



TERMINATINGA COLLECTIVE WORK CONTRACT

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ABSTRACT- This study addresses issues related to the termination of collective work contracts in accordance with Jordanian Labor laws. It specifically examines a number of scenarios, including scenarios in which laborers are represented by a trade union that terminates the contract on their behalf, scenarios in which laborers are not represented by a trade union where the legislator does not indicate if a contract must be terminated for a whole group or only for the individuals who represent a group, and scenarios in which the legislator does not specify the number of individuals that define a “group” to allow for the legal termination of a collective work contract. The research results indicated that the legislator should define their concept of a “group” by stating the number of individuals who would constitute a “group” in this context. The results also determined that legislators should identify and define the characteristics and number of worker representatives for scenarios in which workers request a collective work contract to define and bind their terms of employment.

Keywords: Collective work contract, Trade union

I. INTRODUCTION

Collective work contracts typically reflect the state of a nation’s economy and are an important factor in supporting the emergence of major local companies that promote the growth of production sectors and markets. Collective contracts are a means through which labor relations between employers and employees are defined and upheld, and when such contracts are written in a way that respect labor laws and public order, stipulate the provision of adequate work conditions, do not differentiate between workers, and limit employers from undertaking perilous competitive actions that may be detrimental to laborers, their existence can greatly limit any potential interference by official authorities that may slow down production and efficiency. Therefore, it is paramount for nations to control the provision and execution of such contracts by regulating how they define and supervise the relationship between employers and groups of employees through coordinating the work conditions of specific production sectors, facilities, and public establishments.

Jordanian labor law explicitly stipulates the definition of this type of contract in its second article, which states “A collective work contract is a written agreement which defines the terms of work as being regulated between the employer or the association on one hand and a group of workers or a union on the other”

Section one: In the event that a union represents workers whose terms of employment are defined in a collective work contract

the aforementioned union will act as the workers’ representative body in the event that the contract is terminated. The union is considered to be the juristic person in this case, and the representative of the union must be chosen by union members through a method that abides by the ordinances of the union’s internal system and rules (AL-Mughrabi, 2018).

In these cases, workers unions defend laborers’ rights and play a role in organizing laborers’ relationships with their employers in accordance with the stipulations of the collective work contract in question. They ensure the equality of the two contractual contracts, earning the workers a stronger position in such negotiations as they work to reduce any violations that may be committed against laborers and protect their lawful rights. Therefore, when unions represent laborers in contract negotiations and discussions, they enable the creation of smoother solutions, especially in situations when the laborers entering these contracts are in the hundreds and thousands. .

1-1 Conditions for Establishing Trade Unions:

1. According to Jordanian labor law, the Jordanian legislator defines unions as being “the body that represents employers. The union by this description is considered a legal person independent of the workers themselves. Unions are therefore entitled to perform all authorized activities in accordance with the provisions of this law the regulations issued pursuant to it, and the regulations of its internal systems.

2. In order to legally establish workers unions, the unions must abide by the regulation outlined in , the text of Article 98 of the amended Jordanian labor law, which states,“ the founding members of the union must be Jordanian and be no younger than18 years of age, and they must not be convicted of a felony or misdemeanor involving moral turpitude or dishonesty “. Item (A) of the same article stipulates that thenumber of workers in aunion must be no less than (50) individual workers, and that these workers must either all work in a single industry or economic activity or in industries or economic activities that are either identical or related to one another through their cooperation in producing or providing a single good or service

3. Additionally, worker’s unionsmust submit a written and signed request petitioning for the union’s official registration withthe Ministry of Labor. This request must include the following elements:

A. An application to register any union or employer organizationsigned by itsfounders must besubmitted to the union registrar at the Ministry of Labor and include the following details:

1. A list of itsinternal systems and bylaws which should include the union or employer organization’s name, main positions and address.

2. A list of the founding members’ names and their identification documents.

3. The names of the members of the first administrative body who were chosen for their positions through an election held bythe union/organization founders.

4. The minutes for meetings held by and between faculty members.

B. The union and employer association registrar may request the administrative body to provide them with any additional documents they deem necessary to complete the registration.

This is based on the text of Article (102-A,B) of the Jordanian labor law.

1.2 Conditions for Affiliatingwith Unions:

The Jordanian legislator stipulated one condition when defining the terms forworkers’ affiliations with unions, being that a worker must be no younger than (18) years of age, a natural person, a legal person. and registered by the Kingdom in accordance with the provisions of the the text of Article (98)-Branch F,G of the Jordanian labor law,

The Jordanian legislator did not stipulate any other conditions or specific methods related to union members, as is the case with the stipulations governing the selection and ordinance of union founders.

