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The Legal Protection For Pregnant Working Women Under The Jordanian Law

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Abstract

Human resources are one of the most important means by which a country's economy grows and develops. The higher the percentage of benefit from this resource and the extraction of its potential, the higher the rate of production and development in societies. Essentially, the component of this resource are the two arms that move it represented by women and men, and since it is women who constitute the dilemma in different eras and at all levels, especially at the level of work. In this research the researchers direct most of their focus on women's, which is struggling to develop itself and its society on the one hand, and it struggles with the forces of reverse tension that are trying to undermine the solidity, strength and ability of women to bend it from continuing to carry out their natural function in the service of his country and society, and trying to detract from his rights and privileges on the other hand. Women have suffered from discrimination in various Western and Eastern societies, and researchers highlight here the suffering of women in Jordan through their work and source of livelihood as a result of this gender discrimination, despite the persistent attempts of legislators to establish the rights of working women through legislative texts, however, the researchers sees a continuation of violations of these rights and deception of the provisions of the law in order to detract from what this woman deserves as a reward for her efforts and for doing the work entrusted to her.

Keywords

Legal Protection, Pregnant Working Women, Jordanian Law

1. Introduction

In Jordan, despite the increase in the percentage of females, which reached (48.5%) in 2013, compared to the percentage of males, which reached (51.5%) in the same year, (Al-Assaf, 2016) Also, despite the high educational attainment of females, which reached (53%) of the total number of male and female university graduates, the participation of women in the labor force and the market does not exceed (14%) whether in the formal or informal economy sector, if compared to the male participation rate, which is 54%. (International Labour Organization, 2021).

This is one of the reasons behind why Jordan ranked 135 out of 144 countries in the world in terms of the rate of women's participation in the labor force, and since the global average in low-middle-income countries is 37.9%, Jordan's rank compared to this global average is much lower than it. (International Labour Organization, 2021). Furthermore, according to World Bank statistics, the percentage of Jordanian women's participation in the Jordanian labor market is one of the lowest in the world, as it is the fifth lowest in the world. The percentage of women's participation in the labor market has decreased, reaching 16% in 2010 and dropping to 12.6% in 2014. (Jordan Strategy Forum, 2022)

One of the most important reasons that led to that decrease in the rate of women's participation in the labor market is the discrimination against them on the grounds of gender. This discrimination is concentrated if this working woman becomes pregnant and the subsequent periods of maternity leave, breastfeeding hours and child care. For this reason, the legislator was keen, and in diligent cooperation with the International Labor Organization and civil society institutions, in order to keep the legislation in pace with this problem to reduce it since its negative effects. In order to preserve the survival of women in the labor market, the Hashemite Kingdom of Jordan joined the International Labor Organization in 1956. Jordan had ratified 26 conventions of the organization, including seven conventions considered among the basic conventions, which numbered eight. (International Labour Organization, 2020).

Through this research, the researchers will shed light on the legislative texts that cast shadows of legal protection on the rights of working women, in particular the Jordanian Social Security Law, which the legislator tried through its texts to preserve those rights - which in many cases the working woman is ignorant of these texts and rights - On the other hand, the researchers review one of the most important problems facing working women, which is (the dismissal of a female worker during the maternity period stipulated by law).

2. Method

A qualitative and doctrinal legal method is adopted through a descriptive and

content analysis approach to examine the legal protection for the rights of working women under the Social Security and Labour Law. Furthermore, this paper has used a case approach by analysing the Jordanian court's approach towards this matter. (Emad Mohammad Al Amaren, et al. 2020)

3. Analysis and Discussion

The Jordanian legislator tried to keep pace with the global change regarding the improvement of the conditions of working women, especially pregnant women. In order to have greater and broader legal protection for the working woman on the one hand, and to prevent employers from negatively destabilizing the labor market on the other. Based in that, the Jordanian legislator has established the following with the goal of achieving a greater and broader legal protection for the working woman.

