do not have paid work, only 2% cited a lack of work permit as a reason, while just 11% of the 100 Syrian refugee respondents who believed there to be barriers to women's employment, believed that making it easier to access work permits would help overcome such barriers. Additionally, while some participants in the FGDs said that women would be more likely to get work if they knew how to get work permits, many stressed that this would not help overcome the lack of job opportunities.

Access to skilled sectors is acutely challenging for Syrian refugee women. In spite of their prior experience, competences and vocational skills, Syrian refugee women face further restrictions in accessing economic opportunities, due to the limited sectors of the economy they are permitted to enter through the work permit system. Two women ARDD spoke to had struggled to find work for several years, both were Syrian. One had an engineering diploma and, even though she had also been looking for work outside of her expertise, since engineering is another sector closed to Syrians, she failed to find suitable work. The other woman was a Maths teacher and so faced the same issue of having to look for work outside of her area of expertise.

### **Merit or Wasta in the Labor Market?**

Further complicating economic opportunity in Jordan is the prevalence of leveraging nepotism, social networks, and influence to secure employment—commonly referred to as *wasta* in Arab societies (Al-Ramahi, 2008). While facilitating the entry of some into the labor market, it excludes others who lack such social connections, and is often described as a form of nepotism or favouritism (ibid). A report by ARDD on satisfaction and perception of the justice sector in Jordan found that 82.3% of Jordanian respondents and 78.6% of Syrian respondents believed *wasta* to be a serious problem in Jordan (ARDD, 2018b). Given the predominance of Jordanian employers, and both the physical and social isolation of some Syrian refugee and vulnerable host communities, *wasta* is certainly a concern for Syrian refugees. Furthermore, while *wasta* is broadly considered a significant structural concern, which affects both genders in the Jordanian employment landscape, it can be seen to affect women more than men, considering that the latter are usually better connected (UN Women, 2017).

*Wasta* was emphasized in the FGDs as an important factor affecting women's employment opportunities. One Syrian woman noted how she was struggling to start a business because she did not know anyone. A number of Syrian women voiced that Syrians in Jordan particularly use connections to find jobs: "If I know someone in the company, I can give them my CV and they'll help me find work, but if you have everything – skills, etc. but don't know anyone, you can't find work," remarked one Syrian woman. Such findings are strongly supported by the results of the survey. Both Jordanians and Syrian refugees were most likely to have found paid work through friends or family. However, while 40% of Jordanians had found paid work through friends and family, 61% of Syrian refugees had done so, showing the particular dependence on *wasta* of Syrian refugee women, and indicating that the type of paid work that women, and especially Syrian refugee women, go into tends to lack formal application processes.

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## Gender Roles and Social Pressures: In the Home

In the FGDs, women highlighted childcare as one of the main barriers hindering women from obtaining work. Survey findings also found that 46% of Jordanians and 40% of Syrian refugees, who believed there to be obstacles to women's employment, cited the responsibilities of looking after the children or household work as an obstacle. One of the main impediments to women's engagement in full-time employment, which also prevents them from remaining in the labor market over extended periods, is thus the traditional duties women assume, particularly in the household (UN Women, 2017; WANA Institute, 2018).

Women in the FGDs noted that the provision of childcare in the workplace would assist them in overcoming this obstacle. UN Women also found that, while having children is not the sole factor accounting for women's limited participation in the economy, it does highlight that women's access to the labor force is heightened when suitable childcare provision is put in place (UN Women, 2017). Significantly, in February 2018, a coalition of 11 organisations in Jordan submitted a series of recommendations to the Lower House Labor Committee aimed at improving the Labor Law for women. One of the recommendations was to amend article 72 that stipulates that employees should provide day care when employing a minimum of 20 female married employees, to instead ensure the provision of day cares for their employees if the total number of children is 15 or more (The Jordan Times, 2018b).

Gendered expectations regarding childcare and housework place unequal burdens on women. Indeed, 26% of Syrian refugees, compared to 19% of Jordanians, believed looking after the children or doing the housework to be a reason for unemployment. In contradiction to this, however, only 11% of Syrian refugees, compared to 28% of Jordanian refugees, believed that assistance with childcare (family, friends, nannies, day care) would help overcome these obstacles and improve the situation of women's paid employment. This may be because childcare is not a primary obstacle for Syrian refugees, or else because they do not see it as an attainable solution. More research on this issue is needed.

Compounding the issue of childcare and household responsibilities are the socio-cultural pressures that women face, meaning that women not only feel a personal responsibility to commit to childcare and household responsibilities but, in many cases, are forced to do so. The survey findings showed that women perceived socio-cultural restrictions as a main barrier to pursuing work, with 30% of Jordanians and 23% of Syrian refugees citing cultural/societal/familial/religious

pressures. In the FGDs, one woman cited the biggest obstacle to women's employment as the control of men over women, and many noted that the lack of support of their families or husbands made it difficult to pursue work. The culture of shame ('Aeb) was also frequently mentioned by women as an issue.

Lastly, organisations that work with women to increase their employment opportunities also appear to be negatively affecting women's capacities to think 'outside the box' and beyond traditional occupational spheres. When asked what would help them to find work, many women suggested the types of vocational training in traditionally female areas of work, such as sewing and beauty, that have been offered for years by such organisations, despite the markets for such work being saturated.

### **Female-Headed Households: Changing Roles Out of Necessity**

Where women are the head of household, the situation differs significantly. It is broadly assumed that females only head a household which lacks a male of working age, since men are expected to assume the role of breadwinner (UN Women, 2017). ARDD findings show that 48% of respondents who identified as being the head of their household were in paid employment, compared to 30% of respondents who were not the head of the household. Of Female Heads of Household (FHH), 77% were Syrian refugee women. Syrian refugee FHHs were less likely to be working than Jordanian FHHs, with 44% of Syrian FHHs in paid employment as opposed to 60% of Jordanian FHHs.

However, while significantly less FHH than non-FHH said that they did not work because their family objected to them working (4% compared to 11%), the idea that FHH are more likely to work because they have the autonomy to do so is questionable. Even though their husband is not present, FHH are still likely to face pressure and control from other males in their household or from their extended family as the patriarchal family structure prevails (Al-Badayneh, 2012; Morse et al. 2012). FHH who work have the double burden of looking after the children and being the main provider. Rather than being faced with greater freedom and having the choice to work, they are rather faced with greater responsibility and pressure to work. Though data is limited, trends indicate that FHH are more likely than other women to take up part-time work than full-time work. Of those women working part-time, 81% were FHH, whereas of those working full-time 60% were FHH. Despite being the head of the household, 27% of unemployed FHH still reported being unable to work because they had to look after the children/do the housework and/or had to care for others.

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## Chapter 2: Forms of Discrimination in the Workplace

### Introduction

One of the main barriers facing women's access to employment that ARDD found in its report *Women's Perspectives to Barriers Facing Syrian Refugee and Host Community Women in Accessing the Labor Market*—the findings of which are covered in chapter 1 of this report—is discriminatory and harmful workplace practices. Indeed, an increasing amount of research has been conducted on various aspects of workplace discrimination in Jordan.<sup>3</sup> Such practices manifest in socio-cultural norms and become institutionalized in the workplace through gaps in the Jordanian legal framework or gaps in the law's implementation.

Given that the levels of women's paid employment are so low and gender discrimination so high in a number of areas of Jordanian life (WEF, 2017), such practices deserve further attention. With the increased focus on improving paid employment opportunities for both Jordanian and non-Jordanian women in Jordan, further research needs to be conducted into the differing ways that Jordanians and non-Jordanians experience discrimination in the workplace.

### Statistical Discrimination

ARDD found that women face considerable discrimination in the hiring process, with 15% of Jordanian respondents and 14% of Syrian refugee respondents believing discrimination in the hiring process to pose as an obstacle to accessing the labour market. Women particularly seem to face discrimination with regards to age and marital status. Respondents aged 25-30 were 9% more likely to be in formal paid employment than those aged 31-40, and 13.2% more likely to be in formal paid employment than those aged 41-60. Married respondents were also 7.8% less likely to be in paid employment than single respondents. While there can be many causes of such trends, evidence from the FGDs suggests that younger single women face less discrimination in the employment process and that therefore employer discrimination does play a role in the age gap and difference in marital status in employment.

