



## DECENT WORK CHECK

# IRAQ 2023

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## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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# INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Iraq Labour Law 2015
2. Law of Pension and Social Security for Workers 1971
3. Law No. 28 of 2012 on Combating Trafficking in Persons

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Iraq has ratified the Convention 95 and 131 only.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Iraq Labour Law, 2015

## Minimum Wage

The Labour Law defines wages as any amount or benefit due to the worker in return for any work performed by the worker. The wage includes all allowances and increments applicable in accordance with the applicable terms of employment and the payment due for overtime.

The minimum wage is legally prescribed i.e., set by the government. The Labour Law defines minimum wages as the legally prescribed wage or the wage specified in the employer's enterprise according to the individual employment contract or collective agreement, whichever is the higher. The minimum wages are revised every two years. The minimum wage is revised under the established committee by the Minister which includes the Director-General of the Labour and Loan Department, the Director-General of the Workers' Pension and Social Security Department, and representatives of workers and employers. Additionally, two experts, specialized in various aspects of wage policies are also part of the Committee. The minimum wage is set by considering the needs of the workers and their families, general level of wages in the country, current cost of living and changes in it and other economic factors including the requirements of economic development, the level of productivity and the desire to achieve and maintain a high rate of employment.

Failure to pay the legally prescribed minimum wage is punishable with a fine twice the applicable monthly minimum

wage and compensation to the worker twice the monthly amount the worker was paid.

Source: §1(14), 45, 53 and 62-65 of the Iraq Labour Law, 2015

## Regular Pay

Every worker has the right to their wages according to the services rendered including when the worker is ready but prevented from performing their work due to circumstances beyond their control but are present at the workplace. Wages due to the workers must be paid in Iraqi currency, unless otherwise specified in the employment contract. The wages may be paid by checks, bank transfers or payment orders provided that this is in accordance with a collective agreement or an arbitration award but cannot be paid in the form of promissory notes or vouchers. The method of payment of wages must be mutually agreed upon by the worker and employer in the form of a written agreement. The wages must be equal between women and men for the same type of work.

The wages are paid at the end of the week in case of a weekly payment and at the end of the month in case of a monthly payment, at the workplace or the nearest place to it. Wages for monthly paid workers must be paid within five days of the end of wage period.

The workers must be informed about the components of their wage before signing the employment contract and in particular the allowances and the method of calculation of overtime allowances and other increases or deductions and payment periods, terms, place and day of payment.

They must also be informed of said information whenever there is a change in the wage components. A detailed written statement of the wage must be provided to the worker upon the payment of each wage, including the work period for which the wage is due, the allowances, overtime allowances, and other deductions or increases.

A worker's wage can be deducted only in cases provided by law, a few specified as the expense of persons who are legally dependent on the worker, the amounts owed by the worker for the workers' pension and social security department and the trade union contributions in accordance with the provisions of the trade union regulation. The overall wage deduction cannot exceed twenty percent of the worker's wage if their wage is less than three times the applicable minimum wage, and cannot exceed thirty percent of the worker's wage if their wage is more than three times the applicable minimum wage. Said rates are not applicable on the deduction of the expense loans. Any Loans due by the worker to the employer are not subject to any interest. If the workers terminate the employment contract, their wages must be paid within seven days of their end of contract.

Employers must maintain a wage and overtime register including all details of the worker's wage, wage deductions and net wages paid to the workers. The register must not contain any blanks, erasures or additions. The wage register is used as verification and inspection by the Ministry's labour inspectors.

Employers are prohibited from limiting the workers' freedom to dispose of their wages or forcing workers to buy products from the employer or buy products from some

particular shops. Employers are further required to display in a prominent place in the enterprise an announcement informing the workers about the wages applied in the enterprise, provided that the wages are not less than the legally prescribed minimum wages.

Source: §53 – 61 and 65 of the Iraq Labour Law, 2015



# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Iraq has ratified the Convention 01 only.**

### ***Summary of Provisions under ILO Conventions***

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

## Regulations on compensation:

- Iraq Labour Law, 2015

## Overtime Compensation

The 2015 law defines working hours as the time during which the workers are at the disposal of the employer engaging them and excludes the rest and meal periods. The working hours are determined by the employer at the beginning and the end of the working day. Overtime is defined as any work performed in the daily or weekly rest period or during overtime hours or on feast days and public holidays that are legally approved.

