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AN APPRAISAL OF THE LEGAL RIGHTS OF PERSONS WITH DISABILITY TO WORK IN JORDAN AND SAUDI ARABIA

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ABSTRACT

This study examined the compatibility of national legislation with the international conventions governing the rights of persons with disabilities to engage in private and public sectors as employees in Jordan and Saudi Arabia. The international and regional conventions of this category ensured that they have the right to equality and to work in the same way as other individuals in societies. Comparative constitutions, including the Jordanian Constitution, guarantee the protection of persons with disabilities and enable them to exercise their rights, notably the right to work. The statutes concerned the protection of the rights of persons with disabilities, including the Jordanian Labour Law, which established the right of disabled persons to work and other relevant laws. The rights of persons with disabilities to protect the disabled in all institutions concerned with them through the active participation and social integration of the disabled to show his leading role in society and other bodies concerned with the work of the disabled and his personal freedom. The researchers conclude that the developed country is a pioneer in this field to developing countries, including Jordan, despite the great interest of the disabled, and this may be due to the availability of financial resources and technological progress of those countries.

Keywords: Disabilities; Labour Laws; Jordan, Saudi Arabia.

1. INTRODUCTION

It is well known that there is no single community which doesn't have persons with different kinds of disabilities. Therefore, our research aimed to define the concept of disability, identify the types of disability through national legislation and in accordance with international conventions, in addition to clarifying the right of a person with disabilities to get a proper work that suits the kind of the disability he has as well as to focus on equality between them and healthy people. As a result, international and national laws have confirmed the protection of the disabled persons and their right to work. This great concern for the disabled has shown in real

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³ ibid

protection in public and private institutions through active participation and community integration. However, the problem of research is to reach a definition of the concept of persons with disabilities, in addition to the inadequacy of legal texts binding on the employments of the disabled and granting them their rights in a proper manner.

There is no doubt that the number of people with disabilities is increasing constantly, as the causes of disabilities are different and varied, some of which are congenital reasons, where others resulted of wars and internal conflicts, in addition to daily traffic accidents which its negative consequences may sometimes cause different disabilities for people. Since man is the mainstay of any society, and the capital of nations which they are developed by, countries must pay attention to it in all fields in order to preserve and sustain it. Man can not carry out his developmental role without the support of the state to develop his capabilities. Therefore, attention to people with disabilities and their integration into work within public and private institutions in the community is a significant investment and important in order to achieve their natural goals to meet the challenges of this age, and this goal will be achieved only by providing them with suitable jobs to live in a dignified and natural life, This has been confirmed in the International Convention on the Rights of Persons with Disabilities, which was signed on March 30, 2007, and sets out a comprehensive and complete organization of the rights of persons with disabilities.⁴ At the national level, the Jordanian legislator ratified the Law on the Rights of Persons with Disabilities No. 20 of 2017 to ensure respect for the rights of persons with disabilities.

2. THE CONCEPT OF PERSONS WITH DISABILITIES IN INTERNATIONAL AND NATIONAL LAWS AND THEIR CLASSIFICATIONS

(a) The definition of persons with disabilities in international law

There is no doubt that there are many different types of disability. Therefore, in the first requirement, we must define persons with disabilities,⁵ in accordance with international conventions and national legislation, and then determine the legal classifications of persons with disabilities in the second requirement. According to the World Health Organization (WHO) has identified disability as: (a) "any restriction or lack of the ability of the body or mind refers to genetics or the environment that prevents a person to perform an activity in the manner or within the range considered normal for a human being⁶".

The American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, in its first article, defines the term disability as "physical, mental or neurological weakness, whether permanent or temporary, that limits the ability to perform one or more of the basic activities of daily life which can be caused or aggravated by the economic and social environment.⁷

The ILO Convention on Vocational Rehabilitation and Employment of Persons with Disabilities No.(159) of 1983 in article II defined the term disabled person means an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment.⁸ The Arab Convention on the Employment and Rehabilitation of Persons with Disabilities No.(17) of 1993 defines the disabled person as: "A person who suffers from a lack of some physical,sensory or mental abilities as a result of illness, accident, congenital or genetic causes, leads to partial or total

⁴ Convention on the Rights of Persons with Disabilities[CRPD] 2006, Art.1

⁵ AL Saadi,B, 2006, The Rights of Persons with Disabilities in Palestinian Society, Ramallah, Palestine.

