



Access to Public Employment for Persons with Disabilities in Jordan: Legal Framework, Policy, and Barriers

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RESEARCH



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ABSTRACT

Inequality in employment is a significant barrier to the advancement of social and economic development for persons with disabilities (PWDs) in the Jordanian context. The objective of this study is to address the disparity between theoretical concepts and practical implementation of the accessibility of public employment for PWDs. This was achieved through an analysis of the legal framework, policies, and obstacles encountered by this population. Despite the availability of progressive legislation and policies, the implementation of these measures often gives rise to various gaps and loopholes. Hence, this study provides a comprehensive analysis of the legal framework pertaining to PWDs in an enabling environment. It also highlights the numerous obstacles that PWDs encounter in accessing employment, resulting in their continued social marginalization and isolation. This study asserts that the inclusion of provisions in legal texts to ensure employment opportunities for PWDs is inadequate. The absence of effective enforcement mechanisms for disability laws highlights the need to align existing legal frameworks with the actuality of suitable work facilities, reasonable accommodations, accessible infrastructure, and adherence to quota systems.

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1. INTRODUCTION

Law is considered a catalyst for societal change; persons with disabilities (PWDs) have encountered numerous obstacles because of legal frameworks. For example, the lack of a dedicated law that ensures a proactive assurance of the right to employment for this group, particularly within the public sector, exacerbates their difficulties and obstacles. The incorporation of PWDs into the workforce remains a significant obstacle despite the country's economic and financial capabilities. The practical and technical accessibility challenges faced by PWDs in accessing employment opportunities within the public sector in Jordan pose obstacles to their full inclusion as active participants in society.

Thus far, Jordanian literature has exhibited limited inclination towards engaging with the matter of public employment accessibility. The topic of PWDs in the workforce across the public and private sectors in Jordan was examined in a study conducted by Bitar (2013). Several studies have been conducted to investigate the rights of PWDs in Jordan. Thompson (2018) and Rutherford (2007) conducted research that explored this issue from a broad perspective. In contrast, Al-Majali (2008) conducted a study that focused specifically on the legislative framework for PWDs. Previous scholarly research has explored various dimensions pertaining to disabled employees in the public sector. For instance, Ababneh (2016) focused on the management of this particular demographic, while Ababneh and Alshaik (2020) delved into the experiences of a more specific subgroup within this category, namely working women with disabilities.

Given the lack of scholarship on this topic from a legal perspective, a basic issue should be considered when examining the legal corpus related to PWDs: the promotion of employment for PWDs in the public sector and its accessibility in practice. Fundamentally, it points to a gap between the law on the books and the social reality for PWDs. Thus, discussing the legal dimension of any right from a national perspective must start with the source of these rights as stipulated by laws and regulations. Moreover, to fully grasp the topic at hand from an empirical perspective, an interview was conducted on Sunday, October 29, 2023, with the Director of the Civil Service Bureau, to perceive the practical reality of employing people with disabilities in the public sector, their employment rate, the main obstacles they face, and the proposed solutions. A quick study of the rights stated in the constitution, which is the supreme form of law, is essential to understanding the juridical philosophy of the legislator in addressing the rights of any category. Hence, we will cross-examine the constitutional texts guaranteeing these rights before presenting, with a critical review, the national texts implementing these constitutional guarantees.

2. THE HISTORICAL BACKGROUND ON THE DEVELOPMENT OF THE LEGAL FRAMEWORK FOR PWDs

Since 1981, there have been numerous endeavors by Jordanian activists to suggest responsive legislation that is sensitive to the requirements of those with disabilities. These efforts have received backing from members of the Royal Family, who are actively engaged in disability-related matters (Al-Majali 2008). The year 1989 witnessed the issuance of the Provisional Law for the Welfare of Disabled People no. 34, which marked a significant milestone as the first legislation specifically addressing the rights and needs of disabled individuals in Jordan. Moreover, the Law for the Welfare of Disabled People no. 12 was enacted in 1993 to establish and reinforce the rights of PWDs across a wide range of domains. These rights encompass areas such as education, training, employment, rehabilitation, medical treatment, sports and recreation, transportation, provision of aids and equipment, support services, and inclusion in decision-making processes.

Over the past decade, there has been a notable increase in the recognition and understanding of the rights of PWDs in Jordan. The Franklin Delano Roosevelt International Disability Award was bestowed upon Jordan in the year 2005. According to Rutherford (2007), the international community has acknowledged Jordan's role in advocating for the rights of PWDs, positioning it as a leader in the Arab World.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted in 2006 to acknowledge and emphasize the significance of promoting the human rights of PWDs on a global scale (Harpur 2012). Consequently, Jordan took the step of signing and

ratifying the UNCRPD in 2007, with a reservation specifically to one provision, paragraph 2 of Article 23, which confers upon PWDs both the right and the obligation to engage in the adoption of children. Despite this single reservation, which is rarely the case, this indicates Jordan's complete commitment to fulfilling the obligations of the UNCRPD, with the primary commitment regarding the Committee on the Rights of Persons with Disabilities (CRPD) (Kanter 2007). Moreover, the UNCRPD requires its parties to establish and maintain national mechanisms that guarantee the complete integration of PWDs in the political, social, and economic domains on an equal basis. These mechanisms should also work towards removing barriers that impede the equal and fair enjoyment of their rights (Lang et al. 2011).

