

REFLECTION ON LABOUR LAW- CONSTRUCTION INDUSTRY BETWEEN TEXT AND APPLICATION

Nadine Nabeel Abu-Shaabn

*Construction Management Group, Faculty of Applied Engineering and Urban Planning,
University of Palestine, PO Box 1075, Gaza, Palestine*

ABSTRACT: *Labour laws dictated by various legal systems are the backbone of healthy and safe working environment around the world. Such laws shape the structure of workplace, engineer the relationship between employers, employees, and guarantee protection to involved parties. Although there has been a rapid expansion of labour rules emerging at the international level, there is still a huge need for professional work assessing the commitment and implementation process. In essence, this research will enlighten the way for many academics to work forward addressing the subject of labour law development and enforcement in order to achieve better working conditions. The legal system of the Palestinian territory has acquired its current shape and texture through a process of incremental evolution over centuries. In particular, the Palestinian Labour Law No. 7 was promulgated in 2000 by the Legislative Council to ensure sound labour market governance. This paper presents a review of the working conditions clauses within the Palestinian, Jordanian, Egyptian, United Arab of Emirates and Turkish labour laws. In addition, the level of which the working conditions articles are applied within the Gaza Strip construction industry is assessed.*

KEYWORDS: Construction industry, Gaza Strip, Labour law

INTRODUCTION

Development of labour law has deep roots in history and to a certain extent it has been developed in parallel with human rights. On the international level, a galvanized regime in a form of an array of laws has been drafted and passed to promote and guard these rights. Particularly, the Universal Declaration of Human Rights (UDHR, 1948), together with the International Covenant on Civil and Political Rights (ICCPR, 1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) come under the international umbrella of human rights. Through which a range of rights related to “work, free choice of employment, equal pay for equal work, a just and favorable remuneration and healthy work conditions” has been articulated. Worldwide, such rights have been laid down in codes formulating a basic catalogue of rights protected by different legal frameworks.

While the role of law has been recognized for a stable political system, similarly, the relationship between law and economic development has also been established. Literature has reflected the importance of law as a driving force along the path of sustained economic growth (Panizza (2012), Docquier (2014), Aaken, A. (2014)). In particular, this is of great concern for many developing countries, as the slowdown in economic growth poses a serious challenge. Palestine is among the world’s regions that witnessed a climate of economic fluctuation and political instability. In this essence, the legal system of the Palestinian territory has acquired its current shape and texture through a process of incremental evolution over centuries. As in many developing countries, the Palestinian construction sector is considered a key motivating economic sector; as it characterized by a high share of labour force. Thus, the size of the labour

force in the Gaza Strip has dramatically increased over the last few years due to imposed siege on the area.

In effect, the Palestinian Labour Law No. 7 was promulgated in 2000 by the Legislative Council to ensure sound labour market governance. One of the main areas covered by Palestinian labour law is working conditions; which include provisions on working time & holidays, leaves and remuneration. All of these areas are critical to ensuring high levels of employment and social protection.

Although, there is an increasing acceptance of the regulated law within the national context, the extent to which this law is both applied and enforced within the Gaza Strip construction industry remains a question. This research aims at opening the sight for many academics to work forward addressing the subject of labour law development and enforcement in order to achieve better working conditions.

This will be accomplished by comparing the working conditions clauses within the Palestinian, Jordanian, Egyptian, United Arab of Emirates and Turkish labour laws. In addition, the level of which the working conditions articles are applied within the Gaza Strip construction industry will be assessed.

HISTORY OF THE GAZA STRIP

Due to its location on the Mediterranean Sea, near the crossroads of Africa, Asia, and Europe, Palestine has a long history of occupation by foreign powers. In ancient times, from 1517 to 1917, Palestine was controlled by Turkey's Ottoman Empire. Then, following the defeat of Germany and Turkey in World War I, Gaza became part of the British mandate for Palestine from 1917-1948. The mandate government developed administrative institutions, municipal services, public works and transport. After the armistice agreement of the Arab-Israeli War of 1948 until the 1967 war, the Gaza Strip was under the Egyptian administration. During this period, Palestinians were not allowed real control over local administration and they were totally dependent on Egypt and as a result economic development in the Gaza Strip was limited. This period witnessed a major increase of Gaza Strip population, as 70% of Palestinians living within the Israeli boundaries migrated to Gaza Strip and formed refugee camps. These camps were built and maintained by the United Nations Relief Works Administration (UNRWA). Then, the Gaza Strip was captured by Israel from Egypt in 1967 during the Six-Day War and occupied by Israel until 1994. During that period, the Gaza Strip became increasingly dependent on Israel for its imports (largely food, consumer goods and construction materials) and exports (mainly citrus fruit and other agricultural products). With the inception of the Palestinian uprising (Intifada) in Gaza in 1987, the City became a major centre of political unrest and violence. Frequent military Israeli troops were sent to quell violence. High unemployment and low wages have been major problems. Moreover, as a result of the Gulf War (1991), masses of Palestinian workers in that area fled back to their families in Gaza Strip, creating a dire economic crisis and greater unemployment.