⁶ Hassan, H, S 2013, Legal Protection of the Rights of Children with Special Needs in Saudi Arabia and the Arab Republic of Egypt, Naif Arab University for Security Sciences.

⁷ Najmuddin, I, K 2014, Protection of the Disabled Child in the International and Regional Convention and National Legislation, Journal of Justice, 16, p. 41, Ministry of Justice, Sudan.

⁸ O'Reilly, Arthur 2007, The Right of Persons with Disabilities to Decent Work, II, Beirut: ILO.

disability to work, continue or progress in it, as well as weaken his ability to do other basic functions of life and need the care and rehabilitation in order to integrate or reintegrate into society.⁹ The Declaration on the Rights of Persons with Mental Disabilities of 1971 states: "Countries must keep in mind the necessity to assist persons with mental disabilities and to develop their abilities and facilitate their integration, emphasizing that the mentally retarded is the same as that of other human beings."¹⁰

The Universal Declaration on the Rights of Persons with Disabilities, 1975, is the basis upon which most of the world's legislations have adopted the rights of persons with disabilities. Article (1) states: "The term" disabled persons "means any person who is unable to provide fully or partially the necessities of his individual or social life because of congenital or non-congenital impairment in his physical or mental abilities ". Through the previous definitions, it is possible to say that persons with disabilities have a significant position in all international and local communities and that their rights are preserved without distinction between them and healthy people.

(b) The Definition Of Persons With Disabilities In National Legislation

Jordanian Legislation defined the term persons with disabilities in Article (3 / a) of the Law on the Rights of Persons with Disabilities No. 20 of 2017 that: "For the purposes of implementing this law, a person with a disability is the one who has a long-term disability in the physical, sensory or mental functions Psychological or neurological, as a result of its correlation with physical and behavioral barriers prevents one from performing a major life activity, exercising one of the rights or one of the fundamental freedoms of independence." Jordanian law also defines the disabled person in Article 2 of the Disabled Persons Welfare Law No. 34 of 1989:

"Every person has a total or partial disability in any of his physical, psychological or mental abilities to the extent that limits the possibility of learning Rehabilitation or work so that he cannot meet the requirements of his normal life in circumstances like normal people do."

We can say that the Jordanian legislator is aware of the rights of persons with disabilities. This is evident through the legal texts that indicate support to the disabled persons, in addition the Jordanian legislator has taken into consideration the concept of disabled persons in the Labor Law. But the Jordanian Law was not clear enough about the indicated persons whom the labor law applies to the extent necessary, where the texts are general. In order to elucidate the elements of the concept of disabled persons, according to the Labor Convention on Vocational Rehabilitation and Employment for Persons with Disabilities No. (109) of 1983: "Any person who has substantially reduced the chances of ensuring appropriate employment, retaining and promotion as a result of physical or mental impairment is recognized by the rules."¹¹

As a result, the Jordanian legislator has introduced the concept of the disabled in order to clarify its legal status and determine who applies this description. In comparison to Arab legislation, we can notice that the stated the importance of disabled persons and clarified it as it is with Saudi Arabia legislations and the Tunisia legislations for disabilities in the Disability Welfare Law. From the above, we can conclude that the concept of persons with disabilities through legal legislation is based on some basic elements summarized as follows:

⁹ AL Saadi,B, 2006, The Rights of Persons with Disabilities in Palestinian Society, Ramallah, Palestine.

¹⁰ Al Jaloudi, Abedallh, Abedal Kareem (2014),The Right of Persons with Disabilities to Work, Unpublished Master Thesis, Jerash University, Jordan.

¹¹ Al-Ratarout, Fawaz 2010, Disability in Jordan and its Efforts, vol. 5, p.17, Journal of Childhood and Development, Egypt.