Normal daily working hours governed by the law are eight (8) hours a day and forty-eight (48) hours a week. For work performed over two shifts and intermittent work, the worker can be present for ten (10) hours but the actual working hours cannot exceed eight (8) hours. Daily working hours for night work are 7 hours. For mixed schedule workers (working some hours during day and other during night time as defined in the law), the daily working hours are seven and a half hours. Working hours for a minor under the age of 16 years are seven hours per day. The daily working hours must include one hour or more of rest. The consecutive working hours must not exceed four hours.

Working hours include one or more rest periods of thirty minutes to one hour. These rest periods are determined by the employer through notices posted in apparent locations in the workplaces provided that the consecutive working hours do not exceed five (5) hours.

The Ministry can, after consultation with the relevant workers and employer associations, grant exception where workers can work outside of the legally prescribed working hours. Said exceptions are granted in the following cases:

1. To address an exceptional work load as a result of feasts, seasonal work or for other reasons;
2. To repair or maintain devices, tools and machines whose shut-down would entail the interruption of the work in the enterprise;
3. To avoid the defect of substances or products; and
4. To draw up the annual inventory and accounts, prepare for the sales and open the new season

The Ministry prescribes the maximum additional working hours as well as the overtime pay. Workers engaged in overtime work must be paid 150% of the normal hourly wage rate.

Overtime work is subject to the following provisions:

1. In industrial activities which are performed in shifts, no more than one (1) hour per day can be worked as overtime.
2. In performing preparatory or complementary work in industry or in handling extraordinary work, no more than four (4) hours per day can be worked as overtime
3. In non-industrial activities, no more than four (4) hours per day can be worked as overtime.
4. In road transport, during the entire driving time, working hours including overtime hours cannot exceed nine (9) hours per day and forty-eight (48) hours per week. The total driving hours in the event of driving in arduous situations are reduced

5. No worker can be employed for more than forty (40) hours of overtime in a 90-day period and 120 hours of overtime for twelve (12) months

Source: §65-72 of the Iraq Labour Law, 2015

## Night Work Compensation

The Labour Law governs the maximum working hours and compensation for night work. Night work is governed by the ministry and overtime wage for night work is twice the regular wage. Night work is performed between nine p.m. and six a.m. Working hours for night work are seven (7) hours per day.

Night work is prohibited for minors and restricted in case of women. For women, night work is only permissible in case of a necessity arising out of force majeure, for preserving raw materials or perishable products or if the regular work is suspended due to some unforeseen circumstances granted it is not repeated regularly in the enterprise.

Source: §68, 72, 87 and 96 of the Iraq Labour Law, 2015

## Compensatory Holidays / Rest Days

The Labour Law governs the daily as well as weekly rest periods to the worker. Each worker is entitled to a rest period of maximum eleven (11) consecutive hours of rest between two working days, calculated as of the end of the effective working day and the beginning of the following day of work.

In enterprises where work must be performed without interruption owing to technical reasons or the very nature of the

production or services offered, workers are entitled to one or more rest periods of thirty (30) minutes. Any work performed over two shifts, the rest period separating the two shifts is one to four hours. Workers who work on more than one shift are entitled to a rest period of eleven (11) consecutive hours between the end of the first shift and the beginning of the following shift. No worker employed as a driver, can drive for more than four (4) consecutive hours without a rest period.

For weekly rest periods, every worker is entitled to a paid rest period of one whole day (24 consecutive hours). The Labour Law refers to Friday as the weekly rest day however it is interchangeable with other days of the week. Workers may be requested to work during feast days or official public holidays in all those situations requiring overtime work. If a worker has to work on a weekly rest day or official holidays, they are entitled to a compensatory rest day.

Source: § 67 – 69 of the Iraq Labour Law, 2015

## Weekend / Public Holiday Work Compensation

Public holidays, also called Feast Days, are governed by the Labour Law. Every worker is entitled to a weekly rest period as well as a day off on official holidays or feast days. A worker can be requested to work during feast days or official holidays, except, for the day of weekly rest, in return for a double wage. Those engaged in work on a weekly rest day, public holiday or in work of arduous or harmful nature must be paid 200% of the normal wages. An employer can, according to the collective bargaining with the workers, have workers perform

work on the weekly day of rest or on an official holiday as long as they receive a supplement according to the additional work regulations, and one compensatory day off, during the following week.