The Jordanian government established the Higher Council for the Rights of Persons with Disabilities (HCD) and issued the Law on the Rights of Persons with Disabilities (LRPD) no. 31 of 2007. The LRPD was a step forward in improving the national legal texts related to PWDs however it fell short in many areas. It consisted of 21 articles introducing new concepts not mentioned in the previous legislation. For example, it included an article about vocational training and employment for PWDs, but this law lacked flexibility and effectiveness to fit vulnerable person's needs, such as providing reasonable accommodation for employees with disabilities to give them equal opportunity to benefit from training to perform their jobs.

However, to align with the provisions of the UNCRPD and improve the rights of PWDs, the law underwent a comprehensive review in 2017. Consequently, it was replaced by LRPD no. 20 of 2017. This revision aimed to prioritize the rights of PWDs in areas such as definition, education, and employment. Furthermore, the revised law expanded the range of services available to PWDs, thereby addressing the deficiencies present in the previous legislation. For example, it encompasses a more extensive elucidation of the concept of disability. In Article 3(A), a PWD is defined as an individual who experiences a chronic physical, sensory, mental, or neurological impairment that results in overlapping physical limitations and behavioral obstacles. This impairment hinders their ability to perform certain daily activities or independently exercise their rights and fundamental freedoms. It is important to note that the Preamble of the UNCRPD recognizes disability as a notion that is subject to change and evolution, as it is influenced by culture, civilization, and societal progress (Preamble 5). In the context of this study, PWDs are operationally defined as individuals whose impairments have an impact on their capacity to perform in a professional setting, irrespective of the specific nature of their disabilities.

In the given context, the UNCRPD has the potential to significantly contribute to the realization of the right to work for PWDs, while also exerting influence on the development of a more inclusive legal and policy framework (Albin 2015). It is incumbent upon Jordan to effectively execute the provisions outlined in the UNCRPD, with particular emphasis on articles 5, 8, 9, 12, and 27. These articles pertain to the entitlements of PWDs to equitable employment opportunities, encompassing accessible work environments, transportation, reasonable accommodations, social safeguards, and rehabilitative services.

From a practical standpoint, the Director of the Civil Service Bureau emphasizes that the Persons with Disabilities Law of 2017 specifies a 4% quota for the employment of persons with disabilities in alignment with the UNCRPD, which is consequently reflected in the regulation related to their appointment in the public sector in the first, second, and third categories. However, in practice, this percentage is only achievable on the availability of vacancies initially suited for them. Subsequently, candidates (persons with disabilities) undergo a competitive exam among themselves. The Civil Service Bureau provides facilitative arrangements needed for their exams. For example, they offer braille language as a means of communication for individuals with visual impairments.

In reality, the situation reveals a greater degree of complexity. When discussing the employment of PWDs within law enforcement, it is important to reference Article 25(E) of LRPD no. 20 of 2017. This article specifically mandates that 4% of available positions in the public sector must be allocated to PWDs, which is compatible with the provisions of the UNCRPD. However, per the findings presented in the second annual report to monitor the conditions of persons with disabilities and their rights, the rate of employment for PWDs within the public sector did not surpass 2.0% (HCD 2021).

3. THE RIGHTS OF PWDs TO ACCESS EMPLOYMENT IN THE CONSTITUTION OF JORDAN OF 1952: BETWEEN EMPOWERMENT AND PROTECTION

The Preamble to the UNCRPD stresses that 'disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others' (Preamble 5). Therefore, according to the UNCRPD, social participation is hindered by unhealthy interactions between people with impairments and disabling barriers and challenges (Kazou 2017). These barriers and challenges are not always tangible, as sometimes social and legal norms are most likely to influence society's perception of PWDs' capabilities and, consequently, their legal rights and responsibilities. Critically, to realize the objectives of the UNCRPD, States parties must embed its principles in national law. Jordan's Constitution of 1952 safeguards the basic liberties and rights of all citizens and entrenches Jordan's fundamental values and commitments to human rights, defending them against any discrimination and violation (Thompson 2018). The PWDs are citizens who enjoy rights and bear obligations the same as any other citizen stipulated by the second chapter entitled 'Rights and Duties of Jordanians.' The sixth article of the constitution confirms the principle of equality between all Jordanians, declaring in its first paragraph that: 'Jordanians shall be equal before the law. There shall be no discrimination between them regarding their rights and duties on grounds of race, language, or religion.'

In view of the fact that there is no anti-discrimination law in Jordan, Article 6 of the Constitution enshrines the right to work in paragraph 3, which states that 'The Kingdom shall ensure work and education within the limits of its capacity and shall ensure tranquility and equal opportunities to all Jordanians.' Furthermore, paragraph 5 stipulates that 'the law shall protect motherhood, childhood, and the seniors; and shall avail care for the youngsters and those with disabilities and protect them against abuse and exploitation.' Here, the legislator's approach towards PWDs is founded on the notion of protection rather than empowerment. It is comprehensively expected of the Jordanian legislator to focus on protecting certain groups of citizens considered vulnerable and who require additional protection against abuse and exploitation. Even on the International level, for decades, human rights instruments for PWDs focused on protection before diverting their attention to empowerment through sensitization by lawmakers and law enforcers and inclusion into society to module individual autonomy.

Therefore, in 2022, Article (6.5) of the Constitution of 1952 was amended to enhance the participation of PWDs within their society: 'The law protects the rights of persons with disabilities and enhances their participation and integration in the various aspects of life; in addition, it protects motherhood, childhood, and seniors; avails care for the youngsters; and prohibits abuse and exploitation.' This constitutional reform emphasized the role of the law in enhancing the actual participation and integration of PWDs as well as the traditional approach of protection against exploitation and abuse. This reform is considered a positive step towards achieving equality.