In 1994, an agreement, the Oslo Accord, was signed by Israel and the Palestinian Liberation Organization (PLO). Under the terms of this agreement, Israel began a phased transfer of authority in the Gaza Strip to the Palestinian National Authority (PNA). In effect, Israeli troops withdrew from the Gaza Strip, while maintaining control over Israeli settlements, and handed over the power to the PNA. The construction industry has since then witnessed noticeable expansion and activities. In 2007, Gaza Strip became under Hamas's rule and has since been

the governing authority. Since then, Israel launched three military incursions against Gaza Strip codenamed 'Cast Lead', 'Pillar of Defense' and 'Protective Edge' operations; commenced in December 2008, November 2012 and July 2014 respectively.

HISTORICAL EVOLUTION OF THE PALESTINIAN LEGAL SYSTEM

The Palestinian legal system in Palestine has evolved from a complicated background. As a result of the successive foreign occupations of Palestine over the last century, Palestinian law draws upon a number of different legal codes and traditions, including Ottoman statutes, British common law, Jordanian law, Egyptian decrees, and Israeli military orders.

As part of the Ottoman State from 1517 to 1917, Palestine was part of the Ottoman Empire. During this period, the legal system was a compilation of Islamic and European law. Subsequent British Mandate in 1917 implemented new set of rules based on the Common Law, which were progressively added to the existing Ottoman laws. Following the war of 1948, another change in the legal system occurred. The West Bank was annexed to Jordan and consequently subjected to the Jordanian legal system. Meanwhile, the Gaza Strip was controlled by the Egyptian government but it continued to apply the Common law, established during the British Mandate, with insignificant modifications. After the 1967 war, Israel occupied the West Bank and Gaza Strip, imposing military law on the Palestinians. Following the Oslo agreements, the Palestinian National Authority (PNA) took administrative control in 1994 and formed the Palestinian Legislative Council (PLC). Since its establishment in 1996, the PLC has been regulating new laws to build a strong legislative framework.

PALESTINIAN LABOUR LAW: AN OVERVIEW

The Palestinian Labour Law No. 7, was promulgated in 2000 by the Legislative Council through regular debate sessions. This law was developed to unify the disparate legal systems that had existed in Gaza Strip (the Egyptian Labour Law, No. 16 of the year 1964) and the West Bank (the Jordanian Labour Law, No. 21 of the year 1960). It was drafted and issued in line with the Arab Labour Organization (ALO) and the International Labour Organization (ILO) standards.

The Palestinian Labour Law regulates the legal relationship between employees and employers, stating their rights and obligations. It consists of ten sections briefly described as follows:

- *Definitions and General Provisions Section:* includes two chapters; one which defines those terms that are used in the law. Examples are the definition of "Employer", "Labour", "Temporary Work" and "Basic Wage". Meanwhile, the other chapter contains several provisions of relevance to employment and labour law affirming the labour right to join and to participate in the union.
- *Employment, Occupational Training and Guidance Section:* this section consists of two chapters "employment" and "occupational training and guidance". It addresses points such as; submitting a certain employment records to the Ministry of Labour (MOL) on a monthly basis and employing a number of qualified disabled workers. In addition, it emphasizes professional training through various channels and by various measures to develop the professional skills of labour, improve their quality, and strengthen their employment and work abilities.
- *The Individual Work Contract Section:* includes three chapters covering the composition of the contract, expiration of the individual work contract and the termination of the contract.

- *Collective Labour Relations*: consists of four chapters titled as: collective negotiations, collective labour agreement, settlement of collective labour disputes and finally, strike and lockout
- *The Requirements and Conditions of the Work Section*: includes four chapters establishing a number of workers rights covering “working hours and weekly holidays”, “leaves”, “salaries”, and “occupational safety and hygiene”.
- *Regulation of the Work of Minors Section*: it introduced restrictions by law governing the employment of minors. Under this section, no minor under 15 years of age are allowed to be employed. Furthermore, it addresses the health and safety concerns of having minors within the workplace as no minor shall handle or exposed to hazardous waste products or hazardous substances.
- *Regulation of the Work of Women Section*: this section prohibits gender-based discrimination, and from participating in dangerous work It is forbidden to engage women workers in work high above the ground, under low temperatures. It also regulates the employment of women before and after child-birth.
- *The Labour Inspection Section*: this section authorizes members of the “Commission of Labour Inspection” to enter the workplace, make inquiries with employers and/or workers, view and take copies of what pertains to the condition of work.
- *Work Injuries and Occupational Diseases Section*: this section describes what is required from the employer upon the occurrence of work injury or death.
- *Penalties and Conclusive Provisions Section*: includes two chapters titled as penalties and conclusive provisions. It details penalties attached to various occasions.