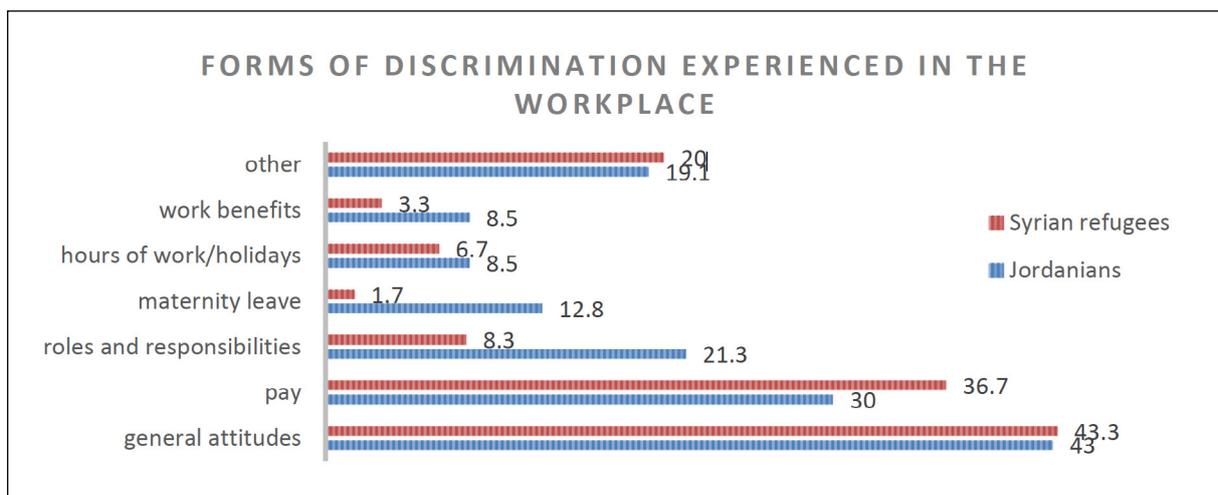
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<sup>3</sup> These include e.g., the ILO's *Stories of Discrimination in the Workplace in Jordan* (2015); the ILO's *Addressing Sexual Harassment in Jordan's garment industry* (2017); UNDP's *Gender Equality and Women's Empowerment in Public Administration* (2012); and UN Women's *Women Working: Jordanian and Syrian Refugee Women's Labor Force Participation and Attitudes Towards Employment* (2017).

Employers' reasoning behind such discrimination points to a form of statistical discrimination - that is, discrimination rooted in beliefs about average gender differences in abilities and skills. As Donald Tomaskovic-Devey and Sheryl Skaggs (1999) explain, "Employers may discriminate in hiring or, more commonly, job placement against all or most women or minority candidates because as a group they are expected by the employer

to be less productive in the target job." Thus, rather than not employing women simply as a result of a belief that women should not work, Jordanian employers noted high turnover, maternity leave and an inability to work long hours as deterrents to employing women either by themselves or other employers. The one employer who believed there to be no difference in the skills and abilities of women, and had thus achieved gender parity, still employed mostly young women. These employers thus based such reasoning on the perceived lower average profitability of employing women, or at least of older married women.

ARDD found that 21.3% of Jordanian survey respondents and 8.3% of Syrian refugee survey respondents had experienced gender discrimination in relation to roles and responsibilities. Gender-segregation in the workplace is often based on the idea that women are better able to perform in certain roles than in others. The idea, for instance, that roles that required lifting or other manual labour are unsuitable for women, shows that statistical discrimination by employers on the demand side has an impact on segregation in mixed occupations, not only labor supply constraint (Bielby & Baron, 1986). Representatives from one company stated that it was not seen to be socially acceptable for women to work in sales outside the office or to go on call-outs to customers' homes. Yet, in this case, this was linked to profitability for the employer who felt unable to challenge, or wished not to challenge such norms, rather than their personal beliefs that women should not perform such roles.



Gender segregation also makes it more difficult to close the gender pay gap. Since employers were found to be more likely to base the pay scale on position, if women are less likely to work at management level or more likely to be put in roles that are seen as less demanding or skillful, they are more likely to receive less pay (Bielby & Baron, 1986; WEF, 2017). For instance, in one farming company consulted by ARDD, observed gender segregation was directly related to the gender pay gap: because the type of work that women were permitted to do was seen as “easier” than fieldwork performed by men, women were correspondingly paid less.

Such discrimination is based on a cost-benefit analysis that takes a purely market-based approach to employees as sources of production. As Diane Elson (1999) notes, “Within this framework, the efficiency of the organization of work is only assessed in terms of the income and profit it generates and not in terms of the positive (or negative) experiences people have of the labor process.” Furthermore, it does not recognise the contributions of the reproductive economy – that is, the work associated with domestic and care roles, traditionally performed by women (Elson, 1999; Duffy, 2007).

A number of employers who were keen to employ women also based their decisions on a cost-benefit analysis. Reasons for employing women included details such as being more committed, better educated, more organised and quicker to learn. These all contributed to the perceived higher profitability of women in certain roles. The World Bank (2013a) found that Jordanian employers’ perception of women’s productivity was key in hiring them, whereas a number of factors were taken into account in hiring men. Since women were found only to be hired instead of men if they had something extra to give, women were thus often found to be more qualified than men in similar positions. Similarly, ARDD found the reasons that consulted employers gave for employing Syrian refugees to be based on their skill-set or the lack of Jordanian workers—not on a commitment to equality.

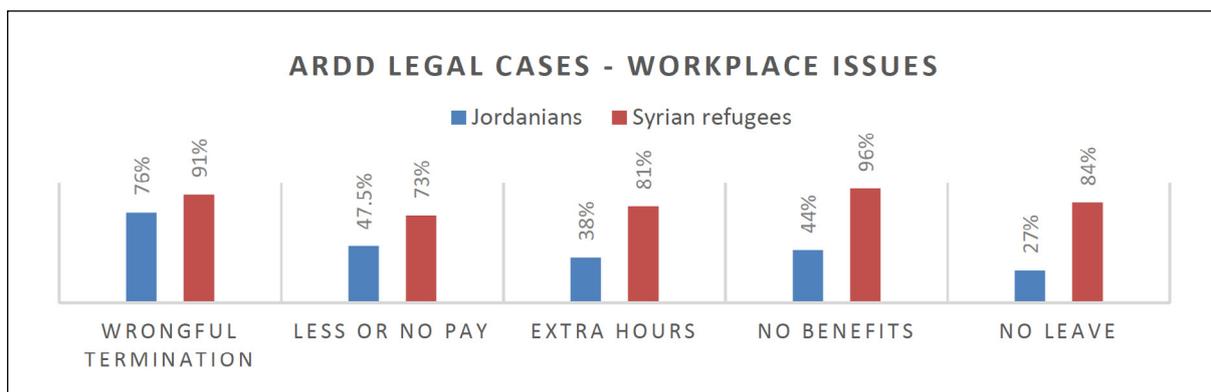
Thus, one way that various organisations have sought to increase women's employment is by stressing the economic benefit of women's work to business and society as a whole. UN Women, for instance, notes on its website that "women's economic equality is good for business" (UN Women Online, 2017), while the World Bank, in its publication 'Women's Employment: Good for Business, Good for Development' (2013b), states that "economic growth is more robust and sustainable when women and men alike participate fully in the labour market... Meanwhile, companies that invest in women's employment gain an important competitive advantage." However, such approaches do little to change the way the contribution to society of the reproductive economy is viewed or the contribution of work to individuals' quality of life.

### **Taste-based discrimination**

Some discrimination is also based solely on prejudices, or 'taste-based discrimination' – discrimination resulting from animosity towards an out-group (Guryan & Charles, 2013).

One prominent occurrence of taste-based discrimination is the treatment of women based on their appearance. Such discrimination begins in the hiring process, where candidates will be judged on their appearance and assumptions made about their other attributes in accordance to this judgement, and continues in the workplace where women's appearance is regulated (Mahajan, 2007). ARDD's findings from FGDs show that women who wear a hijab are often discriminated against in the hiring process. However, it has also been shown that women who do not wear a hijab are discriminated against as well, and is considered contingent upon the sector they are applying for (See also: Miles 2002).

Furthermore, it has been found that, as a result of taste-based discrimination, the out-group (usually a minority group) is often expected to compensate by being more productive for the same wage or taking a smaller wage for the same level of productivity (Autor, 2003). ARDD found 39% of Jordanian respondents and 25% of Syrian refugee respondents believed women's salaries to be smaller than men's. On top of this, women reported being exploited by being given less than the minimum wage or less than they were promised. The legal cases handled by ARDD lawyers confirm the prominence of this practice. Of those seeking legal consultations and mediations from ARDD, 73% of Syrian refugee women and 47.5% of Jordanian women had complaints related to unpaid or incomplete compensation.



Taste-based discrimination is a problem for Syrian refugees seeking or in employment in particular. A number of consulted employers expressed nationalist sentiments. They believed that, since unemployment was high among Jordanians, Jordanians should be prioritised over non-Jordanians. Some also expressed a sense of resentment based on the fact that Syrian refugees gain financial support from humanitarian NGOs, such as UNHCR. Hence, of the consulted companies working in sectors open to non-Jordanians, only 27% employed Syrian refugees.