3.1 Maternity and care leave

Maternity leave is the period during which a pregnant working woman has the right not to work while preserving her right to receive wages. In this regard, the Jordanian legislator has updated its legislative texts contained in the Jordanian Labor Law as follows:

- The duration of this leave, according to the text of Article (50) of the repealed Labor Law No. 21 of 1960, was for six weeks and at half the wage received by the woman. After that, the Jordanian labor law was amended as the text in Article (70) of the Jordanian Labor Law No. 8 of 1996, has taken into account the rights of women as the pregnant worker has the right to a maternity leave for a period of ten weeks with a full wage during that period, provided that this leave is divided as follows:
 1. Four weeks before giving birth, and this period has been made optional by the legislator for the pregnant working woman so that the disposal of her according to her desire, whether to continue work or stop for leave, it is not permissible for the employer to force the woman to continue working during this period if she chooses to stop her work to rest before giving birth.
 2. Six weeks after giving birth, and this period of maternity leave is mandatory for both the woman and the employer.¹ (Otoom, 2022,168)
- This leave was in the repealed labor law, specifically in Article (51) of the right of a pregnant working woman to obtain it if she worked for the concerned establishment for a period of not less than (180) days, while the amended Labor Law No. 8 of 1996 did not provide for this condition to obtain The woman is on maternity leave and therefore she has the right to obtain it regardless of how long she worked for the facility. (Otoom, 2022,169)

The International Labor Organization, with simultaneous efforts with civil

¹ The Labor Law requires the employer to pay the pregnant working woman her full wages during the maternity leave period, and this is what made many employers refrain from hiring a married woman and even dismiss her if it is proven that she is pregnant.

society institutions, seeks to push for an increase in this leave to become at least equal with the leave of women working in the public sector, which amounts to (90) days, equivalent to (12) weeks.

Under the Jordanian labour law Care leave is the period during which a woman can stop working without wage to be able to take care of her children while ensuring her right to return to her work immediately after the end of that period, taking in consideration that she's not permissible to work with other company or institution during that care leave. It is worth mentioning that this type of leave was not stipulated in the previous legislation of the Labor Law, but was introduced in the amended Labor Law No. 8 of 1996, where Article (67) of it stipulates the right of women to this type of leave, but with the following conditions:

- 1- This period shall not exceed one year.
- 2- The number of employees in that establishment shall be ten or more workers.

3.1.1 Rights Following the Care Leave

One of the important following rights in the matter of care leave is what the Jordanian legislator stipulates in this Labor Law and its amendments, in Articles (71 and 72) of it with regard to:

- Breastfeeding Hour: It is the period during which the legislator gave the woman the right to breastfeed her child, provided that the period does not exceed an hour per day.
- Establishing nurseries: where it became the duty of the employer who employs more than twenty married workers to prepare the appropriate place to care for the children of those workers, provided that the number of these children is not less than ten and their age is under the age of four. (Otoom, 2022,169)

3.2 Maternity insurance in the Jordanian Social Security Law

The Jordanian legislator has been keen to develop its legislative system for pregnant working women and this is evident through the amendments it approved to the legal texts through which it establishes its supreme goal to reach a just position on pregnant working women and with joint efforts with international organizations such as the International Labor Organization.

Maternity insurance was one of these arms through which the law extended its umbrella over the conditions of pregnant working women, in order to avoid the problems that resulted from the legal text contained in the Labor Law, which imposed on the employer to give the working woman (pregnant) her full wages during the maternity leave period which were approved by the law, so maternity insurance came as part of the Social Security Law. This temporary law was introduced in 2010 in cooperation with the International Labor Organization, and the application of maternity insurance was started 1/9/2011. The condition for women to obtain this insurance at that time was to be covered by an umbrella The guarantee is for a period of at least 9 months, and the insurance coverage is approved for 4 births only, while the Social