Within this context, the Constitution singles out the rights of PWDs with additional protection while confirming the principle of equality among all citizens without any form of discrimination. This constitutes a form of positive discrimination that reflects the prioritisation of the rights of PWDs in Jordan and sets the framework for developing legislation to promote their rights. However, as the Constitution focuses on protection rather than empowerment, the nature and scope of these constitutional guarantees remain highly controversial and impractical, especially regarding the right to work in both the private and public sectors under Article (23/1) of the Constitution of 1952: '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 right to access employment in the public sector is stipulated in Article 22 of the Constitution, which provides that,

1—Every Jordanian shall be entitled to hold public offices under the conditions prescribed in law or regulations, 2— Appointment to public offices, whether permanent or temporary, in the Kingdom and the departments attached thereto and the municipalities shall be based on merits and qualifications.

Such precise wording indicates that all Jordanians have equal rights to access public work opportunities; however, recruitment in the public sector shall be based on merits and qualifications (such as skills, experience, and ability to perform the job), regardless of race, gender, religion, marital status, or disability. Consequently, merit-based legislation leaves incumbent possibility frontiers for patronage in practice unaffected in the state (Schuster 2017). Noting that achieving full justice for PWDs in holding public office is not only a commitment to Jordan's commitments in international covenants but also a fulfillment of the constitutional guarantees of equality between Jordanians.

Public employment in Jordan is regulated by the civil servant regulation under Article 120 of the Jordanian Constitution, which stipulates that,

The administrative divisions of the Hashemite Kingdom of Jordan, the structures of government departments, their grades, designations, methods of administration, and the manner of the appointment of civil servants, their dismissal, their supervision, and the limits of their authorities and competences shall be specified by regulations issued by the Council of Ministers with the approval of the King.

In that light, the appointment of civil servants shall be issued by the Council of Ministers, the executive authority, in the form of regulations rather than laws, which are usually issued by the legislative authority. The reason is that civil servant regulation is not considered an employment law, i.e., labor code, for public employees. Civil servant regulation is a branch of public law that defines the responsibilities, duties, and rights of the civil servant and implements the structure and policies of the public administration system. A quick scan of these duties and responsibilities defined by the civil servant regulation shows a wide range of variation and a great deal of flexibility to allow a margin of adaptability for the civil servant to address unforeseen developments in fluctuating public policies. Thus, being issued by regulation and not a law is related to the fact that the process of amending ordinary laws is more difficult than that of regulations; hence, the importance of maintaining the civil servant regulation as agile and adaptable. Furthermore, civil servants are confronted in their work with a considerable number of values and principles of administrative law, such as accountability, consistency, cooperativeness, expertise, honesty, impartiality, dedication, effectiveness, efficiency, innovation, lawfulness, obedience, responsiveness, service orientation, social equity, sustainability, and transparency (Demmke 2005). These values and principles are applied to all employees without any discrimination, which guarantees the rights of PWDs.

4. UNDERSTANDING THE LAW ON THE RIGHTS OF PERSONS WITH DISABILITIES NO. (20) 2017: QUOTA SYSTEM, VOCATIONAL TRAINING AND REASONABLE ACCOMMODATION

By the provisions of the Constitution, which emphasizes providing appropriate and equal job opportunities for every individual in society without any discrimination, a particular law should be issued to protect PWDs from any exploitation or discrimination by changing the conditions in which attitudes are reinforced (Emens 2012). In that light, under LRPD no. 20 of 2017, which stressed that the exclusion of a person from work, training, or the opportunity of progression in their careers based on, or due to, their disability is prohibited. Also, including in announcements of employment or job openings provisions on the need to be disability-free is forbidden. In that regard, the Supreme Administrative Court of Jordan, in its decision no. 109/2019 affirms that, if one of the members of the Social Security Committee is blind, this does not constitute any objection to the composition of the committee, and its formation is considered valid; disability should not be considered a barrier to preventing candidature for holding a position (Jordanian Supreme Administrative Court Decisions no. 109/2019 and no. 30/4/2019).

In 2012, Jordan submitted its first report, acknowledging the critical challenge of the availability of specialized statistics on the number of PWDs (quota system), the level of their disability, and more importantly, the availability, or lack thereof, of reasonable accommodation (CRPD 2012). To overcome these challenges, Article 25 of LRPD no. 20 of 2017 is at the heart of understanding the process of employment for PWDs, whether in the public or private sector, focusing on three aspects that guarantee access to employment for PWDs: an employment quota system, vocational training, and reasonable accommodation. These aspects will be discussed in detail.

In terms of the quota system: Globally, two policy approaches have typically been used to promote the employment of PWDs. One is the 'equality of opportunity' PWDs approach, based on anti-discrimination laws; the other is the 'employment quota approach,' which is based on employment quota systems (Liao 2021). The Jordanian system, as declared in LRPD no. 20 of 2017, has adopted an 'employment quota approach' under Article 25/E, which stipulates that,

Without undermining work or job requirements related to academic or professional qualifications, government and non-government organizations with at least (25) employees and no more than (50) employees each pledge to hire at least one employee with disabilities to fill out one of its vacancies. If there are more than (50) employees hired by these organizations, 4% of the relevant vacancies should be assigned to persons with disabilities, according to a decision made by the Ministry of Labor.

This system is based on a distinction between PWDs and people without disabilities and mandates the employment of PWDs according to established numerical standards (Hasegawa 2007).