Often when a population feels under threat, its traditions and national identity are strengthened (Jones, 2016). In this respect, Jordan is no different. Jordanian identity has been found to have further strengthened with the latest influx of Syrian refugees (Yenkin, 2015). Whereas Palestinians have come to be seen as an essential part of the Jordanian economy—a situation confirmed by the granting of Jordanian citizenship to Palestinians from the West Bank—the presence of Syrian refugees is seen as temporary and a social and economic burden (Yenkin, 2015; ILO/FAFO, 2015). This is a view found among not only employers but other citizens and politicians (Betts et al., 2017).

## Workplace Practices and the Law: Access to Justice

ARDD found that only 16% of Jordanian and 13% of Syrian refugee survey respondents considered taking legal action when facing workplace discrimination. Furthermore, of the hundreds of cases received by ARDD from women in relation to workplace discrimination, only 4 cases were for litigation.

Previous studies by ARDD have found male and female Jordanian and Syrian refugees lack confidence in the justice system. In *Women's Access to Justice* (2017), ARDD analysed the status of women's access to justice in Jordan, with a particular focus on the Shari'a court system. Through a review of relevant laws, research,

and international conventions, it identified legal, social, and institutional barriers to women's access to justice. At the same time, ARDD traced gaps in the justice system related to: legal aid services; economic and human resources; and gender sensitivity.

The report proposed a framework of inquiry—based on international experiences—that allows for systematic analysis of women's access to justice in Jordan. Additionally, ARDD offered key analytical recommendations for facilitating women's access to justice.

While Jordan has made progress in promoting women's access to justice, the lack of an enabling environment, limited supply of legal and institutional resources, and high demand of mechanisms still represent **significant challenges**. The report serves to highlight the main obstacles to the delivery of and access to services within the justice sector while emphasizing the importance of an all-inclusive approach. Achieving political, economic, and social justice for women is just as necessary as providing legal awareness and literacy so that women are increasingly empowered from each component of their lives. This is particularly significant in a country like Jordan, as increased economic and political participation of women is directly linked to economic growth and reducing poverty.

In another study ARDD surveyed Jordanians and Syrian refugees' perceptions and experiences of the Jordanian justice sector. The survey found that, when they believed themselves to have an issue that could be taken to court, 35.3% of Jordanian women and 45.5% of Jordanian men took the matter to court, while 24% of Syrian refugee women and 38.4% of Syrian refugee men took the matter to court (ARDD, 2018). ARDD also found that "women were more likely than men to report having negative experiences with justice sector actors" (ibid).

This goes some way to explain the lack of legal recourse sought. However, the figures for seeking legal action for workplace disputes are significantly less than those found by ARDD for other legal issues. Thus, while a lack of confidence in the legal system affects the likelihood of both Jordanians and Syrian refugees taking legal action, the significant power imbalances in the workplace (as reported by survey respondents, women in the FGDs, and ARDD lawyers), further deters employees from seeking legal redress. This has to do with the high proportion of particularly Syrian and women workers in the informal sector, for whom seeking legal recourse may be seen as too risky. For instance, a textile company reported six of its nine employees to be women. However, the three male employees worked in the shop with a formal work contract, whereas the six female employees worked

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at home without a formal work contract, and brought their wares to the shop, once finished. They therefore lacked any benefits such as social security and were vulnerable to exploitation, such as with regards to pay.

From ARDD's work with communities on legal awareness, it is also known that a large number of workers do not report workplace discrimination because they lack knowledge of the law. The Phenix Centre for Economic and Informatics Studies also stressed the need for awareness-raising among workers in Jordan to increase knowledge of their work rights, with trade union membership as low as around 5% (The Jordan Times, 2018b). ARDD lawyers reported that this compounds employees' risk of exploitation, and one employer noted that, instead of increasing employers' awareness, some employers choose to take advantage. One example given in the FGDs was of employers making women employees stay beyond 10pm, when it is not legally allowed for women to work.

### **Gender pay parity and benefits: gaps in the law**

Though Jordan has taken steps to reduce workplace discrimination through the legal framework, the labour law does not explicitly prohibit direct or indirect gender-based discrimination in the private sector towards women (OECD, 2017). With regards to gender pay equity, Jordan ratified The Equal Remuneration Convention in 1966, the Discrimination (Employment and Occupation) Convention (1958) (No. 111) in 1963, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which asserts the right to equal remuneration for work of equal value (ILO, 2010). Furthermore, it is specified in Section 23 (ii)(a) of the Jordanian Constitution that all workers shall receive wages appropriate to the quantity and quality of the work achieved (ibid). However, there currently remains no specific mention of gender equal pay in the Labour Law.

Other than the fact that the minimum wage is the same for men and women and that employees can sometimes take employers to court if paid less than is traditionally paid for in their position, the employers are free to set different salaries for male and female workers. Thus, it is not surprising, as mentioned previously, that ARDD found high percentages of both Jordanian and Syrian refugee women to have experienced women's salaries to be lower than those of men. In the latest figures released by the Jordanian Equal Pay Committee, as of October 2018, the gender wage gap was shown to have reached 13.8% in the public sector and 14.2% in the private sector. Some of the worst gaps were found in the health sector – at 31.8% - and in private education – at 30.2% (The Jordan Times, 2018c).

Potentially positive steps were taken this year, however, to achieve gender equal pay in Jordan. Amendments were made to the draft Labour Law in February 2018 to include laws that ensure pay equity (The Jordan Times, 2018a). In September 2018, at the Equal Pay International Coalition at the United Nations General Assembly in New York, Jordan pledged to take concrete action towards ending gender pay inequity by 2030. It was reported how, through the use of digital payments in the education sector, gender pay inequity has been reduced in public schools by preventing practices such as the underpayment of wages and the forcing of, usually female, employees to resign before the summer holidays to avoid paying them a wage during the holiday. This process is now intended to be applied to the health sector, where, as noted above, a particularly high gender pay gap exists (ibid).

## **Maternity leave and day care**

ARDD found childcare to be a main obstacle to women's paid employment in Jordan. 28% of Jordanian survey respondents and 11% of Syrian refugee survey respondents reported that the provision of childcare assistance would help them to gain paid employment.

As noted in the findings, the Jordanian Labour Law guarantees female employees 10 weeks of paid maternity leave (Article 70). The law also foresees the potential for employers to attempt to escape the responsibility of maternity leave, and thus stipulates, in Article 27, that: "With due observance to the provisions of paragraph (b) hereof, the Employer may not terminate the service of the Employee or serve notice upon him for the termination of his service in any of the following cases: 1. The pregnant working woman as of the sixth month of her pregnancy or during the maternity leave."

Of course, this does not prevent employers from anticipating the effects of maternity leave and discriminating against women. However, in 2014, the Social Security Law was amended to cover maternity leave, meaning that, provided that employers and employees pay the full amount of social security each month, the cost is not additional to those already covered by them. Awareness of article 70 was particularly high among consulted employers, with only 8% of consulted employers unaware of the law. However the fact that some employers raised the cost of maternity leave as an issue in employing women suggests that many employers lack knowledge of the change to the Social Security Law, and thus the previous law continues to negatively affect the employment of women.

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Furthermore, while the entitlement of women to 10 weeks of maternity leave at full pay is the same as that of Lebanon that offers 10 weeks fully paid maternity leave, and greater than that of Tunisia, that only provides 4.2 weeks of maternity leave at 67% of the employee's salary, it falls short of the maternity leave typically provided by other countries worldwide. In the MENA region, Morocco offers 14 weeks of fully paid maternity leave and Egypt offers 18 weeks fully paid maternity leave, in addition to an option of taking 2 years of unpaid leave in organisations with 50 or more employees. Reports from employers suggest that many women leave employment after giving birth – a trend that may be affected by the short amount of leave provided and the lack of day care available when there are less than 20 women employees working in a company with at least 10 children under the age of 4. This supports findings of the ILO (2014) that, “when leave is too short, mothers may not feel ready to return to work and drop out of the workforce.” The ILO thus recommends the provision of at least 14 weeks and, ideally, at least 18 weeks of maternity leave.

With regards to day care, the cost of such a policy remains an obstacle, since employers are responsible for finding a suitable space and qualified staff to run the day care. Some employers thus try to get around implementing the law. For instance, one cleaning company that employed a high number of women explained that it did not provide day care in the workplace because the women worked in different areas and for only short periods of time, although such terms are not cited as exceptions to the law. An ARDD lawyer noted that the law can therefore also deter employers from employing over 19 women with young children. He suggested that the law should be changed to cover male and female married employees, so that it does not act as an incentive to employ fewer women and does not reinforce the idea that it is only the role of women to look after the children.

It thus signifies much progress that, in February 2018, the Lower House's Labour Committee took note of the recommendations of organisations working on gender equality to amend article 72 in the draft Labour Law to ensure that employers establish day cares when the total number of their female and male employees' children numbers 15 or more (The Jordan Times, 2018a). Furthermore, it amended the draft law to introduce a two-day paternity leave (ibid). While this is still very far from offering full paternity leave, it is an important symbolic gesture that childcare is not only the responsibility of the mother.