COMPARISON BETWEEN LEGAL FRAMEWORKS

Drawing comparisons between the laws and legal systems of different countries is considered to be a valuable exercise.

2.2 Comparing the Palestinian Labor Law with neighbor countries labor laws:

CHAPTER ONE	Palestine	Jordan	Egypt	UAE	Turkish
Working Hours & Weekly Holidays					
<i>Weekly Normal Working Hours</i>	Maximum of 45 hours	The ordinary working hours shall be 8 hours/day with a maximum of 48 hours per week in a six day.	Maximum of 8 hours/day or 48 hours per week.	Maximum of 8 hours/day or 48 hours per week.	The maximum weekly working time may not exceed 45 hours a week, with the condition that the daily working time must not exceed eleven hours.
<i>Deduction</i>	The daily working hours shall be reduced for at least one hour in the hazardous work as well as night work.	No reduction of working hours during the month of Ramadan or for hazardous work.	No reduction of working hours during the month of Ramadan or for hazardous work.	The daily working hours shall be reduced in the hazardous work by the Minister of Labour. A reduction of two working hours during the month of Ramadan.	The daily working hours shall be reduced for a maximum of 7.5 hours for hazardous or night work, regulated by the Ministry of Labour and Ministry of Health.
<i>Rest</i>	Rest Break once or more. No employee may work continually for more than 5 hours. In total, daily rest breaks shall not exceed one hour.	Rest Break once or more. Rest time is excluded from the total working hours.	Rest Break once or more. No employee may work continually for more than 5 hours. In total, daily rest breaks shall not be less than one hour. Rest time is not included in the working hours count. For hard or exhausting work, worker shall be granted break periods which shall be counted as actual working hours.	No employee may work continually for more than 5 hours. In total, daily rest breaks shall not exceed one hour. Rest time is excluded from the total working hours.	Depending on working hours: If working hours were less than four hours, then the break time will not be more than 15 minutes. If working time was about four hours, then total break time shall not be more than half an hour. If working hours were not more than 7.5 hours, then break time should not be more than one hour only. Rest time is excluded from the total working hours given that working time shall not exceed 11 hours per day by any means.

	Palestine	Jordan	Egypt here	UAE	Turkish
<i>Overtime</i>	Not more than 12 hours a week. A remuneration of an hour and a half shall be paid to the worker for each extra working hour.	The employee is allowed to work overtime subject to the following conditions: <ul style="list-style-type: none"> • That actual working hours do not exceed ten hours per day, and • Overtime is not applied to more than thirty days per year. A minimum of 125% of the basic wage shall be paid to the worker for each extra working hour. A minimum of 150% of regular remuneration when the employee works on weekly holiday, national holiday, or on religious holiday	Actual working hours, including overtime, shall not exceed ten hours per day. The minimum overtime premiums are 35% of normal pay for working during daylight. 70% for work at night 100% for work on rest days and holidays Breaks taken in the overtime is counted as working time as long as the worker stays at the place of the work.	Overtime must not exceed two hours a day. A minimum rate of 1.25 remuneration of the normal rate shall be paid to the worker for each extra working hour. A minimum rate of 1.50 remuneration of the basic rate shall be paid to the worker for each extra working hour between 9 pm to 4 am.	The total number of overtime hours worked per year may not exceed 270 hours. Wages for each hour of overtime shall be remunerated at one and a half times the normal/basic hourly rate. In cases where the weekly working time has been set by contract at less than forty-five hours, work that exceeds the average weekly working time done in conduction with the principles stated above and which may last only up to 45 hours weekly is deemed to be work at extra hours. In work at extra hours, each extra hour shall be remunerated at one and a quarter times the normal hourly rate.
<i>Holiday</i>	<ul style="list-style-type: none"> • Employees will be eligible for 24 hours paid per week. • Friday is the weekly rest day unless work interest requires allocating another day regularly. 	Employer will be eligible for one day paid per week. Friday is the weekly rest day. The Employee may, with the Employers approval, combine the days of his weekly holiday and get a maximum period of one month.	• Employees will be eligible for 24 hours paid per week.	Friday is the official paid weekly holiday. In case of working on Friday, the employee shall be compensated with a substitute day or be paid basic wage for normal hours plus a supplement of at least 50% of that wage.	<ul style="list-style-type: none"> • Employer will be eligible for a minimum of 24 hours per week. • Holiday pay of an employee is the daily amount in proportion to the total sum of the day he has worked. • Holiday pay of employee working at a piece or job rate or on percentage basis shall be calculated by dividing his total earning within a pay period by the number of days he has worked during that period. • The holiday pay of an employee working on an hourly basis is 7.5 times his hourly rate.