Security Law No. (1) of 2014 came to reduce these conditions so that the period of coverage in the institution would be 6 continuous months instead. From 9, so that the births eligible for maternity insurance are not limited to four births, and according to Article (42) of the same law, employers are required to pay 0.75% of the wages of the insured from their workers in that facility, whether male or female, and this is considered to establish the principle Solidarity and solidarity upon which the Social Security Institution is based, provided that the Social Security Institution pays an allowance to the pregnant working woman during the period of maternity leave equivalent to her wages, according to the last wage subject to deduction at the start of the maternity leave in order to encourage employers to employ women and not to dismiss the pregnant woman working for them. It should be noted that this insurance applies to all insured persons, except for those who are voluntarily affiliated with the insurance and employees of government departments and official and public institutions. (Article (43) of the Social Security Law No. 1 for the year 2014).

3.2.1 Conditions for Obtaining Maternity Insurance Under Jordanian Social Security Law

1. That the woman be covered by the insurance umbrella during the last six months before her entitlement to maternity leave.
2. Birth must be proven with an official certificate. In light of the permanent development of the legislative text that reserachersmentioned earlier, the Assistant Director General of the Social Security Corporation for Administrative and Financial Affairs, and in a press interview with him conducted by the Jordanian daily Al-Ghad newspaper, stated that there is a proposal to amend the Social Security Law related to maternity insurance so that it becomes the right of a pregnant worker To receive maternity leave allowance when eight months of work have passed before her birth, whether this period was continuous or intermittent, which is required by the curren Social Security Law that the woman be covered during the last six months before her birth. Where it was found that there were cases that were monitored in which the pregnant worker was unable to benefit from maternity insurance, due to the irregular work by those workers during the six months prior to childbirth.

Since the employer alone is the one who pays the prescribed percentage of maternity insurance, according to Article (45/b) of the same law, contributions for old-age, disability, death and unemployment insurance contributions are deducted from the allowance paid to the woman during the maternity leave period, and the employer does not pay them during the maternity leave period. (Article No. (4) Law No. (24) of 2019, a law amending the Social Security Law)

3.2.2 Maternity Insurance Funding Sources

According to Article (42) of Social Security Law No. 1 of 2014 and its amendments, the sources through which this insurance is financed in order to continue

paying the dues due to women during the maternity leave period are:

- 1- Amounts deducted monthly and paid by the owner of the facility, which is 0.75% of the value of the monthly salaries of male and female employees.
- 2- Fines and interest due to non-compliance with the provisions relating to this insurance.
- 3- Amounts obtained as a result of investing the monthly contributions, which are invested by the Social Security Corporation.

It is worth noting and what calls for raising the hat for the Jordanian legislator is that he has been proactive so far in stipulating a system for maternity protection based on insurance in social security, as it is the only one in the Arab region that legislated such insurance. (International Labor Organization, Maternity Insurance Assessment in Jordan, 2021).

3.3 Maternity Insurance and Social Protection System Between Theory and Practice

For every legislation in order to reap its fruits and show its results, there are two sides. The first aspect is reflected in the theory, which is expressed through the legislative text through which the legislator tries to reach the maximum extent possible in balancing the interests of the different groups in society, and the other aspect is the application, which appears clearly during the validity of the legislation. The law The advantages of that law and legislation to be praised or negatives taken into consideration when amending that law or setting special regulations that avoid and limit these negatives.

Through our research into the problem of pregnant working women, researchers have seen that the legislator has tried and is still continuing in its attempts to push and support from international and local organizations concerned with women's affairs in order to reach the extent that this woman feels that she is taking her rights and is not discriminated against because of her gender , with our need for more such legislation that establishes the principle of justice and equality between the different social types, and on the other hand, researchers have found that the practical application of these legislation collides with those who have a narrow self-view of the employers who only value their immediate material personal interests and are superior to that interest On the rights of the women who work for them, for whom the legislature stipulated those rights.

Next, researchers present many of those violations, which were monitored by the International Labor Organization and other organizations and study centers through their survey and study of the situation of pregnant working women, with exposure to some judicial rulings issued by Jordanian courts.