## **No Way Out: Lack of Legal Support for Syrian Refugees**

As per the findings of Report 1, it is clear that Syrian refugee women are not benefiting from the work permit scheme. Many traditionally female sectors are not open to non-Jordanians, and many women thus resort to informal work.

Despite pressure from foreign governments and INGOs to open up more sectors to Syrian refugees, the Jordanian government has been reluctant to do so, citing high unemployment among Jordanians as a reason for certain sectors remaining closed (Betts et al., 2017). However, ARDD's findings that some employers are employing Syrian refugees in closed sectors, in defiance of work permit regulations, shows that closing some sectors to Syrian refugees, rather than supporting the employment of Jordanians, is increasing Syrian refugees' risk of being exploited by employers.

While the employer of an engineering company and investor in a school claimed to pay Jordanians and non-Jordanians the same, despite drawing up a fake voluntary contract, other benefits and the sense of security that a formal contract provides, are still absent in such situations. For instance, the employer of a farming company that had been banned from employing non-Jordanians due to working close to the border instead employed Syrian refugees and other non-Jordanians on day contracts. Such contracts do not provide the same security and benefits to employers as long-term employment contracts.

Data from ARDD legal consultations shows the high rate of exploitation of Syrian refugee women employees working without contracts, and the inability of the majority of them to pursue litigation. Anecdotal evidence from women's reports during FGDs also supports this. One Syrian refugee woman who was working in a salon (a sector closed to non-Jordanians) reported not being properly paid and having to carry out tasks beneath her role. A number of others reported not being paid, or only partly paid.

Thus, since many employers are employing Syrian refugees in sectors closed to non-Jordanians, closing these sectors to non-Jordanians does not appear to be increasing the employment of Jordanians but rather increasing the vulnerability and hardships of Syrian refugees. Since a quota still exists in those sectors open to non-Jordanians that limits their employment to a certain percentage of the workforce, a quota could also be applied for the employment of refugees, rather than economic migrants, in a select number of sectors. Further and more expansive consultations with employers in closed sectors would help increase understanding of which sectors are employing refugees illegally, and where employers would support partly opening up jobs to refugees.

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## Sexual Harassment: the Law and the Culture of Silence

A manifestation of gender-based discrimination, sexual harassment is a pervasive behaviour bearing significant costs. Defined by the ILO as an unwelcome and offensive behaviour to the individual experiencing it, sexual harassment has become an important concern at both the international and the national level (ILO, 2017a). Resulting from inequality in duties and rights, sexual harassment is a profound aspect of various cultures that strongly impacts social stability and limits women's engagement in employment and socio-economic life (NFCA, 2008). Whether physical, verbal or non-verbal, sexual harassment in the workplace deeply affects those who face it. They can be left experiencing psychological suffering, reduced motivation or self-esteem and stress-related physical and mental illnesses that can ultimately lead them to abandon their employment or refrain from pursuing career opportunities (ILO, 2017a).

In Jordan, though present in all types of workplace, sexual harassment has been found to be particularly prominent in the manufacturing and global export-oriented industries, where large numbers of often young, inexperienced and, on occasion, illiterate women are employed and supervised by small groups of men (ILO, 2017b). This is one sector open to non-Jordanians and thus Syrian and other refugees find themselves driven into a risky form of paid employment. IRC (2017) thus found female refugees to particularly fear sexual harassment and gender-based violence in the workplace.

Indeed, though the ARDD survey showed sexual harassment to be marginally more likely to be experienced by Jordanian women than Syrian refugee women, the data from 3934 ARDD legal consultations and mediation cases, showed Syrian refugee women to be much more likely to have experienced sexual harassment in the workplace than Jordanian women. 73% of Syrian refugee women, compared to 54% of Jordanian women, informally reported having faced sexual harassment in the workplace.

In addition to the legal barriers deterring women from reporting on sexual harassment, ARDD found there to be a ***culture of silence*** surrounding sexual harassment that made women even less likely to report incidents.

A 2018 ARDD report entitled *Silent Women: an ARDD report on harassment in the workplace* (2018c) found sexual harassment to be one of the main challenges facing women in the workplace today. This issue cannot be viewed in isolation to

other discriminatory and harmful workplace practices as it manifests in socio-cultural norms and becomes institutionalized in the workplace through gaps in the legal framework or in the law's implementation.

While high rates of sexual harassment were informally reported by women who met with ARDD lawyers, the survey results showed far fewer women to experience harassment: of women in paid work, only 15.8% of Jordanian women and 5% of Syrian refugee women reported having experienced workplace sexual harassment. In discussions with ARDD, women were initially reluctant to talk about sexual harassment. Only once they became comfortable talking about harmful workplace practices did they begin to discuss sexual harassment in the workplace and its many forms.

Women also spoke to ARDD about such fears, especially the *stigma* surrounding sexual harassment and the social repercussions they could face for reporting it. So strong is such fear that UNDP found that it was common for women who experience sexual harassment in the workplace to opt out of employment entirely and put an end to their career rather than be faced with victimisation and social stigma.<sup>12</sup> The low rate of reported experiences of sexual harassment in ARDD's survey is therefore a better indication of the reluctance of women to report harassment, than any indication as to the likely levels of harassment.

59% of Jordanian women and 55.6% of Syrian refugee women - reported 'not knowing' why they did not consider taking legal action, almost as if inaction has become not a choice but an instinct.

## **Sexual harassment in the law**

As was found to be the case for other forms of workplace discrimination, ARDD found that women were unlikely to consider taking legal action when having faced sexual harassment in the workplace. Only 24.7% of Jordanian women and 21.5% of Syrian refugee women who had experienced sexual harassment reported that they had considered taking legal action. As mentioned previously, power imbalances in the workplace, such as caused by the lack of a formal work contract, greatly deter workers from pursuing legal action.

The labour law provides some compensation to workers who face some types of harassment and assault. It also enables them to leave their job without notice and claim half of the monthly salary for 2 months for each year of service of the

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worker and at a minimum of not less than two months' wages in addition to the notification allowance and other benefits (see: article 29/A/6). However, it does not prohibit all types of sexual harassment. The ILO (2017b) notes that, while illegal behaviours under Jordanian law include “sexual assault, attempted sexual assault, physical molestation or touching involving intimate areas of the body, [and] behaviour constituting a breach of public morality such as indecent exposure”, quid pro quo sexual harassment and some types of sexual harassment that create a hostile work environment—such as unwelcome advances, sexual innuendos, or pervasive and offensive gender-related language—are still permissible.

Thus, the rights of women who face more ‘subtle’ forms of sexual harassment are unclear. For example, the term “humiliation” is left open to interpretation. Indeed, when survey respondents who had been sexually harassed, but refrained from taking legal action were asked why they refrained, 8.2% of Jordanians and 12% of Syrian refugees responded that they believed that nothing would happen if they did pursue legal recourse. One woman explained that she had not taken legal action because “our rights are useless.” Another said that she would consider taking legal action for “a lot of harassment” and if she could not stop it by herself.

There is also no law compelling employers to have written procedures on sexual harassment and thus the implementation of workplace sexual harassment policies that cover all forms of harassment is done at the will of the employer. It is not surprising therefore, that employers applied a variety of approaches to dealing with workplace sexual harassment, and rarely had written policies. Nor is it surprising that, with unclear laws and ad hoc workplace policies, a number of women in the FGDs told ARDD that they lacked legal knowledge as to what to do in cases of sexual harassment, and many lacked knowledge of all forms of behaviour included under the ILO definition of sexual harassment.

## **A Culture of Silence**

In addition to the legal barriers deterring women from reporting on sexual harassment and assault, ARDD found there to be a culture of silence surrounding sexual harassment and assault that made women even less likely to report incidents. Of those women who sought legal consultations with ARDD about workplace practices, none sought them to report sexual harassment but spoke about it only after meeting with ARDD lawyers for different issues, and once the lawyers had gained their trust. Similarly, in the FGDs, there was only one instance of a participant feeling comfortable enough to discuss her experiences of sexual harassment in the

workplace. In a training conducted with workers from a manufacturing company in Jerash, ILO also found many workers to “fear the consequences of openly discussing sexual harassment” (ILO, 2017b).

ARDD lawyers reported similar reasons for low levels of reporting, and ARDD’s survey findings reinforce the idea of a “culture of silence”. The survey results show that, from those who reported experiencing sexual harassment but did not consider taking legal action, 8.2% of Jordanian women and 4.3% of Syrian refugee women explained that they feared losing their job; 8.2% of Jordanian women and 10.3% of Syrian refugee women explained that they feared that their work situation would worsen; and 11.5% of Jordanian women and 6% of Syrian refugee women explained that their family did not want them to report their harassment.