CHAPTER TWO:	Palestine	Jordan	Egypt	UAE	Turkish
Leaves					
<i>Annual Leave</i>	<ul style="list-style-type: none"> • Employees shall be entitled to two weeks paid annual leave • Three Weeks for hazardous work or after five years of employment • The annual leaves may not be accumulated for more than two years. 	<ul style="list-style-type: none"> • Employees are entitled to an annual paid leave of 14 days. • 21 days after five successive years of employment. • If the worker's employment is less than one year, he shall be entitled to a leave in proportion to the period he has spent in work. • If the annual leave is not taken at one time, the part thereof may not be less, at any time, than six days . 	<ul style="list-style-type: none"> • Employees are entitled to an annual paid leave of 21 days after working for one year. • 30 days after ten consecutive years of employment or reaching the age of 50. • If the worker's employment is less than one year but more than six months, he shall be entitled to a leave in proportion to the period he has spent in work. • The annual leave shall be increased by seven days for the workers engaged in dangerous works. 	<ul style="list-style-type: none"> • The employee must be granted an annual leave during each year of service which may not be less than: <ul style="list-style-type: none"> ○ Two days a month, where the worker's period of employment is more than six months but less than one year. ○ 30 days a year, where the worker's period of employment is more than one year. 	<p>Employees shall be entitled to:</p> <ul style="list-style-type: none"> • 14 days paid, if worked for at least one year and a maximum of five years • 20 days paid, if worked for more than 5 years and less than 15 years • 26 days paid, if worked for 15 years or more. • A minimum of 20 days paid, for employees below the age of 18 and above the age of 50 years.
Official & Religious Leaves	<ul style="list-style-type: none"> • Full paid on religious and official holidays and not be counted from the annual leave. 	<ul style="list-style-type: none"> • If the employee works on a religious or national holiday, he must receive compensation at a minimum rate of 150% of his regular remuneration. 	<ul style="list-style-type: none"> • Full paid on religious and official holidays but with a maximum of 13 days. 	<ul style="list-style-type: none"> • Each employee is entitled to an official leave with full pay on seven occasions, with a total of ten days. • Where it is necessary for the work interest to put a worker on duty during public holidays or days off in respect of which he is entitled to full or partial pay, he shall be granted substitute leave in respect of such days, plus 50 per cent of his wage. If he is not granted substitute leave, his employer shall pay him 150 per cent of his basic wage in respect of the days worked. 	<ul style="list-style-type: none"> • Full paid on six national and public holidays and not be counted from the annual leave. • If the employee works instead of observing the holiday, they shall be paid an additional full day's wage for each day worked.

	Palestine	Jordan	Egypt	UAE	Turkish
<i>Sick Leave</i>	<ul style="list-style-type: none"> ○ Employees shall be entitled to a full paid sick leave, for a period of 14days each year, upon providing a report from a medical committee. ○ For another 14 days sick leave, only half wage is paid. 	<ul style="list-style-type: none"> ○ Employees shall be entitled to a full paid sick leave, for a period of 14days each year, upon providing a medical report ○ A further 14 days with full pay can be given if the employee is hospitalized and with half pay if it is based only on a report of a medical committee 	<p>The employee is entitled to sick leave every three years in work on the basis of:</p> <ul style="list-style-type: none"> ○ One month full pay ○ The next eight months with a wage equivalent to 75% of his salary, ○ The subsequent three months without pay. 	<p>The employee must report his illness within a period of two days at most. If the employee spends over three months after completion of the probationary period, in the continuous service of employer, and falls sick during this period, he becomes entitled to a sick leave not more than 90 days either continuous or intermittent per each year or service, as follows:-</p> <ul style="list-style-type: none"> ○ The first 15 days with full pay ○ The next thirty days with half pay. ○ The subsequent period, without pay. 	<p>Employees shall be entitled to a full paid sick leave, for a maximum period of one week each year, upon providing a report from a medical committee.</p>
<i>Hajj Pilgrimage Leave</i>	<p>Employee are entitled to at least two weeks of paid leave, once during their period of employment, with the condition of spending a minimum of five years in the firm</p>	<p>Employee are entitled to 14 days of paid leave, once during their period of employment, with the condition of spending a minimum of five years</p>	<p>Employee are entitled to one month of paid leave, once during their period of employment, with the condition of spending a minimum of five years</p>	<p>May be granted an unpaid, shall not be counted among other leaves, Hajj Leave for 30 days and only allowed once during the employment.</p>	<p>Not Mentioned</p>