Thus, it could be argued that, where binding quotas are introduced as part of the national legislation, as shown by the quota system, they are applied for hiring disabilities in both the private and public sectors. The priority of employment for persons with disabilities is defined as positive discrimination. As such, this approach is found to promote access to employment, which indicates a difference in treatment in favor of the disabled but legitimized by the objective of combating a pre-existing de facto inequality, the discrimination against the disabled for access to employment (Chevallier 2011). Consequently, this quota system can promote access to employment for PWDs and oblige employers to ensure that a certain proportion of their employees are PWDs. In this instance, the quota system is looked upon as a device for placing PWDs at a common starting point to facilitate fair competition for a distribution that is ultimately uneven (Conrad 1976). It can secure positive impacts within certain parameters; nevertheless, there is a lack of sense of association between disabilities and job performance (Hasegawa 2007).

Regarding appointments in the public sector in general, the Director of the Civil Service Bureau stated that appointments in 2020 were suspended due to the impact of the COVID-19 pandemic. The 2020 global COVID-19 pandemic had a serious impact on the economies of many countries. To date, little is known about the immediate impact of the COVID-19 pandemic on the employment and financial security of people with disabilities in Jordan. The allocation of appointments was restricted to cater exclusively to the needs of the Ministries of Health and Education. According to the annual report for the year 2021, there was a decline in appointment rates from 2017 to 2021. The appointment rate accounted for only 2% of the total cumulative employment requests, which amounted to 455,449. The phenomenon can be ascribed to the scarcity of positions available in the public sector, wherein the recruitment, selection, and appointment are designed to fulfill the human resource's estimated governmental needs. Persons with disabilities are classified under the category of employment for humanitarian cases. According to the Civil Service Bureau's annual report of 2021, it is shown that appointments under humanitarian cases totaled 5,174 positions, accounting for 4.9%, including 2,236 positions filled by persons with disabilities, accounting for 2.3%. Whereas the annual report of the Civil Service Bureau for 2022, indicated that appointments under humanitarian cases increased to 8,094, accounting for 6.6%. with 2,268 positions for persons with disabilities, constituting 3.5%.

Appointment rates do not reach the specified 4% stated by the CRPD, already ratified by Jordan. Hence, to this date, Jordan fails to meet this requirement, leaving persons with disabilities in a constant struggle to find employment, bearing in mind that statistics of this kind are sometimes inaccurate.

In terms of Vocational training, Article (25/C) stipulates that,

both the Ministry of Labor and the Vocational Training Corporation will, according to their area of competence and in coordination with the Council, execute the following:

1. include into the policies, strategies, plans, and programs of work technical and vocational education and training and related curricula measures that will guarantee the inclusion of persons with disabilities and secure their utilization on an equal basis

with others. 2. prepare the curricula and services extended within the vocational training programs and provide such services in formats accessible to persons with disabilities in a manner that enables them to benefit from such programs and services. 3. refrain from excluding persons with disabilities from training in any profession after accommodations have been made because of disability.

Accordingly, to improve employment opportunities for PWDs, vocational training institutions are designed to implement capacity-building programs that are appropriate to the needs of the labor market. Taking into consideration that the Institute of Public Administration in Jordan is specialized in training, capacity building, studies, research, and consultations in various fields of public administration. The institute offers training programs for public servants that are consistent with the competencies associated with approved career paths in the civil service and that simulate national priorities and plans. The Institute, in cooperation with the Civil Service Bureau, has worked to enhance and build the capabilities of PWDs by designing and implementing specialized programs to enable them and qualify them for the labor market.

In terms of reasonable accommodation, practically speaking, does the quota system guarantee appropriate access to employment? The latter question goes directly to the heart of the matter posed that the quota system is not a guarantee of encountering good practice, just providing the right to work for PWDs is insufficient; they also need the availability of work facilities in their organization (Goss et al. 2000). In that light, for implementing LRPD no. 20 of 2017, the organization shall provide reasonable accommodation to PWDs on the grounds of enabling them to exercise their fundamental freedoms and rights, as indicated in Article 4/J through 'The removal of physical and behavioral barriers for persons with disabilities, that include a lack or absence of reasonable accommodation or accessible formats or accessibility, as well as individual and institutional behaviors and discriminatory practices based on disability.'

Moreover, Article 25/D stipulates that 'both government and non-government authorities will provide reasonable accommodation to enable persons with disabilities to carry out their jobs or tasks and to retain their jobs and attain promotions therein.' Given that, the authorities mentioned herein are responsible for providing a fully accessible 'reasonable accommodation' to PWDs at a workplace. The definition of 'reasonable accommodation' as stipulated in Article 2 is defined as 'the alteration of the environment or time-related conditions within a specific context of time or place to enable the person with a disability to practise a right or freedom, or to gain access to services on an equal basis with others.' Thus, the concept of 'reasonable accommodation' is still vague to the employer as well as to the disabled employees themselves. It is worth noting that the reasonable accommodation duty is quite complex and requires an understanding of what lives up to an 'accommodation' when that accommodation will be regarded as 'reasonable' or not, and when the employer can claim that providing reasonable accommodation facilities would place them under a 'disproportionate burden' (Waddington 2011).

Moreover, Article 33/A of the same law states that 'It is impermissible to endorse or licence plans, designs, or to grant licences and work permits for public or private buildings, places of worship, tourist locations, and other establishments and facilities extending services to the public unless they have full accessibility'. In other words, it is not permissible to grant work licenses to any organization, unless it is appropriate to the needs of the PWDs. Jordanian policymakers should regulate flexible and alternative work arrangements that reasonably accommodate the needs of disabled workers. In addition to changing policies, an organization should examine its attitudes, values, and beliefs. With this in mind, employers may find value in taking a proactive stance toward employees with disabilities (Macy 1996).