3.3.1 Violations of Employers and The Continuous Suffering of Pregnant Working Women

The Labor Observatory of the Phenix Center for Economic and Informatics

Studies, through a paper in which it participated in 2015 on the occasion of World Teachers' Day, presented and appreciated some of the situations and problems faced by teachers, particularly in private schools, and what concerns us from this paper is what is related to The pregnant working woman whose rights are violated by the owners of those schools - based on what was mentioned in that research paper, starting from not registering her with social security and thus not obtaining maternity insurance as stipulated in the Social Security Law and stipulating that that woman should be a joint member of the security for a period of no more than It is less than six months, and therefore the owner of that school loses that woman her right to receive a maternity leave allowance in this case because he does not want to pay the monthly subscription for his female workers and he, in turn, refuses to pay that lady her wages in the period in which she is on maternity leave - and that Based on the Labor Law, which gave her that right - and worse, he deducts those contributions from the monthly wages of the women working for him, while not registering them in the social security. I am aware, according to figures issued by the Public Institution for Social Security for 2014, the number of male and female teachers covered under the insurance umbrella amounted to 86,302 male and female teachers in the public and private sectors. their employees with social security.

The Labor Observatory monitored cases in which the administrations of those schools dismissed the women working for them because of her pregnancy, while others limited the maternity leave of that worker to only two weeks, obliging the woman to return to work with the threat of dismissal in the event of not returning, taking advantage of that woman's need to work on the one hand. On the other hand, many women are ignorant of their labor rights, and none of them are able to pursue the attainment of those rights in court. (Al-Rai daily newspaper, 2015, <https://alrai-com.cdn.ampproject.org>).

Through a study conducted by the International Labor Organization in the year 2021, through which it explores what pregnant working women go through in Jordan through personal interviews with women who have been subjected to prejudice and discrimination because of their pregnancy, (International Labor Organization,2021) what these women are exposed to is summarized as follows:

First: The non-renewal of work contracts due to pregnancy, especially in private schools, where many complaints were received from female teachers in this sector who lost their source of livelihood due to pregnancy and childbearing.

Second: Require women to do a pregnancy test, whether in order to renew the work contract or to hire the woman for the first time at the facility.

Third: The establishment, and specifically private schools in particular, does not register women and include them in the social security umbrella.

Fourth: Depriving women from enjoying maternity leave and threatening her with dismissal if she does not join her work, despite the fact that the law gives her the right to that paid leave by the Social Security Institution if the woman is covered by that insurance.

Fifth: The woman's failure to obtain the hour of breastfeeding that the law

legislated for her due to the refusal of employers to enable her to do so.

In the context of research and investigation on this problem that rocks the sleep of women globally and internally in Jordan, Al-Ghad newspaper raised a question in this regard on social media, and the result was not different from what was concluded by other studies conducted by many international and local organizations and activists based on following up on the affairs of workers and women in particular, which is summarized in what researchers mentioned previously, and that the questions that follow all women when they are hired:

First question: Are you pregnant?

The second question: Do you intend to become pregnant?

In some extreme cases, employers ask the woman to sign a pledge not to become pregnant for a period they specify for her, and this is inconsistent with all laws and regulations that have been enacted and which prohibit all these methods and means that women are exposed to because of their gender, under penalty of penalties and fines for employers who they do these abuses.

The researchers would like to note what researchers consider a loophole in the law that employers exploit, which is that Article (27) of the Jordanian Labor Law states that it is not permissible to terminate the service of the worker/worker or give notice of this in cases: including "a pregnant working woman starting from the 6th month." From her pregnancy or during maternity leave" and it is understood from this text that employers can terminate her services if the pregnancy period is less than the beginning of the sixth month for reasons other than pregnancy, which is what employers exploit to terminate the services of a pregnant working woman and they spare no effort to invent many, many reasons and the flimsy justifications for terminating the services of that woman when the direct cause is pregnancy.