Source: §69, 70, 73 of the Iraq Labour Law, 2015

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Iraq has ratified the Conventions 106 only.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

## Regulations on annual leave and holidays:

- Labour Law 2015

### Paid Vacation / Annual Leave

The duration of annual leave is determined by the internal regulation or individual employment contract. Workers, after one year of service are entitled to a maximum of twenty-one (21) days of fully paid leave for each year of work whereas a worker employed in work which is arduous or harmful to health is entitled a maximum of thirty (30) days paid leave for each year of work. The days in which the workers are unable to work for reasons beyond their control such as illness, injury, accident or maternity are included within their period of service and are entitled to the corresponding annual leave.

The worker's annual leave based on their years of service is increased as follows:

1. Two (2) days after the first five (5) years of continuous service with the same employer;
2. Two (2) days after the second five (5) years of continuous service with the same employer; and
3. Three (3) days after additional five (5) years of continuous service with the same employer

The annual leaves are paid and the amount paid to the workers during their annual leaves must be equivalent to the wages they received during the last six (6) months of service. The wages paid during annual leave do not include transportation, food and risk allowances. The amount must be paid before the workers take their annual leave. In case of termination of a worker, the compensation for days of annual leave

not yet taken must be paid to the worker on the basis of the last paid wage. Workers can take their annual leave all at one time or divide it up over several periods. If the annual leave is divided up, each period of annual leave must not be less than fourteen (14) continuous days and taken at one time. The remaining paid annual leave must be taken at the latest within eighteen (18) months of leave becoming due. The internal work regulations determine the period of annual leave. If there are no such internal regulations or if the existing internal regulations do not set a leave schedule, the workers will fix the date of their annual leave in agreement with the employer.

In case of non-compliance on part of the employer on granting annual leave to any worker, the worker will receive a compensation equivalent to their full wage for the leave period they were unable to take, based on the wage for the work performed during the period of their due leave.

Source: §39(4), 74-80 & 99 of the Iraq Labour Law 2015

### Pay on Public Holidays

Workers are entitled to a leave on full pay on feast days and official holidays fixed by the law, except for Saturday. Every worker is entitled to one fully paid day of rest per week. A worker can be requested to work during feast days or official holidays, except for the day of weekly rest in return for a double wage. Feast days and official holidays falling during the worker's leave are not included in the annual leave.

Iraq has 18 holidays of memorial and religious nature. Muslim holidays are

subject to sighting of moon and may change.

These are January 1 (New Year's Day); January 6 (Army Day 1921) (except Kurdistan); March 21 (Spring Day); May 1 (Labour Day); May 13-15 (Eid al-Fitr / End of Ramadan); July 14 (Republic Day); July 20-23 (Eid al-Adha / Feast of Sacrifice); August 9 (Islamic New Year); August 18 (Ashura); October 3 (National Iraqi Day); October 18 (Prophet Muhammad's (Peace be upon him) Birthday / Moulad); December 10 (Victory Day) and December 25 (Christmas Day).

Source: §74 of the Iraq Labour Law 2015

## Weekly Rest Days

Labour law allows weekly rest day in accordance with the employment contract and collective agreement. Every worker is entitled to a paid rest period of one whole day (24 consecutive hours). Weekly rest is generally provided on Friday.

This weekly holiday is paid and can be exchanged with any other day. Generally, it must be same for all the employees. The employer shall schedule the weekly day of rest on the same day for all staff whenever it is possible, or shall grant the weekly day of rest on a rotating basis, as long as each worker can take his day of weekly rest on a fixed day.

Source: §70 of the Iraq Labour Law 2015

# 04/13 EMPLOYMENT SECURITY

## **ILO Conventions**

Convention 158 (1982) on employment termination

**Iraq has not ratified the Convention 158.**

### ***Summary of Provisions under ILO Convention***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).



## Regulations on employment security:

- Labour Law 2015

## Written Employment Particulars

The 2015 law defines an employment contract as any explicit or tacit oral or written agreement whereby the worker undertakes to work or to offer a service under the control and supervision of the employer in return for a wage of any kind. The employment contract can be made orally or in writing, by virtue of the mutual agreement of its two parties, i.e., the employer and the worker. If the employment contract is written, the employer drafts the written contract and makes three copies signed by him and the worker. The worker, the employer and the Labour Department keep one copy each.