Women in FGDs also expressed these fears, especially the stigma surrounding sexual harassment, and the social repercussions they could face for reporting harassment. A former psychologist and counsellor who formerly worked for ARDD, testified to the problem of stigma that those who experience sexual harassment and other forms of gender-based violence face: “During the sessions, I encounter many female victims who feel that they can’t speak up. They fear that they will get blamed for being harassed” (ARDD Online, 2017). So strong is such fear that UNDP (2012) found that it was common for women who experience sexual harassment in the workplace to opt out of employment entirely and put an end to their career rather than be faced with victimisation and social stigma.

Furthermore, this fear of stigma appears to have been internalised by women to a point at which it goes unquestioned. Thus the majority of survey respondents who experienced sexual harassment—59% of Jordanian women and 55.6% of Syrian refugee women—reported ‘not knowing’ why they did not consider taking legal action, almost as if inaction has become, not a choice, but an instinct.

The approach of some employers, and many women themselves, to preventing sexual harassment by having separate work spaces for men and women also attests to the traditional societal views that contribute to stigma. By trying to prevent sexual harassment by segregating men and women, there is a failure to acknowledge the root cause of sexual harassment as lying in gender stereotypes, particularly that of hegemonic masculinity. Instead such root causes are exacerbated by treating harassment as characteristic of men. The strengthening of stereotypes of gender roles has also been shown to increase the likelihood of women being blamed for inciting sexual harassment and assault (Jensen & Gutek, 1982).

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## Chapter 3: Between Poverty and Prison: The Crisis of Women's Indebtedness

Previous research conducted by ARDD found existing debt to be one of the two most pressing factors hindering women's economic empowerment (ARDD 2018a). The legal framework in Jordan is such that financial debt, depending on the conditions and if left unattended, can lead to imprisonment. Taking on debt may offer a temporary reprieve from rising housing and healthcare costs, or soften the blow of a sudden crisis. It may even offer the chance to start a successful small or micro enterprise. However, in the long run it represents a significant driver of impoverishment. That is, in order to pay back loans, individuals must take money out of savings or from other sources that are needed for basic living and healthcare costs, which must then be covered by taking out additional loans. Further, the burden of debt has increasingly fallen on women, for whom more opportunities exist to borrow from women-focused micro-financing organizations, and who are often pressured by circumstances or male family members to take on debt.<sup>4</sup> This chapter is dedicated to identifying the main drivers of women's indebtedness, the role of debt in cycles of poverty, and the consequences to women of indebtedness.

### The Trap of Financial "Inclusion": The Landscape of Household Debt in Jordan

The conventional understanding of women's economic empowerment—which fixates on women generating income via participation in the labor market—holds that if women are provided the capital, they can somehow, through a combination of ingenuity and entrepreneurship, transform this capital into a successful money generating enterprise that will lift them out of their situation (ARDD 2018a). This focus on entrepreneurship conceives of poverty as a problem of capital scarcity and financial exclusion. The solution to which is therefore to increase "financial inclusion" (Central Bank of Jordan 2018). According to The Guardian, "much of this aid has gone towards increasing financial access, either as direct loans to local projects or as lines of credits (LOCs) for microfinance institutions (MFIs)" (2014). This focus has led to Jordan becoming the fourth largest microfinance market in the Arab region, with approximately 144,323 active clients and a gross loan portfolio (GLP) of 127 million dollars (Sanabel, 2009). However, while microfinance (MF) has grown dramatically in recent years, its contribution to poverty reduction remains at best unclear.

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<sup>4</sup> Consultation with ARDD, February 25, 2019.

Fiona Leach and Shashikala Sitaram enumerate five main reasons why women are often the target of micro-credit initiatives (1) women are “disproportionally represented among the poorest in society”; (2) women face additional barriers to formal employment as well as harassment and discrimination in the workplace (see chapters 1 and 2); (3) women heads of household are increasingly commonplace; (4) Women-headed households “are usually more vulnerable in times of crisis, as they have fewer resources to draw upon”; and (5) “[s]tudies show that repayment rates on loans and contributions to family well-being are often higher among women than among men” (2002, 575-6). These motives have guided MF programs from Bangladesh to India to Jordan. Indeed, each one is listed as guiding the current Central Bank of Jordan strategy for financial inclusion (CBJ 2018).

Microfinance differs from other types of aid programs (particularly cash-grant or employment-based initiatives) in that it directly transfers the risk of program success onto its beneficiaries. Thus, if women are unable to turn their loans into business “success,” then they enter the risk of default. In Jordan, a poor information environment compounds the risk of default—e.g., women often sign loan documents without fully understanding them and legal institutions offer little recourse and fewer guidelines—and non-payment can result in imprisonment (Guardian 2014; Jordan Times 2019a). Moreover, the lack of a clear legal and regulatory infrastructure for MF in Jordan opens borrowers up to “predatory” behaviors, particularly with the entrance of illegal or informal lending institutions.

While the purpose of official MFIs stem from social developmental motivations, “[u]nregulated institutions issuing microfinance loans, while operating partially legally, are merely loan sharks, driven entirely by profit” (Jordan Times 2019a). According to the Central Bank of Jordan, while there are 9 licensed MFIs—all part of the Jordan Microfinance Network (Tanmeyah)—“there are dozens of enterprises operating outside the network” (Jordan Times 2019b). Moreover, there are far more informal and/or unscrupulous sources of lending outside of the microfinance sector, preying on those unaware, unwilling, or unable to approach official or unofficial MFIs for help.<sup>5</sup>

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<sup>5</sup> Consultation with Phenix Center, February 5, 2019.

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The microfinance industry in Jordan comprises an array of providers, including: quasi-government organizations; non-governmental organizations; non-profit companies; for-profit companies; and financial institutions (ARDD, 2017 Annex 1). In 2017, these institutions produced approximately JD 223 million in MF loans, which represented a 10% increase over 2016 (though only about 1% of Jordan's overall credit facilities) (Jordan Times 2019a). The vast majority of these loans were issued through bank branches outside of Amman, in the various governorates. Yet, despite growth in the sector and some tangible successes in terms of job creation, a 2007 Planet Finance Survey of over 1,300 former and current MF clients found that there was no evidence to suggest that the loan had done anything to meaningfully reduce financial poverty or increased education attainment or food consumption (Planet Finance 2007).

Women beneficiaries of microfinance cite the lack of a proper evaluation process, the failure in some instances to be paid the promised amount, and in other cases being given more money than they can feasibly pay back (Guardian 2014). These problems are exacerbated by the fact that no laws for microfinance existed in Jordan as late as 2014. The Microfinance Bylaw (5/2015) sought to rectify these issues by mandating the CBJ to license, regulate and supervise microfinance companies (CBJ 2018). Despite these efforts, many MFIs remain unlicensed and thus outside of the present regulatory framework. Yet, when women become indebted to these unofficial lenders, they are still vulnerable to be taken to court for non-repayment. While official lenders have a strong motivation to seek mediation and other methods of facilitating repayment—and thus avoiding imposing a prison sentence—other lenders may be much more punitive.<sup>6</sup>

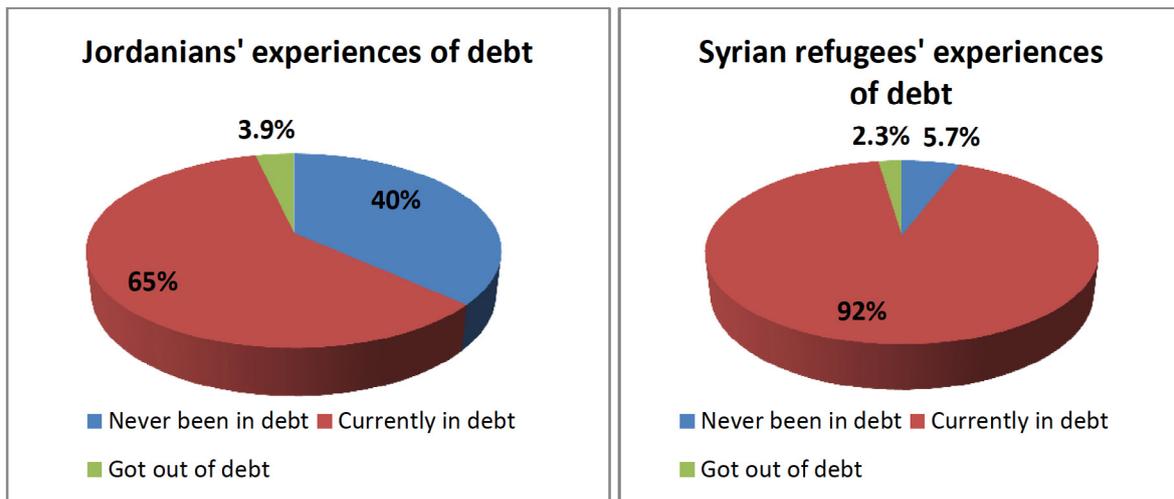
Given the serious risks that women take in seeking out both official and unofficial or informal loans, it is necessary to understand the factors that make such loans necessary or desirable. The following sections address the sources of financial hardship that women in Jordan often find themselves in, how debt feeds into the cycle of poverty, and the consequences of indebtedness. Suggestions for reforming the debt sector in Jordan are offered in the final chapter.

