THE LEGAL SYSTEM OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK IN JORDANIAN LEGISLATION, AN ANALYTICAL LEGAL STUDY COMPARED TO INTERNATIONAL CONVENTIONS.

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Abstract - This paper examined people with disabilities right to work within Jordanian legislation context and in comparison, to the international conventions, and concluded that the Jordanian legislator has decisively devoted the right to work for people with special needs and in accordance with the international declarations and agreements.

Keywords - Legal System, Person With Disabilities, Jordanian Legislation, Right To Work

I. INTRODUCTION

The right to work is one of the basic rights that international covenants and national legislation have given it great attention, as it is one of the basic pillars for achieving societal stability, through which the individual can meet his needs and fulfill the various requirements of life, and interest in this right has increased for people who suffer from disabilities of all kinds, Where this group suffered in practice from marginalization, discrimination, and the social view of inferiority that prevented them from integrating into society like other people and obtaining job opportunities that secure them money, which is the backbone of life and in a manner that guarantees them a decent life, despite the emphasis of international agreements and national legislation on The principle of equality in the exercise of rights without discrimination. Hence, the international and national legislators have realized the need for this group to realize their right to work that is commensurate with their abilities and qualifications and to protect this right from denial, and the need to take measures to ensure the consecration of that right from a realistic point of view in order to achieve actual equality with other people. Due to the importance of research on the issue of the right of persons with disabilities to work, this paper came to shed light on the legal system for the right of persons with disabilities to work in Jordanian legislation in comparison with international conventions and agreements to reach the extent that the Jordanian legislator's plan agreed with the internationally approved principles in this regard.

1. Definition of the disability

The disability is not a purely legal term, as the concept of disability is one of the concepts that are not agreed upon and that there is constant controversy around it[1].Therefore, we do not find much interest by the various legislations in setting a specific definition of disability, perhaps because this concept is evolving. However, we find that the Iraqi legislator set a specific definition of disability, so he defined the disability is the restriction or lack of a person's ability, due to a direct inability or defect, to perform interactions with his surroundings within the limits of the extent to which a person is considered normal[2].With regard to the position of international conventions on the concept of disability, we find the Convention on the Rights of Persons with Disabilities, even if it did not set a clear and specific definition of disability, given that the authors of the agreement found that disability is still a concept under development, but that disability according to the concept of the Convention is meant as a "disability" that prevents the participation of the injured They have a full and effective participation in their society on an equal basis with others .

2. The legislativeDefinition of the person with disability

At the beginning, the international conventions concerned with human rights focused on developing a specific definition of persons with disabilities, so we found The Universal Declaration of the Rights of Persons with Disabilities defines a disabled person as "any person who is unable to provide for himself, in whole or in part, the necessities of his normal individual or social life because of a congenital or non-congenital deficiency in his physical or mental abilities.As for the Convention on the Rights of Persons with Disabilities, it defines in its first article persons with disabilities as "anyone who suffers from long-term physical, mental, intellectual or sensory impairments, which, when dealing with various barriers, may prevent them from participating fully and effectively in society on an equal basis with others." As for the position of the Jordanian legislator on defining what is meant by a person with a disability, we found the Law on the Rights of Persons with Disabilities, for example, a person with a disability has been defined as "every person who has a long-term deficiency in physical, sensory, mental,

psychological or neurological functions that, as a result of his interference with physical obstacles and behavioral barriers, prevents the person from performing one of the main life activities or exercising a right or One of the basic freedoms of independence[3] Perhaps the most important feature that distinguishes the definition mentioned by the Jordanian legislator is his assertion that disability as a legal problem is not intended as a mere disability or shortcoming that afflicts a person. It devotes rooting the legal perspective to the problem of disability, and perhaps the position of the Jordanian legislator in this direction is largely consistent with the position of the Convention on the Rights of Persons with Disabilities.

3. The position of the Jordanian legislator on ensuring the right of persons with disabilities to work.

3.1 The position of the constitutional legislator

Referring to the Jordanian constitution, we found that itconsist theguarantees to the right of persons with disabilities to work, so Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language, or religion[6], and The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians[4], and The law protects the rights of persons with disabilities and promotes their participation and integration in the various aspects of life[5], and Work is a right for all citizens, and the state must provide it for Jordanians by directing and advancing the national economy[7].As a result, we found that the constitutional legislator has guaranteed the right of persons with disabilities to work according to explicit texts.

3.2 The position of the Jordanian legislator in the law of the rights of persons with disabilities

The Jordanian Law on the Rights of Persons with Disabilities includes many provisions that affirm and guarantee their right to work, so we found the Jordanianlegislator ensure that a person may not be excluded from work or training on the basis of or because of a disability[8].In addition, the legislator obligated the Ministry of Labor and the Vocational Training Corporation to develop strategies that ensure the inclusion of work programs for persons with disabilities, and The Jordanian legislator obligated governmental and non-governmental agencies, whose number of employees is not less than twenty-five and not more than fifty, to employ one person with a disability and if If the number of employees is more than fifty, the employer shall employ 4% of that number of persons with disabilities

II. CONCLUSION

After we finished stating the position of the Jordanian legislator on the right of persons with disabilities to work, we conclude the following:

1. The position of the Jordanian legislator came in line with the position of international conventions in guaranteeing the right of persons with disabilities to work.
2. The Jordanian constitutional legislator guaranteed the right of persons with disabilities to work by laying down foundations and principles governing this right.
3. The Jordanian legislator emphasized in the Law on the Rights of Persons with Disabilities the need for the commitment of governmental and non-governmental agencies to employ persons with disabilities and to remove any obstacles that prevent the exercise of that right.

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[3] The Jordanian constitution
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[2] Look: Article 1 of the Persons with Disabilities and Special Needs Care Act.
[3] Look: Article (3/a) of the Jordanian Law on the Rights of Persons with Disabilities No. 20 of 2017
[4] Look: Article (6/1) of the Jordanianconstitution.
[5]Look: Article (6/3) of the Jordanian constitution
[6]Look: Article (6/5) of the Jordanian constitution
[7]Look: Article (23/1) of the Jordanian constitution
[8]Look: article (25/a) the Jordanian the law of the rights of persons with disabilities.