- Affected with a total or partial loss of physical or mental functions.
- An impairment which can be either permanently or for an extended period of time. But it can be hardly treated.
- The impairment leads to hindering or preventing the disabled person from pursuing normal activities and this lead to the necessity of securing this group of the community.

3. LEGAL CLASSIFICATION OF PERSONS WITH DISABILITIES

Through follow-up research and studies conducted on persons with disabilities (and attention to this group of people, we found that there are scientific classifications of disability, and its types may vary from one person to another mentioned that the modern ¹³Al Qudah ¹². medical encyclopedia defines disability is any physical or mental defect that prevents a person from participating normally and makes him or her feel difficult to integrate with his or her society. The medical model in the interpretation of disability focuses on the fact that disability is a bad accident that occurred to the individual and has been medically diagnosed as suffering from a specific condition of damage or disability, under which certain forms of assistance are entitled.¹⁴

Article (3) of the Rights of Persons with Disabilities Act of 2017 states: "A person with a disability who has a long-term disability in physical, sensory, mental, psychological or neurological functions is transformed as a result of interference with physical obstacles and behavioral barriers which prevent the person to pursue the main activities of life, or exercising their rights, or one of the fundamental freedoms independently." The Jordanian legislator has identified several images of disability through Article 3 of the Law on the Rights of Persons with Disabilities, as follows:

(a) Physical disability

It is related to disability in the function of the internal organs of the body, whether connected to parts of movement, such as limbs or joints, or organs related to the process of biological life, such as the heart or lungs and other parts.¹⁵ Among this group are the paralyzed persons dwarves, amputees, and a person who suffers from lame, whether polio, quadriplegia, spastic paralysis, and leprosy. here are reasons for prenatal birth which are causes and T ¹⁶ lamentations since birth, and prenatal reasons, including: hypoxia in the mother's blood, which leads to a decrease in the child's blood, and this deficiency affects the general growth and nervous system, and these are called physically disabled.

(b) Mental Disability

The Arab Convention on the Employment and Rehabilitation of Disabled Persons (1993, No. 17) defines mental disability as those individuals whose mental development has stopped at a much lower level than that of the majority of people. It is not a disease, but a lack of IQ, so that the difference between the weak mind and the average person makes a difference

¹² Abdul, H & Abdul Aziz, M, 2003, *Children's Rights between Sharia and International Law, Comparative Study*, Kuwait.

¹³ Al Qudah, Mustafa Ahmed 2002, *Rights of the Disabled between Sharia and Law*, FloorI, Irbid: Hamada Foundation for University Studies, Publishing and Distribution.

¹⁴ Ababneh, T 1996, *Social Dysfunction and Disability*, MA 11, Mu'tah Research and Studies, Humanities and Social Sciences, Jordan.

¹⁵ Abu Safiya, Fakhri Khalil, 2011, *Social Rights of Persons with Disabilities in the Light of Islamic Jurisprudence and Jordanian Law*, unpublished Master Thesis, Faculty of Graduate Studies, Yarmouk University, Irbid, Jordan.

¹⁶ Al-Ratarout, Fawaz 2010, *Disability in Jordan and its Efforts*, vol. 5, p.17, *Journal of Childhood and Development*, Egypt.

in degree, and not in the quality. It can be noticed in childhood stage, and it does not affect the individual after adolescence. The International Convention on Occupational Rehabilitation and Employment (1983, No. 159) defined the (disabled person) as: "An individual who has significantly reduced the chances of securing, maintaining and promoting appropriate work for himself as a result of physical or mental disability recognized by law." The researcher agrees with the international convention which clarifies the meaning of the disabled person, exclusively, the person with mental disability. The researcher believes that the mentally disabled person is not mentally disabled except through the disorder that occurs in his mind due to illness or cause an imbalance in his mental equilibrium.