<i>Bereavement & Accidental Leave</i>	<ul style="list-style-type: none"> • Three days of paid bereavement leave on the death of immediate and second degree of kinship and not deducted from his annual leave • Employee may be granted up to ten days emergency leaves deducted from his annual leave, but the absence shall not continue for more than three consecutive days at any time. 	<ul style="list-style-type: none"> • No mention for Bereavement Leave. 	Employee may be granted up to six days emergency leave, deducted from his annual leave, but the absence shall not continue for more than two consecutive days on any one occasion.	Not mentioned	<ul style="list-style-type: none"> • Two days of paid bereavement leave on the death of immediate/first degree of kinship and not deducted from his annual leave • Up to three days' leave of absence in the event of the employee's marriage
<i>Cultural Leaves</i>	<ul style="list-style-type: none"> • One week paid per year 	Fourteen days per year of paid leave		Not mentioned	Not Mentioned

CHAPTER THREE:	Palestine	Jordan	Egypt	UAE	Turkish
Remuneration					
<i>Time of payment</i>	<p>Employees shall be entitled to a full paid salary, not be delayed for more than five days from the due date and paid in the circulated currency, even in case of the work being halted by the employer:</p> <ul style="list-style-type: none"> ○ On a daily basis ○ On a monthly basis ○ At the end of each week on the basis of production unit, on hour, daily or weekly basis. 	<ul style="list-style-type: none"> ○ The wage should be paid within a maximum period of seven days from the date of its entitlement. The Employer may not deduct any part, thereof except in the cases permitted by the law. 	<p>The wage shall be paid in the legally current money:</p> <ul style="list-style-type: none"> ○ On a monthly basis ○ At the end of each week on the basis of production unit, on hour, daily or weekly basis, if the work exceeds two weeks period. 	<p>Employees engaged on yearly or monthly remuneration shall be paid at least once a month in the lawfully circulating national currency. All other employees shall receive their remuneration at least once every two weeks.</p>	<p>The wage shall be paid in Turkish money:</p> <ul style="list-style-type: none"> ○ Yearly or monthly remuneration shall be paid at least once a month ○ All other employees shall receive their remuneration at least once every two weeks.
<i>Payment Deduction</i>	<p>With the exception of the following occasions, no amount may be deducted from the worker's salary:</p> <ul style="list-style-type: none"> ○ Implementing a definitive judicial judgment ○ A due loan, but only a maximum of 10% deduction ○ Fines imposed upon the worker ○ It is not allowed to deduct more than 15% of the worker's salary when both loan and fines are combined 	<p>No amount may be deducted from the Employees wage except in the following cases:</p> <ul style="list-style-type: none"> ○ Employers recovery of advances whereby each instalment recovered may not exceed (10%) of the wage. ○ Recovering any amount paid to the Employee in excess of his entitlement. ○ A social security instalment ○ Subscriptions relating to services provided by the Employer as per the rates or percentages agreed upon ○ Every debt collected in execution of a judicial judgment. ○ Sums imposed because of violation of the provisions of the regulations, work contract or in return of the tool damage due to his fault. 	<p>In all cases, no deduction, retention or relinquishment shall be made to the employee's wage for the settlement of a debt except within the limit of 25% of the wage.</p> <p>The deduction percentage may be increased to 50% in the case of alimentary debt.</p> <p>In case of a loan, only a maximum of 10% deduction is allowed.</p>	<p>No amount may be deducted from the Employees wage except in the following cases:</p> <ul style="list-style-type: none"> ○ Implementing a definitive judicial judgment provided that not more than a quarter of the employee's pay shall be deducted. ○ The deduction percentage may be increased to 50% in the of numerous debts or creditors ○ Repayment of advances paid to the employee in excess of his entitlement. Deduction must not exceed 10% of the employee's periodic pay. ○ A social security & insurance instalments 	<p>Deductions must not exceed three days' wages in any one month, or in the case of piece work or amount of work to be done, the wages earned by the employee in two days.</p>

