

The role of the judiciary in the protection of labor rights

Introduction: -

all the international covenants confirmed on human rights, human right at work, as the rights inherent and inalienable and relevant to the right to life and development, and one of the main tributaries, the fact that this right contributes to the social and economic development, and contribute to building a personal humanity and elevating the self of the individual. All that is reflected the result on the progress of people and satisfy their needs and the importance of this right has been mentioned in many international charters and conventions on human rights in general and labor rights in particular.

The Importance of the subject in question has gained the attention on a regional level and it is enough to recall in this connection what the constitution in the Arab Labor Organization provides " work is not good and that of labor rights in the Arab countries to work in conditions and terms of appropriate consistent with the dignity of the Arab world .. . and that every able-bodied citizen has the right to work where he can earn a living and live a decent life, and the State is under the obligation to create jobs by way of development plans towards achieving that goal so that the increase in production combined with increased employment opportunities to the extent that guarantees the right of all citizens to work".

At the national level - Jordan - is corresponding to the rule in terms of the text on labor rights in the Constitution and adoption of many of modern laws and the ratification of numerous conventions and treaties to ensure that the rights of the worker.

This has been translated in practice in Jordan through several mechanisms, means and perhaps the most important mechanisms are the judicial means which aimed at protecting the rights of workers. And the fact that the judiciary is the natural guardian

of the rights and freedoms, including the right to work, the Jordanian Judiciary played a very important role in this field, this role can be summed out the following: -

1- Ensure individuals' right to litigation in general, which applies to labor rights .

2- The judiciary is the only way to achieve the principle of the rule of law in order to ensure the exercise of fundamental rights and freedoms at work through the proper application of provisions relating to fundamental rights at work.

3- Admissible in the court proceedings and labor claims free of charge and without payment of any fees which include all stages of the proceedings and the implementation of the verdict.

4- Allocation of judicial bodies to look into labor issues for the purposes of ensuring the speedy adjudication, especially courts located within big cities.

5- The issuance of many of the judgments of the Court of Cassation which affirmed the right to work as a native right.

6- The adoption of several resolutions on the Labour Court to ensure the rights of all parties .

7- To give the labor dispute shall be referred to the Labour Court, the urgency so as to direct consideration of the dispute within a period not exceeding seven days that the decision shall, within thirty days.

8- The stability of judicial precedents of the invalidity of any clause in a contract or agreement whereby the Group relinquishes any right conferred by the law and the care of the worker as the weaker party in the contractual relationship.

9- The stability of the judicial precedents of the invalidity of the approval issued by the Group during his contract .

10 - Considering labor rights as a debt owed by the employer at the end of the employment contract and granting the worker the statutory interest from the date of the claim if the employer fails to pay the royalties when the worker claim them.

11- Preserving the rights of foreign workers in the event he did not obtain a work permit, in terms of stability of judicial precedents that the failure to obtain a work permit does not prevent him from his wages

12- the stability of Jordanian Judiciary that the burden of proving the fulfillment of labor rights is located on the employer.

13- To ensure the rights of workers have said the courts and through the many interpretations of the concept of judiciary in any institution and the necessity of notice to be sent to the Ministry of Labour .

14- In the stage of the judicial enforcement of labor rights, labor Court gives priority to other rights where these right are given the priority.

15- In addition to the foregoing, some judicial rulings force the employer to re-employ the worker to work after it was proved that the worker's dismissal is unjustified dismissal.

And consequently may not have the space to mention everything done by the judiciary for the protection of labor rights. We believe that it suffices to recall here the adoption of several judicial rulings of the Jordanian Courts in all grades to ensure the worker's right to leaves and end of service gratuity and overtime allowance of compensation for unfair dismissal.

This is a true reflection of the role of the judiciary in protecting human rights and fundamental freedoms in general and the right to work, in particular because any country that sponsors of labor rights is a welfare state., especially if we recognize that the right to work is the base of economic and social values contained in the International Covenant on Economic, Social cultural and validated by The Jordanian

government, this authentication that impose on the State a commitment to protect labor rights.

Thank you .

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