(c) Sensory and psychological disability

Some believe that the sensory disability differs from the psychosocial, as persons with sensory impairments are persons whose sensory ability to function as one or more members is impaired.¹⁷ Zghoul¹⁸ defines Sensory disability as a disability in which a person has a deficit in one of the senses in which the individual loses his or her ability to use the sense of sight effectively, which adversely affects his or her performance and growth.

Boussour¹⁹ explained that the sensory disability may affect the child in one of his natural senses, such as deaf, dumb and blind. According to their classification, their degree of disability varies, such as a dumb who can not speak at all, or a child who is unable to verbalize with others or has difficulty understanding language or expressing what he wants verbally. But on the other hand, the mental illness is a disorder of what happens to the physiological performance of the brain that this deficiency leads to certain symptoms suffered by the patient, or seen by people around him in the form of disorder in behavior or thinking.²⁰

By examining Article (3) of the Law on the Rights of Persons with Disabilities in the Public Order: "Any person with a disability who has long-term disability in the physical, sensory, mental, psychological and neurological functions." The Jordanian legislator considered the mentally disabled person or psychological disability to be only images classified within the classification of the disability specified by the law and this specific aspect of the legislator. In order to address and reduce this disability.

The psychological disabled person usually has instability in his emotions, steadiness and calmness. His emotions could be affected briskly or slowly. They are less able to tolerate anxiety and frustration, this disability may be caused by many diseases, such as anxiety, hysteria, depression, obsessions and illusions.²¹ By considering the classification of disability, the Jordanian legislator has included images in Article (3) of the Law on the Rights of Persons with Disabilities. The disabled person is considered to have a long-term disability in the physical, sensory, mental, psychological or neurological functions, which because of the correlations between the financial and behavioral barriers has prevented him from pursuing any of the major life activities.

Disabilities in its different images and types form a barrier facing the affected person in pursuing his life practices normally as it does for the normal person. Therefore, it is more important to know the type of disability and to identify treatment and provide adequate

¹⁷ Abu Shanab, A, 2006, Explanation of the provisions of the Labor Law in accordance with the event amendments, Amman: House of Culture for publication and distribution.

¹⁸ Zghoul, M, H 2013, The Felony on Persons with Special Needs, Mental Disability, Comparative Study between Sharia and Jordanian Law, Unpublished Master Thesis, Jerash University, Jordan.

¹⁹ Boussour, Maysum 2016, Center for the Disabled Child in International Law, A 8, Journal of the researcher for academic studies, Faculty of Law, Algeria.

²⁰ Abu Safiya, Fakhri Khalil, 2011, Social Rights of Persons with Disabilities in the Light of Islamic Jurisprudence and Jordanian Law, unpublished Master Thesis, Faculty of Graduate Studies, Yarmouk University, Irbid, Jordan.

²¹ Abu Shanab, op. cit

treatment for this person (disabled) to protect him by promoting his rights through his participation in the Society on the other hand in accordance with applicable laws of the State.

4. THE EFFECTS OF DISABILITY LAWS IN JORDAN

The legal protection and recognition of the rights of persons with disabilities are the most prominent demands which are associated with human rights as it is a group requiring international, legal and community care and rehabilitation. Thus, the existence of legal guarantees that are confirmed by national laws and the state to maintain their rights are considered a necessity.

Article 4(c) of the Law on the Rights of Persons with Disabilities (2007), article indicated that the legislative aspect of the rights of persons with disabilities in Jordan came through the Law on the Rights of Persons with Disabilities No. 20 of 2017 to extend its protection and care of this group. The State takes into its account the great importance of persons with disabilities and seeks to provide support and care for them through the various available means, This is reflected in laws, legislation and the signing of agreements aimed at granting persons with disabilities various means to participate actively in society and to integrate with the rest of its members and to enjoy facilities aimed at achieving a suitable lifestyle.

In studying the Jordanian constitution, it does not explicitly mention the rights of persons with disabilities. It states the need to protect groups of society without specifying their rights. Article 6 of the amended Jordanian Constitution states: "The law protects maternity, childhood and old age, and those with disabilities and protects them from abuse and exploitation," in contrast to some Arab constitutions, including the Iraqi Constitution of 2005, which states in Article 32 that: "The State sponsors the disabled and those with special needs, and ensures their rehabilitation in order to integrate them into society, and it is organized by the Law.