Since the employers have diminished the rights of the pregnant working woman, some of them dismissed her and some of them deprived her of her rights by not complying with what the law stipulated. Others are ignorant of these rights, but researchers find on the other side of the women who have been prosecuting these people in order to obtain those stolen rights, as everyone is subject to the rule of the judiciary and the law.

What was settled by the decision of the Court of Cassation in her capacity as a jurist in decision No. 2319/2012 dated 7/25/2012: (The jurisprudence of the judiciary and in accordance with the provisions of Article 27/a/1) of the Labor Law has established that it is not permissible to dismiss a pregnant woman or to issue a warning to her to terminate her services from the start From the sixth month of pregnancy or on maternity leave, and since this is considered an arbitrary dismissal with which the rights stipulated by law are entitled, and that withdrawal of the notice and an apology for it has no effect, as it is not permissible to withdraw the notice except with the consent of both contracting parties in accordance with the provisions of Article (23/1) of the Labor Law. The defendant's retraction of the notification is considered in this

case.

Since the Amman Court of Appeal has reached this conclusion, its decision is in accordance with the law and the principles, and the reasons for the appeal are not responded to and must be rejected.

And in decision No. 1205/2019 issued on 1/7/2019 from the Mafraq Court of First Instance in its appellate capacity, "and in the case presented, and where it was proven to our court that the plaintiff was pregnant on 1/6/2017 and that her dismissal took place while she was in the sixth month of her pregnancy, and contrary to the provision of Article 27/a/1 of the Labor Law, her dismissal from work in this case is arbitrary, and she is entitled to the compensation stipulated in Article 25 of the same law only for the absence of double compensation.

Among the provisions that support our point of view regarding what researchers think is a legal loophole regarding the inadmissibility of dismissal of a pregnant working woman starting from the sixth month of pregnancy. In Decision No. 334/2014, the Na'our Rights Reconciliation, issued on 10/28/2014, "As for the maternity leave allowance, the court finds, through Al Mubarraz M/1, that the defendant dismissed the plaintiff on 9/15/2011 and that the plaintiff gave birth to her daughter on 30/ 1/2012 and since Article 27 of the Labor Law stipulates that "it is not permissible to dismiss a pregnant working woman starting from the sixth month of her pregnancy or during maternity leave," and since the plaintiff was not in her sixth month during pregnancy, the defendant did not violate the text of Article 27 of The Labor Law, and thus does not violate the Labor Law by dismissing the plaintiff unfairly during the pregnancy period, which must reject this claim.

3.4 Maternity Insurance Assessment

When the state puts in place a new system or law, it must, as a matter of self-review, take place after a period of time it deems appropriate, and a sufficient period to evaluate that system or law and the feasibility of its application to the community groups concerned with it, in order to monitor the positives that have been achieved as a result of its application, as well as the negatives that It appeared during the practice of implementing that system or law on the ground, and indeed, the International Labor Organization - being the official partner and supporter of the legislative and practical development of everything related to work and workers, especially women - and at the request and cooperation of the Social Security Corporation conducted a comprehensive study in which maternity insurance and its impact on All categories subject to it, after ten years of its application, which is considered a sufficient period of time to determine its results, whether negative or positive.

3.4.1 Impact of Maternity Insurance on Employers

Before the adoption of the amendment that included maternity insurance in the Social Security Law, employers, based on the provisions of the Labor Law in this regard, obliged them to pay the wages of a pregnant working woman throughout the

ten-week maternity leave period. At the age of marriage and childbearing on the one hand, and on the other hand, it pushes them to dispense with the services of these women the moment they find out about her pregnancy, and that was a widespread phenomenon in the labor market at that period, but researcher's note that after applying maternity insurance, there is a belief that this insurance has encouraged the employment of Women and not looking at gender and that the criterion for employment is competence. (International Labor Organization,2021).

As the researchers see that the value of the subscription that the employer pays for maternity insurance, he is paying it on behalf of his entire staff, whether male or female, and therefore this pushes him to not give serious attention to the type of social employee as long as he pays for both types together, which researchers consider a positive point in the interest of this insurance.