	Palestine	Jordan	Egypt	UAE	Turkish
Mulcts	<ul style="list-style-type: none"> ○ The amount of the fine shall not exceed the wage of three days per month. ○ Not a disciplinary action shall be taken against the worker two weeks after the date on which the contravention is established. ○ A special register on the imposed fines shall be developed. ○ The worker shall have the right to challenge any disciplinary action or fine imposed against him or her at the Labour Inspector within one week from the date on which he or she is thus notified in writing. 	<p>The Employer may not take any disciplinary action or impose a fine on the Employee of a violation not provided for in the penalties list which is approved by the Minister, with due observance to the following:</p> <ul style="list-style-type: none"> • Not to impose a fine on the Employee in excess of three days wage per month or to suspend him from work without pay for a period exceeding three days per month as well as be given the opportunity of his defence statement to be listened to prior to imposing the penalty against him. The Employee should have the right to object to the penalty imposed against him before the labour inspector within one week of his notification thereof. • No discipline action to be taken or a fine imposed against the Employee for any of the violations provided for in the approved penalties list subsequent to the lapse of fifteen days from the commitment thereof. • The Employer or whoever acts of him shall be penalized by a minimum fine of twenty five Dinars and not exceeding one hundred Dinars for every incident wherein a payment below the minimum wage established to the wages is made to an Employee in addition to passing judgment in favor of the Employee of the wage difference. The penalty shall be doubled whenever the violation is repeated. 	<ul style="list-style-type: none"> • Not to impose a fine on the Employee in excess of five days wage per month. • The employer shall not impose more than one sanction for the same infraction. • No sanction shall be imposed on the worker except after being notified in writing of the infraction ascribed, allowing worker to defend. This shall be recorded in a form of a report attached to the workers file. • The employer may suspend the worker provisionally from his work for a period not exceeding sixty days along with paying his wage in full. 	<ul style="list-style-type: none"> • A fine in respect of a single offence may not exceed remuneration payable for five days. • A special register shall be kept where shall be entered all penalties imposed upon employees showing reason and occasion of penalty, employee's name and his pay. • A special account shall be made for this purpose and monthly total thereof shall be allocated for employees' social welfare in accordance with a decision to be taken by the Minister of Labour and Social Affairs in this respect. 	<ul style="list-style-type: none"> • No employee may impose a fine on an employee's wage for reasons other than those indicated in the collective agreement or the employment contract. The employee must be notified at once, together with the reason, of any wage deduction as fines.

	Palestine	Jordan	Egypt	UAE	Turkish
Minimum Wage	<ul style="list-style-type: none"> • The Council of Ministers shall establish a committee to be called the “Committee of Salaries” from an equal number of representatives of the Government as well as employers and workers. • The Council of Ministers shall appoint a chairperson of the Committee from among its members. • The Committee of Salaries shall perform the following tasks: <ol style="list-style-type: none"> 1. Examine the public policies of salaries and the extent to which they compatible with the living standards. 2. Determine the minimum limit of salaries, provided that a decision thereon is to be issued forth by the Council of Mini. The Committee of Salaries shall convene regularly at least once a year. • The salary of the worker may not be less than the minimum limit which is legally approved. 	<ul style="list-style-type: none"> • The Council of Ministers shall form a Committee comprising an equivalent number of Representatives for the Ministry, Employees and Employers. • The Council shall appoint a Chairman, to undertake the fixing of the minimum wages estimated in Jordanian currency in general or with respect to a certain area or to a certain profession. The period of membership thereon shall be two years, renewable. • The Employer or whoever acts of him shall be penalized by a minimum fine of twenty five Dinars and not exceeding one hundred Dinars for every incident wherein a payment below the minimum wage established to the wages is made to an Employee in addition to passing judgment in favor of the Employee of the wage difference. The penalty shall be doubled whenever the violation is repeated. 	<ul style="list-style-type: none"> • A national council for wages shall be established under the chairmanship of the Minister of Planning, to be concerned with setting the minimum wages at the national level, subject to cost of living, and by providing the methods and measures, guaranteeing the realization of balance between wages and prices. • The council shall also be concerned with setting the minimum periodical annual increments such that they shall not be less than (7%) of the basic salary on the ground of which the social insurance contributions are reckoned. 	<ul style="list-style-type: none"> • The minimum salary and the cost of living allowances payable generally or with respect to a particular profession, shall be fixed by the Minister of Labour and Social Affairs and approved by the Council of Ministers. • The Minister's proposal shall be made either for description or reconsideration of the minimum pay after consulting with the competent authorities and trade agencies if any for both employers and employees based on studies and schedules of the cost of living price fluctuations prepared by concerned authorities in the State. • Such minimum pay shall in all cases be enough for the employee's basic needs and to secure means of living. 	<ul style="list-style-type: none"> • The minimum limits of wages shall be determined every two years by the Ministry of Labour and Social Security through the Minimum Wage Fixing Board. • The Minimum Wage Fixing Board, to be designated by the Ministry of Labour and Social Security, shall be composed of the General Director of Labour or his deputy, the General Director of Occupational Health and Safety or his deputy, the chairman of the Economic Statistics Institute of the State Institute for Statistics or his deputy, representative of the Under- Secretariat of Treasury, the head of the relevant department of the State Planning Organisation or his representative, five employees' representatives from different branches of activity selected

DISCUSSION

Weekly limits play a significant role in determining the volume of hours worked each week. As such, they make a substantial contribution towards conserving the worker's health and safety as well as allowing workers to balance between work and social lives. A comparison on working hours reveals that the maximum working hours in a week were 48 hours with 8 hours a day for all analysed countries except Palestine and Turkey, followed a 45 hours a week schedule. In addition, apart from Turkey, there are strong similarities across the reviewed countries with regard to a maximum of 'one hour' daily rest during the work-time.