Some of the most prominent employer’s organizations and unions in Jordan include the Bakery Owners Employer Organization, the Hostile Goods Traders Employer Organization, the Restaurant Owners Employer Organization, the General Union of Workers in Food Industries, the General Union for Education Workers, and other unions

1.3 Unions gaining Legal Person Status:

The Jordanian constitution guarantees the right to free trade union organization in Article 23/2-F, which specifies, “ The State establishes and protects legislation based on the principle of free trade union organization within the limits of the law”

The first law in favor of the trade union movement was issued in Jordan in the year1953 whenthe Kingdom ratified the International Convention No-(87) into the Jordanian labor law. This law declares unions’ freedom of association andtheir right to protection andto organize in orderto regulate the operation of unions and protect their rights.

It is necessary for the union to establish its status as a legal personindependently from the legal person status the individuals governing it so that it can effectively achieve the goals that underlie its foundation as a regulatory body. It will operate under the name which it was registered by, independently acquire its status as legal person, and perform all activities it is authorized to practice in accordance with the provisions and regulations of the labor law starting from:

1. The date that the union’s decision to register was officially published in the government’s Official Gazette.

2. Or from the datethat the Supreme Court of Justice decided to cancel the registrar’s decision to refuse a union’s registration.

3. Or from the expiration date of the appeal period for the decision to register a union with the Supreme Court of Justice based on the text of Article (103) of the Jordanian labor law.

After acquiring a status of legal person, a union is then granted permanent status and issued an official stamp. The union will then be entitled to legally own property and transfer said property in accordance with the provisions of the Law of Disposing of Immovable Property by Corporate Entities,. Unions are then also granted the status to terminate contracts and have lawsuits brought to or brought against them (**Al-Doudi,2011**)

According to the text of Article (14) of the labor law, if a union is public, it has the right to establish branches throughout the Kingdom. There is also an internal system that defines the main union branch's relationship with the other union branches and with the General Federation of Trade Unions.

Section Two: Procedures of Collective Work Contract Terminantion in the Absence of a Trade Union Representing Workers.

The former version of the Jordanian labor law, which has been repealed, previously prohibited unions' rights to terminate collective work contracts, as is still the case with the laws of other Arab countries such as Egypt and Syria. The newest version of the Jordanian labor law grants worker groups the right to terminate a collective work contract even in the event that they are not represented by a union, because collective work contracts typically protect workers better than the basic regulations outlined in the labor law.

If the worker group that is not represented by a union is barred from entering a collective work contract, this would deprive this group of the potential benefits that collective work contracts offer.

2.1 The Conditions for the Establishment of a Group of Workers:

If a union representing laborers in a certain field of employment or industry does not exist, a group of workers who are employed in the unrepresented field of employment or industry may enter a collective work contract that all members of the group will be legally bound by after appointing a group representative.

It should be noted that a group of these workers may choose to each represent themselves individual or they may choose one individual to represent the group. When workers choose to be their own individual representatives, workers who did not join the collective work contract will not be bound to its obligations and stipulations.

However, if workers elect to represent their colleagues and become the group representative for the individuals bound by the collective work contract, problems may arise due to the fact that there are no laws governing the method through which these self-elected worker representatives earn the position of group representative. There are no laws that stipulate if a worker who becomes group representative of the workers bound by a single collective work contract must be from the same institution/company, or if its admissible for this representative to simply be working in the field/industry as the workers they are representing. **(Ramadan, 2004).**

The legislator also does not specify a minimum number to define this kind of group to allow for the termination of a collective work contract, as would have been preferable.

2.2 The Eligibility Criteria for Groups of Workers:

The Jordanian legislator did not clarify the eligibility criteria defining what constitutes a "group of workers" that has the ability to terminate a collective work contract. Therefore, they are bound to the conditions that were set for founding members of unions and for workers who wish to join a union.

Principles of jurisprudence dictate that that it is possible for a worker to become a representative for their colleagues,. However, this individual must be qualified to represent the group according to the ordinances of Jordanian civil law, meaning that they must be no younger than 18 years of age, and if they are younger than 18 years of age, they must be represented by their legal guardian. **(Abu- shanab, 2003).**

On 4/11/2008, the Jordanian Court of Cassation also decreed that worker representatives must be able to properly, completely, and impartially represent their colleagues' rights and benefits when it issued decision no (708/2008) (five-fold).

It is worth noting that the Jordanian legislator did not indicate whether collective work contracts entail the termination of the contract for all members of the group or only for the group representatives.

II. FINDINGS:

In light of the points discussed, we find that the Jordanian Law does not adequately address the following issues:

1. Completely regulating collective work contracts in its codes.
2. Determining the criteria groups of workers must meet so they can terminate a collective work contract in the event that they are not affiliated with a union.

RECOMMENDATIONS

The text of article (98) has been modified, but the issues stated have not addressed.

Notifications of receipt

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