Especially since the percentage required to be paid by the employer for this insurance is considered an appropriate amount according to the description of almost all employers who had to conduct the evaluation study by the International Labor Organization, not to mention that there are positive effects of maternity contributions on the financial statements of some companies, as he is no longer the employer He is the one who pays that woman her wages on maternity leave, but he took over this task of social security through maternity insurance. (International Labor Organization,2021).

One of the women says: "This insurance encouraged employers to employ us and not to dispense with our services in the event that reseracherswere near our marriage or the date of our birth, and on the other hand, it had a role in empowering us economically." (Amman Net website, What is the role of maternity insurance in women's economic participation, 2021 <https://amman-net.cdn.ampproject.org>)

Nevertheless, it is still common among employers to ask about pregnancy, which accompanies a woman when applying for a job, and some employers attribute this to the difficulty of finding a competent alternative for the woman who will stop working for maternity leave, especially in companies whose internal system does not allow temporary contracts that he is forced to. The employer until the main worker returns to her place of work, in which case the companies distribute the work of that woman to the rest of her co-workers, which puts a kind of pressure on them.

Likewise, there are still violations committed by employers against women despite the existence of maternity insurance, which researchers have previously exposed to in this research, which is summarized by depriving her of her maternity leave or in the best cases, cutting her off. On the other hand, they do not inform the Social Security Institution of the real salary of that woman. Which reduces her benefits and wages that she will get during maternity leave.

In many cases, it has been found that the concept of social security for a group of employers is marred by some misunderstanding of its objectives, as some of them consider it a burden on them and their small companies in particular, and they do not consider it an investment for themselves and their workers, which leads them not to involve their employees in social security, especially women, and they evade that

despite Their good knowledge of the penalties for their evasion, although the existence of tax exemptions and reductions for employers who are committed to the Social Security Law makes this an incentive for the rest to implement that law according to the point of view of one of the employers, and it is a respectable view that researchers hope the legislator will take into consideration.

On the other hand, researchers find that there are employers who have reached a certain degree of awareness of the importance of social security, specifically maternity insurance, in order to attract the best talent to work for him, because inclusion in the social security umbrella is one of the reasons that attract workers to work for large and small companies.

Employers believe that civil society organizations that cooperate with the government and the International Labor Organization when discussing proposals for enacting or amending the labor or social security law, they do not involve the employers, although they are the other face of the labor market, which is the first face of the labor market.

It should be noted that ignorance of the importance of maternity insurance by male workers has caused employers to have some problems and exposed them to complaints. As researchers mentioned previously, maternity insurance contributions are paid by the employer at 0.75% of the monthly wages of his workers, whether male or female. Males about the extent of their responsibility for this insurance and why they pay out of their salaries for this insurance, and soon comes a statement and clarification of this issue that social security is a symbiotic system and each of us must benefit from this umbrella, so it must be the wife of this worker or his sister or daughter in There is a need for this insurance one day, so what he gave for the benefit of others must be returned to him one day, and what appears to me from this problem is that the employers deduct the percentage of participation in maternity insurance from the wages of the workers even though the law has imposed on the employer to pay this The percentage, based on Article (42/a/1) of the Social Security Law, which states: "The sources of financing maternity insurance consist of the following:

1. Monthly contributions paid by the facility at the rate of three quarters of one percent of the insured's wages."

Researchers note that many employers are still waiting for women to be ignorant of the labor and social security laws to exploit them for their own benefit by depriving them of their maternity leave and considering them as one of their sick leaves, or pushing them to take leave without pay, or considering maternity leave as a deduction from their personal leaves and other attacks. on the rights of those women, all in order to reduce the general expenses of these establishments. (International Labor Organization,2021). Researchers would like to emphasize in this urgency that the sector that transgresses the law and most violates the rights of pregnant working women is the private education sector and the industrial sector, while the banking and tourism sectors are considered among the best sectors that are seriously committed to the Social Security Law, which benefits women working in these two sectors. Taking into account the existence of some individual cases that violate the law. (International

Labor Organization,2021).