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<sup>6</sup> Consultation with ARDD, February 25, 2019.

## Indebtedness and Financial Hardship

According to ARDD’s survey of Syrian and Jordanian women in Amman and Mafrag, the majority (65%) of those surveyed reported currently being in debt. Syrian refugee women, however, were far more likely to be in debt. Indeed while 40% of Jordanians reported having never been in debt, almost all (92%) of Syrians had a history of indebtedness.



In the FGDs, most participants estimated that at least 75% of the families they knew were in Debt. The most common causes of debt cited include: unemployment and low wages, the high cost of basic items, bills and transport, and the difficulty for female heads of household to find work. Women play an active role in addressing debt, including working, looking for work or for organisations that offer help, taking on the household responsibilities so that other family members can work, reducing spending on food and household items, and doing the finances.

While participants were purposefully selected from the most disadvantaged segments of the population, it is still alarming that 73% of survey participants estimated their family income to be 300 dinar or below. Such findings are also representative of the majority of Syrian refugees in Jordan and a large number of Jordanians. UNHCR (2018) reports that over 80% of Syrian refugees are living below the poverty line, while the level of national poverty stands at 25% (The Jordan Times 2018).

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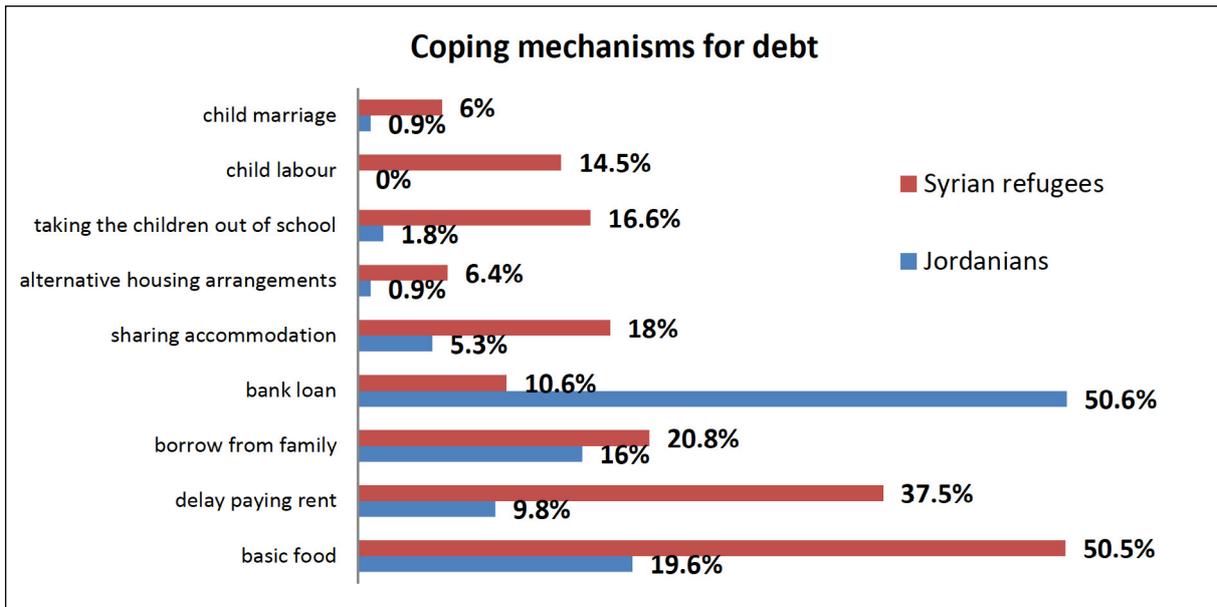
Women and families living under these conditions of financial hardship are particularly vulnerable to sudden shocks, “such as illness and injuries, for which families are not prepared” and which can “significantly worsen their financial standing” (ARDD 2018a). Additional hardships include taking care of persons with disabilities (PWDs) in the family—both in terms of time and money—“present a challenge to families’ ability to avoid and escape poverty” (ibid).

ARDD interrogated the standard logic of microfinance in Jordan. In *You Have a Chance: Rethinking Women’s Empowerment in Jordan* (Laki Forsa; ARDD, 2018a), ARDD provided legal and psychosocial empowerment sessions to women in Baqa’a and Shallaleh camps, along with distributing “emergency cash assistance” of JD 300 to 24 women (based on a vulnerability assessment). Women were asked to allocate the money in a manner which they deemed best to improve their situation. ARDD assessed and follow-up with the women through interviews with over 20 beneficiaries and key informants, as well as focus group discussions (FGDs) and participant observation. Based on observations of how the women allocated their funds, and on in-depth follow-up interviews, ARDD was able to identify the three greatest financial burdens experienced by women. As detailed above, medical expenses topped the list of financial burdens, followed closely by rents, utilities, and other essential household items.

Both of these types of burdens were directly linked to the increasing burden of household debt. Faced with sudden and more chronic health crises—which often take the male breadwinner out of the job market—and rising rents and utility prices, women are compelled to incur debt. Indeed, in many cases, women directly applied their emergency cash assistance to paying down some of their debt. In turn, paying back debt leads to “negative coping strategies such as relying on... savings... taking away from their ability to finance other matters, such as school or healthcare” (ARDD 2018a).

Both Jordanian and Syrian women deployed a variety of strategies to cope with mounting household debt. A common recourse was to borrow from family (20.8% of Syrians and 16% of Jordanians). While Jordanians were likely to take out bank loans (50.6%) this was not seen as an option by many Syrian women (10.6%). Otherwise, women resorted to either reducing household costs (e.g., taking children out of school or sharing housing) or delaying non-loan payments such as rent. A report commissioned by the Ministry of Planning and International Cooperation (MoIPC) found that around 80% of those surveyed with debt owe money to

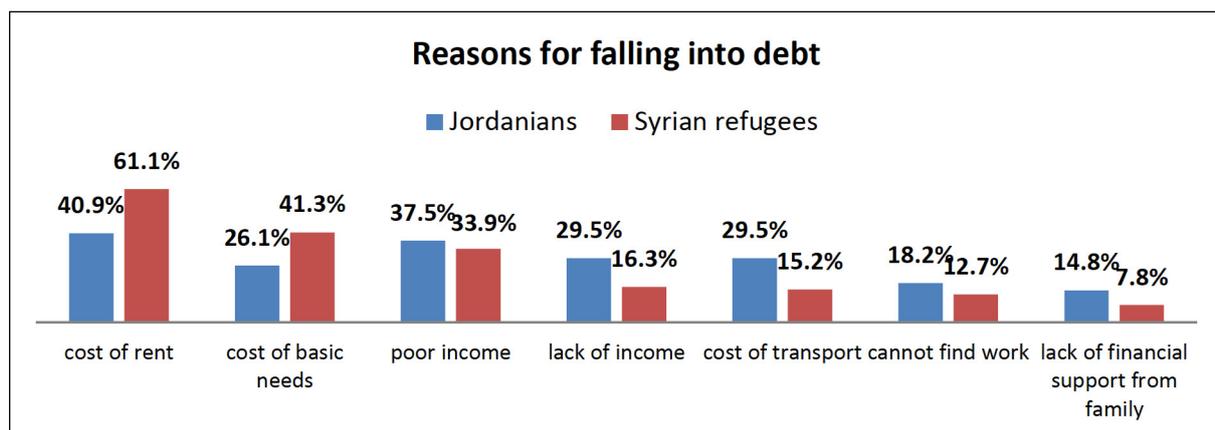
relatives and friends in Jordan, while less than 10% are indebted to relatives and friends in Syria. One in four households owe money to a shop owner. About 3% of those with debt owe money due to medical treatment and 5% owe money to the owner of the house where they live (Fafo 2019).



In other words, the availability of microfinance can lead to a cycle of indebtedness wherein school and health costs require taking out additional loans. It should be noted, however, that many women showed tremendous resourcefulness with their cash grants, such as allocating them towards home-businesses in the hope of generating additional income. Yet, in the case of the ARDD study, the cash-grants represented a risk-free investment. Moreover, the fact that women are allocating funds to entrepreneurship activities that are highly gendered, while also incurring the cost of time and energy related to unremunerated care work, is reflective of the more general lack of employment opportunities and social assistance described in the previous two chapters. Consequently, women are faced with an uphill battle against rising prices and financial pressures that often serve to keep them in poverty. Accordingly, the following two sections will address in detail two main drivers of indebtedness: housing and healthcare.