Since persons with disabilities are not less than ordinary individuals, the legal guarantees recognized by the Jordanian Constitution are the same as those of any individual in society. This is highlighted by the principle of equality contained in Article 1/6 of the Jordanian Constitution, which states: " Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion. " The second paragraph of the same article states: "The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquillity and equal opportunities to all Jordanians" .

Article 6 of the Jordanian Constitution states that the right to work is one of the constitutional rights which it has dealt with in the chapter on the rights and duties of Jordanians, as stated in Article 6, which deals with labor affairs for all and the role of the state in providing them to Jordanians, normal individuals and persons with disabilities are equal among them. The right to work given by national laws to persons with disabilities with elucidating the guarantees and obstacles which precluding the employment of disabled persons. Therefore, this section will be divided into two requirements: In the first requirement, we address the right of persons with disabilities to work on national and international legislation. In the second requirement, we address the obstacles that people with disabilities face in working.

5. THE RIGHT OF PERSONS WITH DISABILITIES TO WORK IN NATIONAL AND INTERNATIONAL LEGISLATION

The right to work is the fundamental right of every person. It guarantees persons with disabilities the economic security and makes them independent from other people . The importance of this lies in the results of which enhance their self-confidence. Article (1/23) of the Jordanian Constitution stipulates that: "Work is the right of every citizen, and the State shall provide opportunities for work to all citizens by directing the national economy and raising its standards."the Constitution guaranteed the right to work for all citizens, so it gives persons with

disabilities the rights they should enjoy especially the right to work. The International Convention on the Rights of Persons with Disabilities (2006) and the Universal Declaration of Human Rights (1948) confirmed it when they call for the right to work as an inherent right related to the right of life, a decent life and a way to build the human personality and self-sufficiency and to contribute to the advancement of society and the fulfillment of its needs.

Human rights to work is one of the rights that are proven to man as soon as he exists, and this right is related to the human personality and its natural existence, the so-called natural rights or human rights.²² It represents the minimum rights and freedoms that must be recognized for the individual in society, since these rights are necessary for the human being to exercise his activities and rights. We will show that international and national charters have guaranteed the rights of persons with disabilities to work without distinction as follows:

6. THE RIGHT OF PERSONS WITH DISABILITIES TO WORK IN INTERNATIONAL LEGISLATIONS AND CONVENTIONS

International law guaranteed the rights of persons with disabilities in various international conventions and declarations. Article 23 of the Universal Declaration of Human Rights, 1948, elaborated on the right to work by stating that:

- a) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- b) Everyone, without any discrimination, has the right to equal pay for equal work.
- c) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Since the right to work is an inherent right of every individual in society, it is necessary to affirm and ensure the existence of this right for persons with disabilities through international conventions that provide for the right of persons with disabilities to work like other individuals in the State. International law recognized the rights of persons with disabilities through special declarations, such as the Declaration on the Rights of Mentally Retarded Persons issued by the United Nations General Assembly on 20 December 1971, and the Declaration on the Rights of Persons with Disabilities, issued in December 1975.

The International Convention on the Rights of Persons with Disabilities (2006) guarantees the right to work. Article 27 states: "States Parties ensure the right of persons with disabilities to exercise their labour and trade union rights on an equal basis with others; including the right to have the opportunities to earn a living in any work of their choice, Or freely accept it in a labor market and work environment that is open to persons with disabilities and inclusive and easy to engage in."

The International Convention on the Rights of Persons with Disabilities (2006) guarantees the right to work. The article states that international conventions were the basis for the promotion of the rights of persons with disabilities, especially the right to work. Because it's a basic right aimed at building the community.