3.4.2 The Impact of Maternity Insurance and Social Protection On Women's Survival in The Workforce

It is known that the first priority of a woman is her motherhood and taking care of her children, and when this priority is placed along with other matters of life in two balances, it will prevail over everything else. Not being pregnant in the first place or not giving her rights on maternity leave or in the hour of breastfeeding, and for that the legislator stipulated maternity insurance in order to reduce this withdrawal and encourage employers to employ women and not pressure them and separate them in the event of pregnancy and childbirth.

In light of the review by the media center of the Social Security Corporation, the number of women participating in the institution who benefited from this insurance for the year 2015 reached (7532) women, and the amount disbursed for this purpose had reached (8) million Jordanian dinars, and thus the number of women who benefited has increased Of this insurance since its inception on 1/9/2011 until 31/12/2015, reaching (19) thousand women, where the expenses for this amounted to (22) million (528) thousand dinars.

The media center confirmed that the institution has begun to see the positives of applying this insurance on women's participation in the labor market, through the increase in the percentage of women covered by the social security umbrella, which increased during the three years preceding 2016 from 25% to 27%. (Jafra News, 2016, <https://jfranews.com.jo>) In light of the steady increase in the number of women covered by the insurance umbrella and benefiting from this insurance, the Foundation announced through the spokesperson of its media center that the number of women beneficiaries of maternity insurance has reached (60) thousand and (182) women since the beginning of the application of this insurance. (Al-Dustour daily newspaper, 2022, <http://www.addustour.com>).

For this reason, we see that the effect that cast a shadow on women's survival in the labor market and her return to it after the end of maternity leave is generally positive, as all mothers who benefited from this insurance returned to the same jobs and with the same wage that preceded the maternity leave, and in the opinion of women unanimously In the study prepared by the International Labor Organization, maternity insurance makes them feel job security, which generates loyalty and loyalty to employers, but we cannot deny the existence of employers who still fire women or threaten them to reduce wages, and this confirms that maternity insurance has not been established. By addressing all matters and issues related to attempts to retain and involve women in the labor market. (International Labor Organization,2021).

However, despite the implementation of maternity insurance, the Higher Population Council has clarified that the rate of economic participation of women in Jordan, according to the results of the Labor Force Survey for the year 2020 issued by the Department of Statistics, has reached 14%, which is the rate at which this rate has been around for thirty years. This is because the low rate of women's participation in

the labor market is due to many reasons that must be addressed in the coming days, which the National Center for Human Resources Development referred to in a study prepared in cooperation with the Ministry of Labor, some of which are due to a defect in the societal culture of women's work, and others. The study is based on the weakness of the legislation for the protection of working women, in addition to the difference in wages offered by employers, so that the wages of men are higher than that of women, despite the equality of certificates and competence in many cases, and other reasons that everyone bears the responsibility to address to keep the arm. Women's economic role in the labor market. (Al-Assaf, 2016) With the start of the implementation of the social protection system (care) linked to maternity insurance, it is hoped that the active participation rate of women in the labor market will increase, as the number of insured women who benefited from the home care allowance reached (5414) women, while the women who benefited from the same system but from the care allowance through the nurseries, their number has reached (344) insured women, and this system has been established to support and protect women working in the private sector. (Al-Dustour daily newspaper, 2022, <http://www.addustour.com>).

3.4.3 Evaluation of maternity insurance during the Corona period

The period during which the Corona virus (Covid-19) spread was one of the most difficult periods that the entire population of the earth went through during the previous decades, and it had a significant negative impact on all political, economic and social levels, and women in general and working in particular in Jordan were one of those groups that suffered from the effects of this global crisis, and this was evident when they tried to obtain their right to maternity insurance, due to the closures that affected the Social Security Institution, like other institutions, to limit the spread of Corona. Women at that time faced many problems, represented by the following:

The first problem: is what women faced when using the electronic system prepared by the Social Security Corporation via the Internet, which was established in late February of the year 2020, where there were technical problems such as website failure or the difficulty they faced in filling out electronic applications, as well as the ineffectiveness of the phone line. The provision of assistance, especially in the early stages of the closure, which hindered these women from accessing the institution.