## Poverty and Inadequate Housing in Jordan

In ARDD's survey, Syrian refugee women overwhelmingly cited the cost of rent as the most common reason for falling into debt, with 61.1% citing this as a cause. This was also the most commonly cited cause among Jordanian women, though a smaller 40.9% cited it as a cause. The cost of basic needs was also cited by a much higher percentage of Syrian refugee women than Jordanian women as a cause of debt; 41.3% compared to 26.1%. Significantly, poor income was more commonly cited as a cause of debt than was a lack of income or not being able to find work: 37.5% of Jordanian women and 33.9% of Syrian refugee women cited poor income, compared to 29.5% of Jordanian women and 16.3% of Syrian refugee women who cited a lack of income, and 18.2% of Jordanian women and 12.7% of Syrian refugee women who cited not being able to find work.



The CARE 2018 Urban Assessment (September 2018) found that nine in ten Syrian refugees in Jordan reported having debt due to a combination of overall cuts in humanitarian response and higher living costs.<sup>7</sup> The high rents outside of camps significantly contributes to pushing Syrian refugees into debt, in particular due to the lack of legal employment options, with currently more than 80% of Syrians in Jordan living below the poverty line (UNHCR, Feb 2018). What income is gained is spent in majority on rent, and the consequences of this expenditure gap includes negative coping mechanisms such as cutting school costs, sending children to work and marrying young daughters (CARE, 2018).

<sup>7</sup> Although it is important to note that this same report found Jordanians have four times the debt of Syrian refugees, regardless of higher income (CARE, 2018).

Shelter Working Group Quarterly (SWGQ) reports provide snapshot overviews of progress, gaps and trends in the Shelter Sector for both Urban and Camp Refugees. The most recent Quarterly update Report (July 2018 - September 2018) reported a deterioration in the overall housing conditions of refugees, in particular when it comes to habitability (41% of Syrian refugees report housing vulnerabilities including insufficient ventilation, poor hygiene conditions and privacy concerns), affordability (48% of Syrian refugees report having difficulty paying rent) and security of tenure (35% of Syrian refugees do not have a lease agreement). The combination of these factors and shortage of affordable housing has led to an increase of inadequate and informal housing units including the rental of garages, shops and basements (SWG, September 2018).<sup>8</sup>

A report published by UNHCR and NCFA on the status of refugee families in Jordan<sup>9</sup> revealed some interesting statistics about the living conditions and aspects in urban areas. In terms of housing for the surveyed Syrian refugee families; 8.6% owned their house, 73% rent their house and in 13.9% of the cases the house was owned by relatives (UNHCR and NCFA, December 2018, p.55). The statistical analysis showed that the average area per person residing outside the camps is 34.4 m<sup>2</sup> (compared to 10.8m<sup>2</sup> in camps). In more detail:

“The results of the survey also showed that 42.2% of refugee family ‘ houses consisted of two rooms, and about 27.5% of refugee families’ houses consisted of three rooms, while 17% of refugee families had only one room, and only three families had a six or more. In addition, the analysis showed that the living space is divided into four categories as follows: 35% of families live in 91-120 m<sup>2</sup>, 34% live in (51-90) m<sup>2</sup>, and 22% -50) m<sup>2</sup>, and only 9% live in (121 and above) m<sup>2</sup>” (UNHCR and NCFA, December 2018, p.56).

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<sup>8</sup> Data is based on inputs provided by partner organizations within SWG through the ActivityInfo database

<sup>9</sup> Sample size was 805 families using a multistage sampling technique, based on average number of members of families, data collected using a survey developed by technical committee at NCFA used in previous studies conducted by NCFA into Jordanian families.

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## Healthcare Costs

Health costs have typically constituted the lion's share of financial debt in Jordanian households, in addition to being a major drain on funds leading to taking out loans in the first place. In Jordan annual household out-of-pocket spending on health jumped 58 percent between 2008 and 2013 (UNICEF, 2016). Adding to this is the fact that, while universal health insurance coverage has been outlined as a priority for the government (National Strategy for Health Sector in Jordan 2015-2019), only an estimated 78-86 percent of the population has some form of health insurance.<sup>10</sup>

Even for insured women, the unpaid cost of continuous and specialized treatment for disabled family members places a considerable financial burden on women. Among those uninsured, the need to pay for medical expenses out-of-pocket is even more daunting. In ARDD's study of 24 women under considerable financial hardship, a beneficiary in Nabila, whose husband had already undergone a number of surgeries for his heart condition, still required further surgery, which would cost an estimated JD 3,000—a high amount for most in Jordan, but certainly for a 38-year-old Syria refugee and her family (ARDD 2018a).

## The Legal Landscape of Debt

As with discrimination and harassment issues, women sought out legal services from ARDD's Legal Aid unit in dealing with debt problems. ARDD consultation with the legal department allows for a cursory assessment of the challenges in assisting women with debt. In most cases women came to ARDD for consultations or mediation in order to negotiate repayment of the debt without recourse to prison.

ARDD also compiled data comparing the total number of legal services provided related to both economic problems and to debt specifically. At first glance it is apparent that there is an incongruence between the severity of the debt problem and the number of women seeking legal assistance. Indeed, while Syrian women in Amman and Mafraq sought legal services in 128 and 54 instances, respectively, this amounted to only about 5% and 2.8% of ARDD's volume of legal services related to economic problems; and thus an even smaller proportion of the total number of services provided in general. For Jordanian women in Amman, the proportions were somewhat bit higher—although the total volume of service provision was lower. In Amman debt-related legal services accounted for about 14% of total services related to economic problems.

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<sup>10</sup> According to 2003 figures from the ministry of health. The validity of this figure is uncertain.

Consultation with ARDD and an initial analysis of legal service data suggests that women who have debt-related problems, despite the severity of the problem and its consequences, are not seeking out legal assistance. The observed rates of women accessing legal aid are even lower than with harassment (see above). To be sure, more in-depth data-gathering and analysis is required. Organizations in the legal services space need to put more resources into developing detailed and extensive data-gathering practices. Most importantly, however, official lenders and civil society organizations must increase their outreach efforts to inform women of their rights and the available avenues for receiving assistance. Government policymakers need to make the justice system less punitive and fairer with regards to indebtedness, so that women are not afraid to access the justice sector. Given the prevalence of predatory lending, the government should act as an ally to borrowers, not lenders.

ARDD Legal Service Provision: July 2017 – February 2019						
Governorate	Legal Services in General		Legal Services Related to Economic Problems		Legal Services Related to Debt Problems	
	Amman	Syrian Women	5678	Syrian Women	2134	Syrian Women
Mafraq	Jordanian Women	2892	Jordanian Women	435	Jordanian Women	62
	Syrian Women	3884	Syrian Women	1921	Syrian Women	54
	Jordanian Women	1734	Jordanian Women	567	Jordanian Women	22

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## Consequences of Debt: Imprisonment

Beyond the financial burden of debt, and the grim calculations it forces on women—e.g., choosing between repayment and health care or rent—the risk of unpaid debt in Jordan includes imprisonment. According to the Jordan Times “[o]ne of the most pressing public-opinion issues is locally known as the gharamat (fines or penalties) case, which refers to the imprisonment of indebted women who fail to make payments on their loans, many of whom claim to have received their microloans from women’s funds” (2019a). The problem is significant enough that the Jordanian Zakat Fund (affiliated with the Ministry of Awqaf and Islamic Affairs) as well as the UAE’s Red Crescent have contributed in excess of JD 1 million combined toward paying off imprisoned women’s debts over the last year alone. Despite the severity and visibility of the problem, the General Amnesty Law passed on January 21, 2019 excluded from being pardoned those in prison due to debt (The National 2019).<sup>11</sup>

In Jordanian law, debt is regarded as a financial claim, and is governed by the “Execution Law,” which provides that the maximum imprisonment term for a debtor who fails to pay their debt is 90 days per year, subject to renewal on an annual basis. The reason for the limit is to give debtors a chance to repay their debt before being subject to jail time once again. However, removing individuals from society for even a short time places considerable financial and emotional hardships on the families affected. When men are sent to jail, women in many cases then become the head of household, suddenly forced to balance earning money with care work. When it is women who are jailed, both their earning potential and their disproportionate contributions to household maintenance go with them (ARDD 2018a).

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<sup>11</sup> This is an issue that is being revised now as a recommendation following the main Amnesty law, referred to as the Private Amnesty law study. A potential amnesty for debtors is being discussed in the parliament as this report goes to press.

As reported in the Jordan Times, Ziad Rifai, vice chairman of Tanmeyah, disputes the official MFI's are sending women to prison—though they did send at least 100 men to prison (2019a). Official MFIs claim to settle most cases without jail time, since “[t]hat would only kill the loan, rendering it unsalvageable. We would rather be patient with our borrowers and clients, because once they’re sent to prison, the debt is dead” (Jordan Times 2019a). Official totals of the number of women in prison for any crime, let alone those imprisoned for debt-related reasons, are not easily forthcoming.

