

Safe recruitment with focus on legal aspects in Jordan

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Questions and Answers

1. What is the recommended period for the introduction of workplace policies?

Generally, human resources (HR) start with core policies, including security, code of conduct (CoC) and HR-related inductions. Later, we can set the plan to ensure staff attends all relevant areas of induction within a short period of time. This is then expanded to cover different areas including, but not limited to, safeguarding, programme overview, procurement policies and child protection.

2. What are the most important components of the self-declaration form?

Mainly, it aims to confirm that shared information in the application is correct. It covers a range of factors. This may include but is not limited to: experience dates confirmation, COVID-19 vaccination data, confirmation of no breaches related to safeguarding through staff career.

3. When do we share policies including codes of conduct? After the decision-making phase of hiring or in the process of a written test?

Usually policies are to be shared with hired applicants as staff, volunteers or consultants.

4. Shall HR conduct risk assessment for each position? If the position needs direct contact with beneficiaries, would it need additional checking?

Yes, but not through “risk assessment” process only. Specific comprehensive safeguarding questions can be embedded into the interview stage and requirements in announced vacancy for positions. Especially those that require direct involvement with beneficiaries or specific vulnerabilities.

Some organisations assign various positions different “safeguarding levels”. They have responsibilities, training and requirements that are required for all staff and then they have some additional safeguarding requirements for those with a higher risk level. For example, all positions may require staff to sign a CoC, review the safeguarding policy and regular training on what safeguarding is. Some staff might need to fulfil these requirements quickly, e.g., before they travel to communities, and other staff can fulfil these within the agreed time period outlined in point 1 above. Other staff may require additional training,

mentoring or support on safe programmes, integrating safeguarding into their specific role or on safeguarding and leadership.

5. If the safeguarding violation occurs by the employer, does the worker have the right to leave the work without notice, in light of article 29 of the Jordanian Labour Law?

Yes, of course, Article 29 is clear in connotations and therefore the worker has the right to leave the job without notice while retaining all rights arranged by law or contract, but the advice here is that the case should be documented at least by filing a complaint to the authority in the Ministry of Labour and/or to judiciary.

6. Is it possible to approve the resignation of an employee who is still under internal investigation for safeguarding violation, irregularities and heavy losses belonging to the organisation?

This option is up to the organisation's administration, which appreciates the legal position, and of course the administration can resort to the judiciary to claim compensation if both the act and the damage to the organisation is proven. Either way, the investigation needs to be fully completed and justice and responses served as recommended by the investigation.

7. Does the current Defence Law protect the aggressor if the assault is proven from dismissal or punishment?

Defence orders issued under the provisions of the Defence Law regarding labour relations came to protect the worker from any infringement of labour rights. In case of committing an offence, specifically violations of a criminal nature related to harassment, of course the law and defence orders allow the organisation to do everything necessary to protect the labour interest, provided that of course the competent authorities, such as the Ministry of Labour, are informed of the occurrence of the violation or assault and the worker has the right to resort to the judiciary if he/she believes it was not fair.

8. What if a candidate fails the reference-check stage for previous misconduct? Can he/she legally sue this entity/organisation for defamation?

There is no responsibility on the part of the person who does so if the act has been proven through a professional investigation.