The second problem: the rural woman suffered from, as she was asked to go to the Foundation's headquarters in Amman because of the closures that affected the local offices of the regions.

The third problem: is the difficulty of issuing birth certificates for the children of female workers, which is a prerequisite that must be met to obtain maternity insurance and for the Social Security Institution to complete and complete the transaction, due to the closure of the Civil Status Departments.

The fourth problem: represented in the closure of nurseries to reduce mixing and the spread of the virus, and the impact of this has been suffered by the woman who did not stop working in it according to its nature.

The fifth problem: which is the outcome and the result of all the previous

problems, which is the **difficulty** of obtaining maternity insurance in those emergency circumstances, and if it is obtained, after a long period, compared to what was before Corona.

But every negative circumstance has a positive side. During this period, thousands of companies that had not previously registered for social security were exposed, after these companies were forced to announce themselves and to participate in social security and involve their workers, for fear of being exposed to the consequences of the Corona crisis from forcing them to pay The wages of workers and employees despite the closures and work stoppages, and this was done with the encouragement of the Corporation to these companies by amnestying the fines resulting from non-registration and giving them a grace period, and on the other hand, the Corona period granted employers to change the traditional way of thinking about doing business, so there is It is known to work from the home, which has enabled this woman to do her job while looking after her children at home, despite the multiplication of effort required of the woman because of that, as she performs her work in addition to taking care of her children at the same time. (International Labor Organization,2021). But one of the most important measures taken by the Social Security Corporation in this difficult period, which the International Labor Organization considered in the light of its evaluation study of maternity insurance as a dangerous precedent, where the institution resorted to using the funds allocated for maternity insurance to provide it to help the elderly, where it allocated 4.5 million A dinar from the balance of the Maternity Fund to provide parcels and coupons to the needy categories of the elderly, patients and day laborers who are not covered by the social security umbrella. Indeed, this measure was helpful, even partially, to alleviate these societal groups that need to provide assistance and assistance in this difficult period that everyone is going through. But in the words of a specialist from civil society organizations, "It is a crisis, but it is also interesting that (maternity insurance) is seen as the first pocket for the government to put its hand on," especially since the maternity insurance fund is characterized by a large surplus, as the expenses spent are instead Maternity and care leave is not estimated at more than a third of the revenues of this fund, which indicates that there is an imbalance between the inputs and outputs of this insurance. Participation rate. (International Labor Organization,2021).

4. Conclusion

In conclusion, we say that we commend the efforts made by the Social Security Institution in cooperation with the Ministry of Labor and with the support of the International Labor Organization and civil society organizations to support women in all fields and at every level, with an emphasis on continuing to monitor and criticize what has been done and the measures that are being taken not for the purpose of criticism. In itself, but in order to reach the goals we call it, we hope to increase the participation of women in the labor market in order to avoid huge losses due to the disruption of this economic arm.

Based on what we have previously presented in this research, we would like to present to the officials some recommendations that we saw as serving the general orientation of the Social Security Institution in terms of promoting and protecting working women in Jordan:

- Carrying out continuous media campaigns from time to time in order to raise awareness of the rights of working women and to explain and clarify the services provided by the institution in this regard.
- Amending some of the legal texts in which we presented our point of view, considering it one of the loopholes through which scammers enter the law.
- Increasing inspection teams on establishments in order to ensure their inclusion in social security, especially those establishments that have been known for their massive and permanent violations of the rights of working women.
- Communicating with employers through training, educational and discussion workshops in order to reach the best solutions to the problems they face related to maternity leave and others, and trying to solve them with legislative texts that balance the interests of the worker and the employer.

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