The employment contract must include the following data:

1. The name of the employer and type and address of the enterprise;
2. The name, date of birth, qualifications, profession, residence and nationality of the worker;
3. The nature, type, duration and date of commencement of the work;
4. The basic wage plus all increments or allowances due to the worker in accordance with the applicable employment terms and the method, date and place of payment of the agreed wage; and
5. The working hours and their division method

The employment contract also includes the duration of the probation period. The employer can terminate the employment contract worker within the probation period after serving a 7-day termination notice. In the absence of a written

employment contract between the worker and the employer, it is responsibility of the worker and employer to submit the information regarding any right and claim by virtue of the contract. The employment contract is signed for a determined period and does not exceed one (1) year to perform a specific service on part of the worker. The employer, at the end of the employment contract, has to provide the worker a certificate specifying the date of commencement of work, date of termination and type of work performed.

Source: §1, 37 and 38 of the Iraq Labour Law 2015

## Fixed Term Contracts

The Iraq Labour Law, 2015 does not allow hiring of fixed term contract workers for work of permanent nature. The law however, has provisions regarding part time work/workers. The law states that an employment contract cannot be signed for a determined period for a permanent work unless the work requirements require hiring additional workers for a certain period and work. Any fixed term contract worker enjoys the same rights as permanent workers. Fixed term contracts are prohibited for permanent tasks however there is no clear provision on length of single fixed term and its renewals. If the employment contract has been renewed more than one time, it is deemed a contract for an indefinite period. This also includes casual work, defined by the law as any work required to be done on part of the worker due to unforeseen circumstances and by nature is not considered daily or regular work. The duration of casual work is limited to six (6) months.

Part-time work is defined by the 2015 law as any work that is performed during working

hours that are less than the normal daily working hours specified. The working hours are calculated on a weekly basis or on the basis of an average during a given employment period. The work can be performed weekly or on specified days of the week. Working hours in part-time employment contract cannot be less than twelve (12) hours and more than twenty-four (24) hours per week. The part-time worker has all of the rights and obligations as other workers. The wages, annual leaves of part-time workers are calculated according to the working hours and working days.

Source: §38-40 and 149 of the Iraq Labour Law, 2015

## Probation Period

The 2015 law requires that each employment contract made should include a probation period. The probation period is three (3) months and can be negotiated between the worker and employer if the worker does not have a professional certificate that proves their skill in the assigned work but can still not be more than three (3) months. Workers cannot be subjected to more than one probation period with the same employer. The employer can terminate the contract within the probation period if it appears to the employer that the worker is not capable of performing the work, provided the employer notifies the through a notice sent seven (7) days before termination.

Source: §37 of the Iraq Labour Law, 2015

## Notice Requirement

The Iraq Labour Law, 2015 provides for a notice that can be sent both on part of the

employer and worker. The notice requirement is thirty (30) days or one month if the worker decides to resign/quit. Similarly, the employer can terminate the worker through a notice sent thirty (30) days/one month prior to termination. The employer can also terminate a worker within the probation period on grounds of unsatisfactory performance through a notice sent seven (7) days or a week prior. Both the employer and worker are compensated in case a notice is not sent. If the worker quits/resigns without a notice sent one month prior, the worker is subjected to pay compensation to the employer equivalent to the one-month wages. Similarly, if the employer terminates contract without a prior notice, they employer has to pay compensation equivalent to the one-month wages.