The role of the international Labor Organization (ILO), was significant by the General Conference of the International Labour Organization (ILO) in 1955, recommendation No. 99 on the vocational rehabilitation of persons with disabilities. This recommendation establishes the first step towards ensuring the right of persons with disabilities to participate fully in training, employment opportunities, and provide vocational rehabilitation regardless to their types of impairments. In addition to the need to compel organizations to employ a percentage of persons with disabilities and to improve working conditions, including: modifying and adapting

²² Abu Shanab, A, 2006, Explanation of the provisions of the Labor Law in accordance with the event amendments, Amman: House of Culture for publication and distribution.

machinery and equipment and the workplace for the employment of persons with disabilities. The General Conference of ILO Convention No. (159) adopted the Recommendation No. (168) of 1983 on Vocational Rehabilitation and Employment of Persons with Disabilities in an attempt to affirm the right of persons with disabilities to access training and to work on an equal basis with others.

As a result, over more than eighty-eight years of the International Labor Organization (ILO) establishment, it has been shown through the report of the International Labor Conference that nearly (183) international conventions and an almost identical number of international recommendations have been issued in labor matters, The right to work and other economic and social rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) assured the right to work. Article 1/6 indicates that the element of choice and freedom in acceptance of the exercise of economic activity for the purpose of earning a livelihood. Accordingly the right to work which doesn't indicate that working in sense is the distributing of work so that everyone can participate but rather it means the preferred method of earning a living of a person, since the right to work is a human rights guarantee.

This is also confirmed in the World Program of Action concerning Disabled Persons of 1982, which states a general policy framework, aims to "take effective measures to prevent disability and rehabilitation and achieve the goal of full participation of persons with disabilities in social life and development and the achievement of the goal of equality." The Global Program of Action for Disabled Persons (GAP) therefore affirmed that "the ultimate responsibility for correcting conditions leading to morbidity and for addressing the consequences of disability lies with Governments." Accordingly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) has had a role in empowering persons with disabilities to work as well as to afford them with the opportunity to find the appropriate job according to the type of their disability and the nature of the work they can do. This is considered the best guarantee of ICESCR for persons with disabilities to work.

According to Olwan & Moussa,²³ The Preamble to the Constitution of the International Labor Organization (ILO) contains the existing norm in international law to determine the right to working conditions that safeguard dignity. This preamble states: "The failure of any nation to provide humanitarian conditions for work creates an obstacle to other nations desiring to improve the conditions of workers in their countries." The World Organization for Rehabilitation has issued a Charter on Action in the field of the care of persons with disabilities, which has set goals in this area at the international level.²⁴ Which done through:

- a) Establish a program in each country to prevent the maximum number of handicapped injuries, to ensure that the necessary preventive services are available for each family and individual.
- b) Ensure the rights of every disabled person and every family with disabilities, rehabilitation, assistance and support to reduce the effects of disability, and provide the opportunity for a full life and constructive role for everyone in society.
- c) Take all necessary actions to achieve the fullest possible image of the integration and participation of persons with disabilities in all aspects of the life of their communities.
- d) Publicize information on persons with disabilities and disability data and how to prevent and treat them, in order to increase public awareness of the problems of the disabled and their right to social equality.

As shown there is an international interest in enhancing the role of persons with disabilities in employment, where the ILO has adopted the many conventions to protect persons

²³ Olwan, M,Y& Moussa, M,K, 2008, International Human Rights Law, Sources and Means of Control, Dar Al Thaqafa for Publishing and Distribution, Amman.

²⁴ Abu Naser, M, 2000, Features of international attention to the care and rehabilitation of the disabled, Al-Manal magazine, A 107, Sharjah.

with disabilities. In view of that, I would like to say that Jordan is a member of international²⁵ organizations. It would be worthier for the Jordanian legislator to ratify all ILO conventions, because they have clear significance and distinct results in safeguarding the rights of the worker, whether a natural or persons with disabilities, to the appropriate extent. Which is compatible with the rights of the worker, the employer, the conditions of the Jordanian society and its traditions.