Relevant to working hours, most of the countries under consideration shared a similar structure with regard to overtime; in that a limit on the maximum number of overtime hours and payments were specified. In this essence, all studied countries placed a limit on the maximum number of overtime working hours; commonly, 2 hours over the normal working time in each working day and for a more flexible setting, 10-12 hours weekly. With the exception of Turkey overtime limit is based on hours per year. Moreover, legislated rights to overtime premium vary considerably in different law, but, all based on normal working day pay.

Meanwhile, there is a large consensus on weekly rest. Countries under consideration have labour law that mandate employers provide certain paid time-off days per year to workers. Particular provisions that regulate Annual, Official & Religious and Sick leaves were included in the countries laws considered for comparison; however, it differed from country to country. For example, in the case of Annual leave, time off rises from two weeks to 30 days as proportional to the length of the working period and the age of the employee. With the exception of Palestinian law, it was regulated as 14 days per year throughout the work life time. Religious and official holidays are also guaranteed in laws under review. Employers have flexibility to schedule workers on public holidays provided that they pay those days at higher than usual rate. Countries such as UAE and Turkey specified seven and six occasions respectively, while Egypt set 13 days as a maximum.

In addition to the above mentioned paid holidays, countries also addressed additional leaves for specific purposes, including 'Hajj Pilgrimage', 'Bereavement & Accidental' and Cultural Leaves. For example, Palestine and Jordan guaranteed up to two weeks of paid leave for Hajj Pilgrimage with the condition of spending a minimum of five years in work. UAE, however, allows unpaid 30 days for such leave. Egypt law was the most generous with 30 days of paid leave. Meanwhile, it was totally ignored in the Turkish law. Palestine and Turkey provide employees with Bereavement leave on the death of specified family members. These bereavement leaves are paid and last from two to three days. Furthermore, employees are entitled to emergency leave for up to six and ten days in Palestine and Egypt. Finally, both Palestine and Jordan introduced up to one and two weeks respectively as cultural paid leave.

Reviewed labour laws also include various provisions regulating remuneration, including payment time, deduction, mulcts and minimum wages. The salary is payable either every two weeks or every month based on agreement between parties. Overall, laws under consideration ascertain that wages payable to labours shall not be delayed or deducted without reason. In case of deductions, it must be authorized by law, such as definitive judicial judgement, and labour must be properly informed of such deduction. In addition, laws stipulate that the minimum wage should be set at a level sufficient to support the employee's daily needs.

The issue of gender diversity in the labour market has received increasing attention over the past few years. In particular, explicit clauses have been addressed in Egyptian and Jordanian

labour laws to promote workplace equality. As the Egyptian labour law stipulates provisions expressly designed to guarantee non-discrimination against gender, ethnic origin, language or religion. Meanwhile, the current Jordanian labour law embody more detailed regulations for working females. Among regulated issues: equal pay, equal opportunity, child care, maternity leave and nursing hour for one year. The other labor laws did not care considers this issue. Parental leave largely covered by –laws.

With regard to the protection of workers from hazardous and harmful work, labour Laws contain several related provisions. Generally, in Palestine, UAE and Turkey laws, the working hours is reduced at working places with particular work conditions considered harmful to workers. Meanwhile, Palestine and Egypt offer labour with hazardous one extra week of annual leave.

In addition, regulations were introduced to protect special groups, women and minors, from working at night. However, provisions did not regulate special working conditions with adverse effect on employees in general.

APPLICABILITY

The data required for this study were gathered by a mean of a structured questionnaire survey. Two questionnaires were designed to uncover both contractors and labour perspectives. Questionnaires were divided into two main parts. Part one related to general information about the company and respondent; including a brief background of the company and experience. Part two addressed questions related to selected Palestinian Labour Law articles including working hours, wages, rest time and vacations. A total of 170 questionnaire forms (130 among labour and 40 among contractors) were distributed across five governorates in the Gaza Strip. As a response, 120 completed labour questionnaires were received representing a return rate of 92%. Meanwhile, a total of 37 questionnaires were filled in/returned by contractors representing a response rate 92.5 percent. The collected data was then analyzed and tabulated using the Statistical Package for the Social Sciences (SPSS) Software.