Correspondingly, as shown in a study of working women with disabilities, citing evidence from the Jordanian public sector, it was concluded that there is a gap between reality and law; inaccessibility is one of the key issues facing working PWDs. For this reason, the available facilities in the Jordanian public sector should be redesigned to suit the employees with disabilities because they are only appropriate for employees without disabilities (Ababneh & Al-Shaik 2020). For this reason, LRPD no. 20 of 2017 should be redrafted to ensure their effective application, and the institutions should be obliged to provide a facilitating workplace for the work of PWDs, help them develop a new work identity, and adjust to disability (Mettävainio & Ahlgren 2004). Noting that Article 14/C of LRPD no. 20 of 2017, established an 'Equal Opportunities

Committee,' which is responsible for receiving complaints related to discrimination based on, or because of, disability in the field of work as well as issuing technical reports related to providing reasonable accommodation within the working environment.

Certainly, whether in legislation or not, inaccessibility in buildings is due to inadequate strategic planning by decision-makers, briefly, 'accessibility happens if it is planned for' (Lepofsky & Graham 2009). Hence, the amendments to LRPD no. 20 of 2017, have emphasized and endorsed the facilities and needs of PWDs. For instance, Article 32/B/1 indicates that a national plan should be developed to correct the conditions of buildings and facilities to meet the needs of PWDs, which states that,

The Ministry of Public Works and Housing, in coordination with the Greater Amman Municipality, the municipalities, and entities considered within their jurisdiction, the Jordanian National Building Commission, the Council, and government and non-government organisations of relevance, will execute the following: Draw up a national plan for the implementation of alterations to buildings, facilities, places of worship, and tourist sites that extend services to the public and that were established before this Law went into effect, for the sake of providing accessibility, provided that implementation of this plan takes place within one year from the date on which this Law goes into effect and will be completed in no later than ten years.

Accordingly, in 2019, the Jordanian Government launched a 10-year plan to rectify existing buildings and public facilities. If implemented, the plan would guarantee that 60% of all public facilities would be accessible to PWDs. However, the plan does not ensure the availability of funds for its implementation. Noting that, the Higher Council for Persons with Disabilities has affirmed the following up of multiple projects under the above plan; however, it does not state any actual deliverables (HCD 2021).

Therefore, Article 48/B imposes sanctions on organizations that are not bound by the quota system specified in Article 25 mentioned above, which states that 'Anyone who violates the provisions of clause (e) of Article (25) of this Law shall pay a fine of not less than Three Thousand Dinars and no more than Five Thousand Dinars, and the same punishment shall be inflicted on whoever refuses to employ a person based on, or because of, disability'. However, this article does not apply to the public sector, which means that there is no obligation for the public sector except for international treaties. Concerning the private sector, to shirk responsibility, they resort to legitimizing the concept of 'reasonable accommodation' mentioned above, as the International Covenant on Economic, Social and Cultural Rights Committee mentioned: 'For example, as long as workplaces are designed and built in ways that make them inaccessible to wheelchairs, employers will be able to "justify" their failure to employ wheelchair users' (CESCR 1994). For this reason, LRPD no. 20 of 2017 should be fully inclusive, and very detailed to avoid such justified violations.

In short, introducing quotas for the employment of PWDs may help to mitigate the barriers to their participation in the labor market. Unfortunately, the way of 'addressing' accessibility issues has too often been to leave it to PWDs to litigate against barriers one at a time. Nevertheless, disabled people are entitled to work in an assistive environment with proper accommodations and accessibility. In other words, the regulations on public employment include a quota for PWDs, as well as a duty to provide reasonable accommodation. We argue that there are shortcomings because the law places more emphasis on the quota approach and that it remains insufficient as regards reasonable accommodation. Consequently, we believe that the quota system is an interim approach that one day must be removed in favor of concrete equality, which is not possible unless PWDs are fully provided with reasonable accommodation. Therefore, ensuring this right is not only a national responsibility but also a matter of international cooperation (Borg et al. 2011). However, the question is how to implement these strategies per the recruitment legal framework in the public sector. It is worth mentioning that the Jordanian legislator has linked the implementation of these provisions with civil service regulation.

5. UNDERSTANDING CIVIL SERVICES RECRUITMENT AND POLICIES RELATED TO DISABILITY EMPLOYMENT IN PUBLIC SECTOR: BARRIERS FACING PWDs

As shown above, organizing public employment is specified by regulations issued by the Council of Ministers. In that light, the Civil Service Regulation, as amended no. 6 of 2022, defines a public official according to Article 2 as: 'The person appointed by a decision of the specialist, in a position listed in the job formation schedule issued under the General Budget Law or the budget of one of the departments, and the employee appointed under a contract, and does not include the person who receives daily wages.' This definition is only applicable to employees in the public sector who are subject to civil service regulation, such as ministries. However, some functions require special regulation because of the nature of their work, such as universities, the military, police, intelligence, and judicial sectors.

In 2022, the Civil Service Regulation was reviewed (official Gazette n. 5767). Generally speaking, as a rule, this regulation is not meant to create privileged working conditions for state employees. Regardless, public sector jobs are considered to be more secure than private ones, as shown in a study that shows workers feel most secure in permanent public sector jobs, and least secure in temporary private sector jobs (Clark & Postel-Vinay 2009). The reason for this is that, according to the Civil Service Regulation, the salaries and the categories, and even the health insurance agreement are specified before the recruitment of the employee, thus ensuring equal pay for equal work without any discrimination because of their disabilities. The levels, grades, basic salaries, and annual increases for the employees of all categories are determined according to the salary scale mentioned in Chapter VIP 'Salaries and Allowances,' of the Civil Service Regulation.