Mahmoud²⁶ assured that the interest of persons with disabilities started in Jordan in the 1970s and it is still up to now. Jordan is one of the countries interested in keeping up with the legal developments in this field, until it reached a distinguished level and which is witnessed in the Jordanian National Charter that keen to protect the rights of persons with disabilities. The fifth chapter entitled "The social aspect" states that "Persons with disabilities in the Jordanian society have the right to special care, education, training, rehabilitation and work, in order to overcome their difficulties and enable them to exercise their lives, as productive contributors in society."

The Jordanian legislator has also promoted the rights of persons with disabilities in all their rights, including: the right to work through legislation relating to persons with disabilities in the Law on the Rights of Persons with Disabilities and its amendments No. 11 of 2007 and the International Convention on the Rights of Persons with Disabilities after Jordan's ratification, A recent law that enhanced the rights of persons with disabilities through the Law on the Rights of Persons with Disabilities No.(20) of 2017 after its enactment on 1/9/2017. We can say that the Jordanian legislator, through Article 4 and Article 25 of the 2017 Rights of Persons with Disabilities Act, has endeavored to promote the principle of equality and non-discrimination, whether between ordinary individuals or persons with disabilities and it assured on respecting their rights integrating them in work to participate in all the effective organisations in the country. The law also states that the Jordanian legislator did not provide for the right of persons with disabilities to work in a clear and detailed manner, but that the state should ensure that the basis for the disabled is provided in the general provisions contained in the Human Rights Act for Persons with disabilities. And it is supervised by the competent authorities in cooperation with the relevant authorities, without going into sub-details.

With regard to the Jordanian Labor Law No. 8 of 1996, which guaranteed the rights of persons with disabilities to obtain work through the text of Article 12(d), which stipulates that: "The Minister or his delegate on the recommendation of the Ministry of Development to free the disabled person or his guardian to pay the fees and amounts stated in paragraph (c) of this Article for a non-Jordanian worker if the disabled person is in urgent need of assistance from others to carry out his daily life, and the level of his income or the income of the guardian require such exemption provided that the responsibilities of the non-Jordanian worker are limited to assisting the disabled person. The conditions of such a case and the procedures are determined by instructions issued by the Minister of Social Development for this purpose."

The civil service system No. (82) for the year 2013, as amended, specifies the conditions for employment in public office through the provisions of Article 43 (c): "Anyone who is appointed to any job is required to be free of diseases and physical and mental disabilities that prevent him doing the occupied job, by a decision of the competent medical authority — a medical committee in the Ministry of Health — that the person may be appointed with disabilities unless the disability prevents him from doing the job in which he will be appointed according to the report issued by the medical committee."

It is obvious to the researcher that the civil service system in Article (43) shows general provisions for appointment to the public office, but the system excludes the appointment of the disabled person in the public office according to its location and importance, especially if the

²⁵ Convention on Equal Remuneration , 1995, No. 100&9110

²⁶ Mahmoud, I, A, 2016 *The Rights of Persons with Disabilities in Islamic Jurisprudence and Law, Comparative Study*, Unpublished Master Thesis, Omdurman Islamic University.

nature of the disability prevents its holder from performing the job to the fullest extent. The civil service system excludes the disabled person from the assumption of public office, and this is contrary to the constitutional text contained in the Jordanian Constitution in Article (22) which states that :

- a) Every Jordanian has the right to hold public office under the conditions specified by laws or regulations.
- b) Appointment of permanent or temporary public jobs in the State and its departments and municipalities shall be based on competencies and skills. "

The civil service system should therefore indicate the nature of jobs that are appropriate to persons with disabilities so as to be consistent with the nature of the constitutional provision and to ensure the employment of persons with disabilities in the public service. In Saudi Arabia, article 28 of the basic law guaranteed work for citizens without distinction, as well as the civil service laws are without exception of persons with disabilities to jobs and receive compensation equal to others, as it gave them the right to training and rehabilitation, And encouraged to employ people with disabilities.

Applying it, the second article of the disability system promulgated by Royal Decree m/37 29/3/2000. The State guarantees the right of a person with a disability in multiple services, notably labour and employment commensurate with their abilities and qualifications in order to give them a chance as the others, and then get paid for their family members as well as seeking to raise as adaptability through training.