The main characteristics of the populations being sampled were experts' contractors with more than ten years of experience in the GS construction industry having a direct and daily interaction with labour; as 50% of participants held a site engineer position. In addition, the majority of the respondents have experienced the full spectrum of construction works; such as sanitary, wood, electrical, plastering and painting, and aluminum. Furthermore, 70% of the respondents have executed jobs with an average size of more than one million of U.S dollars; indicating that the most of the surveyed contractors executed large projects. Meanwhile, of the 120 labour participated in the survey, 80% were between age 25 and 35 and more than two third of respondents had diploma or higher certificate. The number of years the participants was employed in the construction industry ranged from 5 to 20 years with the average being 8 years.

- **Working Hours and Weekly Holidays:**

According to the Palestinian Labor Law, working hours of full-time employees may not be longer than 45 hours per week. Analysis of the application of the working hour's provision in practice points to a violation of the law. Results imply that only 29.2% of respondents do not work for more than 45 hours a week, another 62.5% of workers operate for more than 45 hours a week, while 8.3% works for less than 45 hours a week. To further bring this issue to fore,

respondents were asked to state the daily working hours. Approximately, 68% of the respondents indicated that they work for ten (10) hours a day and not paid for working beyond the prescribed 8 hours. In contrast, 32% of the respondents confirmed that they are paid for working beyond eight (8) hours. Moreover, 40% of respondents claim that they do not have a daily break, while the reminder (60%) have a daily break. A similar situation is found with the weekly rest as; 55% of respondents have a weekly rest of 24 hours, while 45% of respondents work constantly in a week without a single day off.

- **Leaves:**

Palestinian labour law regulates the field of leaves under which employees are entitled to various types of leaves including: annual, official & religious, sick, Hajj Pilgrimage, Bereavement & Accidental and cultural leaves. Apart from the official & religious leaves, were the study showed that employers are largely complying with the stated requirements, surveyed evidence indicates that other leave provisions are only partially applied in practice in the construction industry. On the issue of annual leave, 64.5% of respondents have a paid annual vacation, while 35.5% does not get a paid vacation by the employer. Additionally, respondents were asked to state the number of leave days they are entitled to within their firm. Results were classified into two categories; leave spanning from 1-7 days and between 7-14 days. Of the total number of those who are given up to 14 days, 75.3% have a paid vacation, while 24.7% does not get paid vacation by the employer. In addition, across the 24.2% of respondents confirmed that they are entitled to sick leave, while 52.6% of respondents did not know whether they could get a sick leave. This result reflects poor compliance among firms as well as a lack of worker awareness of available leaves.

Participants were further questioned regarding the Hajj Pilgrimage and cultural leaves. Approximately, 98% of surveyed workers neither enjoyed Hajj Pilgrimage nor annual cultural leaves. Finally, in response to whether Bereavement leave is paid, 84.3% indicated that their leave is not paid.

- **Remuneration**

An important provision in the working conditions is the amount of salary and its payment. In the construction industry, the average labour wage in the Gaza Strip was found to be \$4 per day. Furthermore, 65.6% of respondents claimed the receipt of regular monthly salary, while 34.4% of respondents do not receive a regular monthly salary. The largest number of participants whose salaries were paid late stated that the salaries were one month late on average. Such results indicate great violations of the Palestinian labour law regarding this provision. Illegal non-payment, delayed payment and partial payment of wages remain commonplace, even routine in the Gaza Strip construction industry.

Conclusion:

Enactment and enforcement of labour law is vital for ensuring full and effective protection of human rights. This research shows that reviewed countries have developed mechanism to regulate working conditions within different labour laws, though, the ability to implement these laws is still under question. Specifically, although the Palestinian labour law laid down an organic recipe governing working conditions, gaps exists due to limits in its coverage; in particular, lack of legal penalties of non-compliances.

Analysis of the situation in the Gaza Strip construction industry reflects partial enforcement failure to the Palestinian labour law; such as overtime and payment delay. Similarly, results suggest that workers are poorly aware of their rights, and due to high unemployment rate and difficult economic conditions, many employees accept to work under conditions far below the standards set by the Palestinian Labour Law.

REFERENCES:

- Aaken, A. (2014). Behavioral International Law and Economics. 55 Harvard International Law Journal. University of St. Gallen Law & Economics Working paper No. 2013-21. pp: 421-481.
- Docquier, F. (2014). Identifying the effect of institutions on economic growth. Institut de Recherches Economiques et Sociales (IRES).
- International Covenant on Civil and Political Rights, adopted Dec. 19, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976). The United States ratified the treaty Sept. 8, 1992.
- Panizza, U. (2012). Finance and Economic Development." International Development Policy, Vol.3. pp: 141-160
- PCBS (the Palestinian central Bureau of statistics) (2013) "Percentage Distribution of Employed Person in the Palestinian Territory by Sector and Region", (2007-2013).
- Universal Declaration of Human Rights, General Assembly Resolution 217 A (III), December 10, 1948.