In a previous study, ARDD found that debt was not only a source of financial hardship but also a source of mental distress and anxiety: “...loan repayments... are a source of stress. Interestingly enough, none of the women interviewed referred to having participated in any microfinance program, which one of them explicitly arguing against it. Their fears and anxieties are grounded in the unforgiving nature of the law that turns unpaid debt into imprisonment” (2017 p.29). Thus, the fear and anxiety that the threat of imprisonment produces bears considerably on those who take out loans, but also prevents others who might benefit from microfinance from doing so. Uncertainty and risk are generated by the poor legal and regulatory environment, compounded by financial pressures due to weak social services and rising prices, and further reinforced by punitive legal consequences for repayment failure.

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## Conclusion: Key Recommendations

The challenges facing women, particularly Syrian refugee women, in Jordan are considerable. Access to the labor market is limited by an array of boundaries and obstacles and, once employed, women are open to continued discrimination and harassment, lower wages, and continuous, unremunerated obligations at home. The economic conditions and hardships that women face combine with and compound these difficulties. Absent opportunities in the labor market, many domestic and international agencies have taken to promoting small and micro-enterprises as an alternative to formal employment. In many instances this amounts to shifting the responsibility and risk of economic development onto already at-risk women. Microfinance is a highly attractive option to international lenders and indeed offers some genuine potential for helping some women. However, its widespread application has exacerbated the crisis of household debt in Jordan. The following recommendations, therefore, attempt to address women's empowerment from a structural or holistic vantage point. The sources of financial burden—e.g., lack of healthcare coverage, high rents—along with the limitations of the formal job market and the poorly regulated microfinance market all contribute to women's impoverishment and lack of empowerment. Consequently, any comprehensive solution must tackle each of these challenges together, rather than placing a disproportionate share of the burden of change on women's (highly resourceful) shoulders.

### Strategies for Change

This comprehensive report concludes with key takeaways followed by proposed strategies for public policy, civil society, and the private sector.

The key takeaways from this report are as follows:

**First**, increasing formal-sector employment should take priority. While assisting women with developing home-based businesses is a worthy pursuit, ARDD suggests that—given limited markets, lack of social security, and lack of oversight in this sector—a more just, long-term solution would be to focus on overcoming the barriers preventing women from accessing part- and full-time formal employment.

**Second**, care work is work. Both home-based business and formal employment solutions must take into account that this work places an extra burden on women who have responsibilities in the home. Social support systems—e.g., child care, maternity leave, cash grants—must therefore be put in place help women navigate these competing demands on their time and energy.

**Third**, the systemic sources—as opposed to individual-level determinants—of women’s financial hardship must be adequately addressed. It must be stressed that the reasons women seek out loans, including microfinance, **stem from economic hardships related to the absence of opportunities and the presence of barriers to economic participation in the labor force and to increasing costs of living**. Syrian refugees especially endure these hardships. Thus, any solution to the household debt crisis must address housing and healthcare costs, as well as the dearth of formal employment opportunities for Jordanians and, particularly, for Syrians.

**Fourth**, the data environment must be improved. As detailed below, this is a problem at all levels of intervention—from the government, to civil society, to the private sector.

Fifth, the reasons women do not seek legal aid are threefold: (1) they are not informed about their rights and sources of aid; (2) legal aid institutions are limited and stretched thin; and (3) women do not see identifiable solutions through the justice system. The threat of prison, and the advantage lenders and employers have in the justice system currently leaves women with little hope.

### **Strategies for Public Policy**

- **Imprisonment for failure to repay loans is counterproductive, overly putative, and serves to generate anxiety about taking advantage microfinance programs.** Additionally, holding women in prison stigmatizes them as socially deviant, which is incredibly difficult to recover from. Finally, it is an inefficient use of public funds: it costs more to imprison many women than the total value of the debt they hold.
- Solutions should be sought to **facilitate and encourage repayment** that do not remove debtors from economic activity and from their families. This could include: mediation programs, publicized debt relief programs, and better education about the risks of taking on debt.
- While there are many good reasons to believe that microfinance **programs represent an important pillar in promoting poverty reduction, such programs must be properly regulated and calibrated to the needs and repayment capacities of beneficiaries.** Unregistered MFIs must be forced to register or closed down.

- **Data Availability:** The public sector needs to make data more readily available on legal cases brought against indebted women, the number of women in prison for debt-related issues, and sources of debt (Official MFIs, unofficial MFIs, or informal lenders). Without this data, civil society and legal aid organizations cannot properly address the debt crisis.
- **Work Permits:** Until more traditionally female sectors are open to Syrian refugee women, or until more Syrian refugee women gain the skills and desire to enter non-traditional sectors, **focus should be taken off increasing access to work permits for Syrian refugee women.**
- Efforts should instead be **focused on ensuring that the work permit scheme is not gender biased**—traditionally feminine sectors should be opened up to some Syrian refugee women.
- **Enforcing the Law:** ARDD welcomes the Jordanian government’s commitment to improving gender pay equity and believes Jordan should follow through with its amendment to the draft Labour Law to include a law ensuring pay equity. However, **attention also needs to be paid to the phenomenon of paying differently for jobs that are different but of the same value, as this overwhelmingly affects women’s pay.** ARDD thus supports the recommendation of the ILO in 2010 to follow Sweden and Canada in their approach to applying gender neutral job evaluations.
- **Maternity leave:** Maternity leave should be extended beyond ten weeks to make it easier for women to continue working after giving birth. As per the policies of other countries, the length of maternity leave could be extended with some reduction given to the percentage of pay received. Further research needs to be conducted as to what combination of pay and duration would be most welcomed by women, as well as how to introduce such a policy without further deterring employers from employing women. Similarly, while the inclusion of 2 days paternity leave in the draft law is a welcome gesture, there is a need to extend this.
- **Article (27/A/1) of the Labour Law should be amended** to also include that it is not permissible to not renew women’s contracts if the contract period ends during the maternity leave.
- **Article (72) of the Labour Law should be amended** to apply to both men and women and not linked to the number of children, and incentives given to employers who implement the law, such as tax breaks and/or government grants given to cover the cost of implementing the law.

## Strategies for Civil Society

- **Economic Independence:** Women who are economically empowered and independent can better access the resources and education needed to facilitate their continued success. Correspondingly, keeping women at home limits the ability of ARDD and other civil society actors to gain access to women and therefore to have a sustainable impact on their lives.
- It would be advisable for NGOs to **reassess their approach to vocational and other forms of training for women**, to ensure that they are not encouraging women to pursue businesses that lack a market, exacerbate gender stereotypes, or train Syrian refugee women to work in sectors closed to non-Jordanians.
- Consequently, **MFIs must operate in tandem with programs designed to address rising household costs and the promotion of women’s labor force participation** (as described above).
- **Better Legal Data:** Potential solutions are as good as the data that supports them. For example, organizations need to gather and provide better data about debt: Where does debt come from? Who seeks mediation (who doesn’t)? What are the outcomes? Who are the women in prison?
- Microfinance programs should be paired with **risk-free initiatives** such as direct cash grants, vocational training, rights education, and programs designed to lessen the burden of household care work (as detailed above).
- Women in desperate for money lack the resources to become informed about debt. They are **not in a position to invest loans into money-generating enterprises**, and, in such instances, MFIs serve only to perpetuate the cycle of poverty and impoverishment.
- **Legal and Financial Awareness:** More effort needs to be taken to educate women about their rights and obligations—including consequences—when taking on debt, and the avenues for legal assistance in seeking recourse for job harassment and discrimination.
- **More Legal Support:** In addition to general education about debt, harassment, and discrimination, **women need more access to legal aid.** Including ARDD, only three such organizations exist in Jordan. Existing organizations need more resources, and additional legal aid providers need to be established.

- **More Legal Support:** Lawyers need to be specifically trained in financial issues, and to develop better data gathering and analysis capabilities in order to be better able to collaborate with other civil society and government entities to address the root causes of indebtedness.
- **Enhance the role of the civil society in calling for economic reform:** improve strategies for their engagement, which should be addressed by decision makers, whether donors or governments.

## Strategies for the Private Sector

- **Private-Public and Private-Civil Society Collaboration:** More effort needs to be made to facilitate private sector collaboration with government and civil society initiatives aimed at empowering women in the labor market and workplace.
- Rather than marketing the profitability of women to employers, more **focus needs to be put on tackling the root causes of discrimination** that lie in the idea that women are not able to perform certain roles and responsibilities. **Efforts also need to be made to increase recognition of the contributions of the reproductive economy and increase the value placed on workers' health.** An improved culture of worker satisfaction would be beneficial for both male and female employees, such as the adoption of flexible work hours by more employers.
- **Awareness-raising is needed to Jordanian employers on the changes made to the Social Security Law with regards to maternity leave.** More awareness-raising also needs to be carried out with employees to increase the knowledge of their rights vis-à-vis the Jordanian Labour Law and **Social Security Law.**
- **Access to Rights:** Most private sector businesses are too small to adequately provide women with awareness of their rights in the workplace. The private sector needs to do better. Human resources departments need to be equipped with the ability to inform women of their rights and to help them seek just recourse for workplace harassment and discrimination.

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