In examining the process of recruiting PWDs, it is imperative to emphasize the significance of Article 44 as a foundational framework for employment and appointments within the public sector. This article outlines the requisite criteria that candidates must satisfy to be considered for appointment to any position. The Article stipulates that individuals who are appointed to any office must possess Jordanian citizenship. According to the identification card issued by the Jordanian Civil Status and Passports Department, an individual is deemed to have reached the age of eighteen. However, in cases where the exact date of birth is unclear, it is assumed that the individual was born on January 1st of the respective year. The individual's age should not surpass 48 years or the age specified by the Cabinet, with the condition that it does not exceed 45 years. This criterion applies to individuals who are appointed based on the principles of competition and ranking. The individual in question must not have been found guilty of a crime or a misdemeanor that contravenes principles of integrity, ethics, morality, or societal standards of decency. The candidate fulfills the necessary criteria and qualifications outlined in the job description. Moreover, they should not hold the position of a company manager or a merchant. These conditions are generally applicable, ensuring that all individuals are treated without prejudice, and ensuring that individuals in similar circumstances are treated equitably in both legal and practical contexts. Nevertheless, the process of job selection should adhere to the criteria outlined in the job advertisement, with a clear differentiation among applicants based on their qualifications. Ultimately, the goal is to identify and choose the most competent and fitting candidate for the position.

Nevertheless, Article 45 provides a specific provision that regulates the recruitment of PWDs in the public sector, stipulating,

Despite what is stated in paragraph (d) of Article (44) of this regulation, persons with disabilities are appointed by the instructions for selecting and appointing employees to government jobs of the first, second, and third categories and comprehensive contracts according to a report issued by the Equal Opportunities Committee formed in the HCD by the terms it adopts, and the department is committed to providing the necessary accommodations to enable them to work.

Given that, the following article must be read by the instructions for selecting and appointing employees in government jobs from the first, second, and third categories as amended in 2023, mainly Chapter Five, titled 'Humanitarian Recruitment.'

Under Article 31/1/A, a committee shall be formed from the Civil Service Bureau, the Ministry of Health, the Ministry of Social Development, and the HCD by a decision of the president of the Civil Service Bureau, which considers applications submitted by PWDs according to the legal definition of Article 3 of the LRPD, and the department is committed to providing the necessary accommodations to enable them to work by the provisions of Article 45 of the civil service regulation. In addition, Article 31/C provides that the first, second, and third categories are allocated annually 4% of the vacancies to PWDs. The Civil Service Bureau is responsible for distributing these jobs according to the specific nature of the work of the department and the distribution of jobs in it.

Given the above, according to the Civil Service Regulation, the hiring process in the public sector depends on either candidates' competency (skills, experience, and abilities in holding the assigned job) or on humanitarian grounds (candidates are mainly disabled, orphans, and poor) when applying for a specific category. In that light, the quota system cited in Article (25) of LRPD no. (20) of 2017, obliges the public sector to ensure that a certain proportion of their employees are PWDs; as shown above, there are a maximum of 4% of vacancies for PWDs, but this percentage can be increased by the decision of the president of the Civil Service Bureau.

The 4% percentage of recruitment of PWDs is limited to certain categories: first, second, and third categories with comprehensive contracts. Therefore, there are special categories that do not consider the percentage of recruitment of PWDs. For example, the positions of senior level category, and leadership positions, which are regulated by the regulation of appointment to leadership positions and its amendments no. 34 of 2021 by Article 3, does not specify a percentage for the recruitment of PWDs as it stipulates that 'this provision applies to all applicants applying to occupy leadership positions.' In that light, this regulation does not provide for a special text securing positive measures to empower PWDs in leadership positions. Undoubtedly, many PWDs lack the skills and experience needed to compete with others in the labor market. As a result, this makes competition for work difficult for PWDs and increases inequality in employment (Opoku et al. 2017).

These Articles mentioned above contain terms that confer a large margin of discretionary power on the President of the Civil Service Bureau and the Medical Committees. For instance, the Civil Service Bureau distributes positions to PWDs according to 'the specificity of the nature of the work.' Thus, it is left to the discretion of the bureau to decide whether the job opening is suitable for PWDs. So, to avoid possible discrimination against PWDs, action must be taken to revoke any misuse of this power. Also, the job descriptions in civil service regulations are usually designed in standard terms with no regard for PWDs' needs. This may create a mismatch between job openings and the requirements for someone with an impairment (Vornholt et al. 2018). Hence, these special conditions render the articles vastly susceptible to manipulation during the process of hiring PWDs. They could use these loopholes as an excuse not to employ PWDs under the pretext of having too few vacancies that are accessible for PWDs. Consequently, the nature of the work is manipulated by the job description, which can quite easily get around their implementation (Louvet 2007). These terms conflict with the text of the LRPD, which declares that disability in itself does not constitute a barrier to considering a person suitable for work. In that regard, the executive summary of the second annual report to monitor the conditions of persons with disabilities and their rights for the year 2020 indicated that official institutions employ PWDs and then their services are arbitrarily terminated without any legal accountability, and the employment process is only fictitious (HCD 2021).

Furthermore, when considering the recruitment procedure about the state of physical fitness, medical reports must adhere to the guidelines outlined in the Instructions for Issuing Medical Committee Reports for Persons with Disabilities, specifically number 3 of 2018, as well as the regulations stipulated in the Medical Reports and Committees bylaw no. 13 of 2014. In the annual report released by the HCD in 2021, it was highlighted that the primary challenge faced by the HCD in the process of appointing PWDs in the Public Sector relates to the continued application of Article 17/A/1 of the Medical Reports and Committees bylaw no. 13 of 2014. This article refers to Table No. 1 of diseases that disqualify individuals from appointments and scholarships.