It should be noted that Saudi Arabia is seeking to provide work for people with disabilities in special institutions, as stipulated in article 28 of the Labour Code promulgated in Royal Decree No 51 27/9/2005. The Labor Department also issued in Saudi Arabia promotional ways through Ministerial Decree number 4072/4/5 date 11/3/2008 ;That includes calculating per person with a disability for four employees in civil institutions linking rate to stimulate private sector enterprises. And also instructed wages, And follow these things by inspectors.

The Ministry of labour works in coordination with the Ministry of civil service and the Ministry of Social Affairs to accommodate the graduates of vocational rehabilitation centres and seek employment And note that the Ministry of labour offers great facilities to the private sector for employment of people with disabilities, and there are many efforts of Saudi Arabia regarding employment and pursue their own.

7. THE OBSTACLES THAT OBSTRUCT THE WORK OF PERSONS WITH DISABILITIES

According to Abu-Melhem²⁷ the requirements imposed by the law on individuals and institutions to protect persons with disabilities at work may face some limitations. We realize this in the field of governmental and non-governmental functions, and the right to work in their institutions does not become protected by law, because the legal texts are general. And can be manipulated interpretation and applied outside the objective of their content.²⁸

The legislative obstacles to the ambiguity and lack of certain legal provisions and regulations related to the right of persons with disabilities to work through examining Article 43 of the Civil Service Law No. 82 of 2013 stipulate that " To be safe from diseases and physical and mental disabilities that prevent him from carrying out the functions of the job in which he will be appointed by a decision of the competent medical reference, that the designation of the disabled person shall be limited unless the disability prevents him from performing the work of the job in which he will be appointed by a certificate from the competent medical reference."

²⁷ Abu-Melhem, M,H, 2010, *The Basics of the Employment of Persons with Disabilities in Jordan between Theory and Practice*, unpublished doctoral dissertation, University of Jordan, Amman, Jordan.

²⁸ *The Law on the Rights of Persons with Disabilities*, 2017 No. 20,art 5

When comparing Article (43) of the Civil Service Law with Article (22) of the Jordanian Constitution, which states that: (a) Every Jordanian has the right to hold public office under the conditions specified by laws or regulations. (b) Appointment of permanent or temporary public jobs in the State and its departments and municipalities shall be based on competencies and skills. " We can notice the contradiction between them. We conclude from this that there are serious Contraventions on this subject, and the Jordanian legislator should amend it. In addition, there are challenges and obstacles, the most prominent of which are the challenges faced by persons with disabilities, the most important of which is the deterioration in economic activity in countries as a result of the conflicts and wars that have led to the negligence of the governments to this category, the absence of economic growth of all sectors of the economy and high unemployment, Constrictive existence of opportunities for employment of persons with disabilities as well as the low awareness in society toward this group. All these reasons led to the hindering of the international and local vision of providing training opportunities for persons with disabilities. This requires reconsideration by officials to remove these obstacles and give them hope for life.

This research addresses a very important issue which is the extent to which legislation and in particular the Jordanian legislation for the work of persons with disabilities are guaranteed, so I sought to address the most important reasons for the imbalances in the implementation of the laws governing the work of persons with disabilities under modern technological and new technical developments, As well as innovative mechanisms to help the disabled in facilitating access to their work and completion with the development of legislative solutions to address it.

The right of persons with disabilities to work is a legal duty because of its positive effects on the society in general and on the disabled person in particular, which positively leads to the realization of the public and private interests of all its contents. Therefore, the objective of our research was to focus on a significant issue. The issue is the rights of persons with disabilities to work and their other rights. It has been concluded that the Jordanian legislations that indicates the rights of the disabled are many and varied, but they are general and unspecified.

Finally, until the conclusion that Jordanian legislation showing the rights of the disabled is numerous and varied, but that the problem lies in its application, in addition to the fact that it is generally mentioned, which requires the legislature to equate persons with disabilities in Jordan with the developed countries in this area by keeping abreast of developments in the modern era.

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