The article outlines several conditions that must be met by individuals seeking employment, including possessing a sufficient level of intelligence, normal hearing, and being free from ear diseases that may hinder job performance (Table 1, Annex). Additionally, it stipulates that

individuals must not have any visual defects or diseases that may impact their ability to carry out their job responsibilities. By the provisions outlined in Article 17/A/1 of the Medical Reports and Committees bylaw No. 13 of 2014, as well as Table no. 1, which specifies diseases that hinder individuals from being appointed or receiving scholarships, it can be observed that PWDs are denied the opportunity to enter public employment in a manner that upholds principles of equity and equal opportunities in comparison to their non-disabled counterparts. Unfortunately, the act of showing preference towards an individual with a particular disability may result in the unjust treatment and violation of the rights of individuals with different disabilities (Bennett et al. 2005).

The preceding provisions exhibit inconsistency and contradiction with Article 25/A of LRPD no. 20 of 2017, which explicitly prohibits the act of excluding individuals from employment based on their disability. Furthermore, it is worth noting that the civil service regulation exhibits a contradiction within its Article 4. This particular article explicitly emphasizes the significance of equal chances, non-discrimination, and competence as fundamental principles and prerequisites for appointments, which must not be infringed upon.

Along these lines, this finding can be ascribed to the notion that mandating the integration of PWDs into the workforce within the public sector is regarded as a positive measure. However, it is insufficient unless accompanied by the provision of accessible work environments and transportation networks. Additionally, the governing bodies of the public sector bear the responsibility of establishing policies, offering guidance, and overseeing the implementation process (Ababneh 2016). Consequently, meeting these requirements will necessitate further endeavors from both the legislative body and the government, which may involve the establishment of law enforcement mechanisms and the creation of an authoritative body responsible for overseeing and regulating the enforcement of LRPD no. 20 of 2017.

Practically, the Civil Service Bureau monitors the commitment of government departments in ministries and public institutions to achieve the specified quotas, taking into consideration the following elements: the type of disability, the qualifications of the candidate, the nature of the vacant position, and the work environment of the departments. However, they deal with these elements flexibly due to the scarcity of available positions because of various factors; these include the economic conditions facing Jordan, forms of disability that may not align with the nature of the vacant position, and the unsuitability of the work environment for persons with disabilities, resulting in non-compliance with the specified quotas under the law.

The Director of the Civil Service Bureau highlighted the main obstacles and difficulties facing persons with disabilities; these include unemployment and limited job opportunities in civil service. There is a general issue of unemployment, and job opportunities in the civil service are limited, except for an increase in appointments in the health and education sectors. Moreover, there are fundamental issues in educational production inputs concerning the study of persons with disabilities in stagnant and saturated specializations. Namely, the scarcity of vacancies in the public sector, and assessing the practical indicators of supply and demand for specializations in the civil service for university graduates and comprehensive diploma holders from community colleges and universities. As noted by Schur et al. (2017), '[lower average levels of education] causes employment rates to decline, and for those who are employed, lower education levels may combine with lower levels of training, functional abilities, and health to lead to lower productivity, wages, and promotion rates.' Thus, unless barriers to education are adequately addressed, employment for persons with disabilities will remain a distant dream.

Furthermore, the lack of access is one of the fundamental reasons for inequalities. Individuals with visual and hearing impairments face challenges in obtaining an academic degree due to a lack of facilitative arrangements in schools, colleges, and universities that would enable them to exercise their right to education on an equal basis. Unfortunately, What Turmusani (1999) highlighted 24 years ago could still be applied today, 'disabled people were not consulted as to the type of employment they wanted.'

6. RECOMMENDATIONS

The Director of the Bureau stated that Jordan is shifting towards hiring instead of traditional employment to change the societal culture towards public service, given the limited number of newly created positions in the public sector. Therefore, a program was established between

the Higher Council and the Institute of Public Administration to empower persons with disabilities by building their capacities and preparing them for the job market in both the public and private sectors. This is achieved through their rehabilitation and transition from stagnant specializations to professions that are in demand. The program also focuses on exploring alternative opportunities and professions needed by the local job market.

To ensure the commitment of governmental entities (ministries and institutions) to respect the employment quotas for individuals with disabilities, they are required to annually report on the actual percentage of positions held by people with disabilities as well as the shortage along with reasons and justifications for the failure to meet the specified quotas as per the law. If the entity fails to justify the shortage, they are considered liable and required to provide an equivalent amount for the total salaries and other financial entitlements that would have been allocated for employing individuals with disabilities to be deposited into a designated account under the label 'Employment Fund for Persons with Disabilities in Public Positions,' supervised by the State. The purpose of this fund is to provide opportunities related to the employment of individuals with disabilities in the public sector.

'A commitment to respect for human dignity requires a focus not on sameness or identical treatment but on individual flourishing' (Lawson 2008). Thus, the adoption of national legislation, plans, and strategies that uphold the principle of substantive equality between persons with disabilities and other citizens is crucial. The differences in their legal status necessitate consideration of their needs to facilitate their access to employment, especially regarding the work environment by, for example, recognizing their right to reasonable tailored work accommodation and suitable working hours.

The implementation of disability-related laws and regulations is often poorly enforced. The UN Special Rapporteur on the Rights of Persons with Disabilities urged Jordan to establish an independent mechanism to promote and monitor the implementation of the Convention, under Article 33(2), to bridge implementation gaps in disability rights (Quinn 2023). The Medical Committees Bylaw excluded certain categories of PWDs from filling certain jobs. According to Table 1, governing the terms and conditions that must be met for employment, PWDs are deprived of their right to employment due to disability-based discrimination.

7. CONCLUSION

In conclusion, an examination of the progression of laws and public policies about the accessibility of employment for individuals with disabilities reveals the persistence of numerous problems. Notably, the Medical Reports and Committees bylaw No. 13 of 2014, which imposes restrictions on some groups of individuals with disabilities, preventing them from pursuing specific job opportunities. Furthermore, the quota system implemented by LRPD no. 20 of 2017 is regarded as a provisional and extraordinary measure, serving as the sole means to guarantee job opportunities for PWDs. However, it is imperative to replace this system with a more sustainable solution that facilitates the integration of PWDs into the workforce in the long run. The absence of statistical data on the proportion of employees with disabilities in the public sector is a significant challenge for development practitioners in accurately assessing the extent and magnitude of this issue. Consequently, it hinders their ability to design effective programs aimed at addressing this problem.

Moreover, as demonstrated by this study, it is imperative that LRPD no. 20 of 2017 and other legislation pertaining to public employment are not merely proclaimed on paper, but rather properly enforced. Unfortunately, the architecture of public buildings in Jordan lacks sufficient accessibility for a significant portion of individuals with disabilities. There exists a significant disparity between the legislative framework, which endeavors to enhance accessibility for PWDs, and the actual practices that have arisen during its execution. These practices have resulted in the marginalization of PWDs and a reduction in their involvement within the public sector. To ensure equal job opportunities for individuals with disabilities, it is imperative to effectively integrate prevailing legal structures with the accessibility of physical infrastructure, including buildings and transportation systems. Additionally, it is crucial to address and mitigate architectural obstacles present in public facilities and transportation networks. Theoretically, according to LRPD no. 20 of 2017, it is mandated that public sector buildings should possess accessibility features. However, it is evident that in reality, this requirement is frequently disregarded.

To effectively address the notable deficiencies in disability policy, Jordan must implement legislation that explicitly prohibits discrimination based on various forms of disabilities, encompassing physical, mental, and visual impairments. Furthermore, it is crucial to establish mechanisms for enforcing compliance with these regulations to ensure that appropriate punishments are imposed for any instances of non-compliance. Furthermore, it is imperative to undertake endeavors aimed at the successful execution of efficient policies to eliminate obstacles that impede the ability of PWDs to obtain employment opportunities in Jordan. The desired outcome is for the government to adhere to the underlying principles of the UNCRPD rather than strictly adhering to its literal language. Overall, these deficiencies suggest that the level of protection for PWDs in the context of employment is characterized by a gradual improvement, though it remains inadequate.

ANNEX

FIRST: CONDITIONS TO BE MET UPON APPOINTMENT	SECOND: DISEASES THAT PREVENT HIRING
<ol style="list-style-type: none"> 1. Sufficient degree of intelligence. 2. Normal hearing and no otitis or ear diseases that may prevent functioning. 3. The integrity of the eyes from any deficiency or disease that may affect their functioning, sufficient visual is ruled as follows: <ol style="list-style-type: none"> a. Visual acuity is 6/12 in each eye or 6/6 in one eye and 6/18 in the other, with or without glasses, with the denominator in both eyes no more than 24. b. Eyeglasses may be used with a lens strength of no more than eight diopters. c. In contact lenses, the strength of the lens should not exceed minus five and a half or plus eight and a half diopters. The method of calculating the strength of lenses in eyeglasses is algebraically grouped according to the following example: The power of the lens is $*180 \times 2.00 + / 5.00 + 6.00 + = 2/2 + 5.00 +$ or The power of the lens is $180 \times 4.00 - / 3.000 + 1.00 = (-4) + 3.00 + 1.00 = (-4) + 3.00 +$ Visual strength for non-professional and non-technical categories: (Occupations that do not require normal visual power or above care in both eyes and have a total denominator in both eyes of no more than 36) Vision must be at least 6/18, 6/18, 6/6, 6/24 with or without glasses. Color Vision: Character and color differentiation is required for both professional and technical categories. 4. Efficiency of linguistic skills. 5. Efficiency of the heart and lungs. 6. Healthy rib cage and lack of defective abnormalities. 7. The integrity of the limbs, spine, and joints to be free from defects affecting the nature of work. 	<ol style="list-style-type: none"> 1. Large hernias and similar types and/or large Meningocele and similar types that keep the employee from doing their work as usual, until recovery as per the rules. 2. Uncurable Hemocoel and Elephantiasis based on a medical report from a general surgeon. 3. A disease that leads to the removal of the spleen, unless it is already removed and the patient has fully recovered. 4. Pulmonary tuberculosis until recovery. 5. Chronic allergic bronchitis, and bacterial inflammation accompanied by a change in the shape of the chest and obvious clinical abnormalities in the lungs. 6. Subacute pulmonary diseases of various types and causes as well as pulmonary abscesses and clusters Psoriasis (genetic effusion) and other chest infections until they heal. 7. Malignant tumors that have not been cured. 8. Benign tumors if they prevent functioning, until removed. 9. Albumin that does not respond to treatment. 10. Unresponsive Addison's disease. 11. Uncontrolled epilepsy that goes against the nature of the work (controlled epilepsy means seizure-free epilepsy during the last three years). 12. Terminal mental disorders and mental retardation. 13. AIDS patient with limitations on tasks and job duties. 14. Irreversible and Organic heart diseases.

Table 1 Diseases that prevent appointment or scholarship of 2015.

COMPETING INTERESTS

The authors have no competing interests to declare.

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