An employment contract can be terminated due to the following reasons:

1. Death of the worker;
2. If a worker has been sentenced to imprisonment for a period of more than one year;
3. Death of the employer;
4. If the enterprise is liquidated by virtue of a judicial judgment or if the enterprise is deliberately liquidated;
5. When the worker and employer mutually decide to terminate it in writing;
6. On the expiry of the contract period, if it is for a determined period;
7. When the worker has fulfilled his work or has provided the service, if the contract is concluded for a specific work or a specific service;
8. In case of resignation on part of the worker; and
9. In case of force majeure

The employer can terminate the employment contract due to the following reasons:

1. If the worker has contracted an illness which makes him unable to work and has not been cured within six (6) months, as substantiated by an official medical report;
2. If the worker has become incapacitated to the extent of seventy five percent (75%) or more of their working capacity and is unable to work, as substantiated by an official medical report;
3. If the worker has reached the age of retirement;
4. If the working conditions in the enterprise call for a reduction in the volume of work, subject to the Minister's consent;
5. If the worker commits a breach of any of his essential obligations under the contract;
6. If the worker assumes a false identity or submits forged documents;
7. If it has been proved that the worker under probation is not sufficiently qualified to perform the work; and
8. If the worker has committed a serious error causing material damage to the work, workers or the production, by virtue of a judicial judgment.

The worker can unilaterally terminate the employment contract without any prior notice in the following cases:

1. When the employer has not fulfilled one of his obligations set forth in the law, internal labour regulations, or individual employment contract;
2. When the employer has committed a felony or an offense against the worker or a member of his family either within or outside working hours;

3. If there is a serious threat to the safety of the worker or his health, provided that the employer is aware of the danger and did nothing to eliminate it.

The worker can challenge the decision of his end of service before the End of Service Committee established under the instructions of the Minister, or before the Labour Court within thirty (30) days. If the End of Service Committee or the Court finds that the termination of the worker's service was not based on one of the reasons stated above, the worker can return to their work and be paid all of their wages for the period of the employment contract termination.

The employment contract cannot be terminated due to the following reasons:

1. If the worker is a member in a trade union or participates in the trade union's activities outside the working hours or during the working hours, subject to the employer's written consent
2. If the worker seeks to represent the workers or to exercise or already has exercised the capacity of workers representative
3. If the worker submits a complaint or a claim against the employer in grievance of the laws
4. If the worker is on one of their statutory leaves
5. In case of direct or indirect discrimination in terms of recruitment or profession
6. In case of temporary absence from work due to illness or accident evidenced by official supporting proves

Source: §37-52 of the Iraq Labour Law, 2015

## Severance Pay

The severance of an employment relationship is termination of employment relationship because of a certain event that results in the coming of an end of the rights and obligations of the worker and the employer. The Iraq Labour Law, 2015 mandates severance pay in the following circumstances:

1. Death of the worker; in this case, the employer must pay to the family of the worker the equivalent of two month's wage, provided that the worker had worked at least one (1) year with the enterprise;
2. If the worker has reached the age of retirement and is entitled to the end-of service gratuity in accordance with the Workers Pension and Social Security Act;
3. Termination of contract; if a worker is terminated on unfair grounds or from reasons other than those mentioned in the law, the worker is entitled to an end of service gratuity equivalent to two (2) weeks for each year of service performed with the employer

If the End of Service Committee or the Court decides that the worker cannot return to work, the employment contract is terminated as of the date of the Committee's decision or the Court's decision, and the worker receives a compensation equivalent to twice the end of service gratuity. In enterprises engaging less than five (5) workers on a regular basis, the employment contract will be deemed as terminated by the End of Service Committee or the Court. In this case, the employer pays to the worker the end of service gratuity.

Any employer violating the provisions of termination of contracts, employment contract particulars, severance pay or notice period requirements is subject to imprisonment for a minimum period of three (3) months to a maximum of one (1) year and to a fine of minimum of five hundred thousand (500,000) and maximum one million (1,000,000) Dinars.

Source: §37-52 of the Iraq Labour Law, 2015

# 05/13 FAMILY RESPONSIBILITIES

## ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Iraq has not ratified both the Conventions 156 and 165.**

### *Summary of Provisions under ILO Convention*

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Iraq Labour Law, 2015

### Paternity Leave

No provisions could be located in the Labour Law regarding paternity leave for fathers.

### Parental Leave

A working mother may, with the consent of her employer, take a special unpaid maternity leave for a period of not more than a year, during which she provides care to her child, provided the child has not yet completed one year of age. The employment contract shall be suspended during this period.

Source: §89 of the Iraq Labour Law, 2015

### Flexible Work Option for Parents / Work-Life Balance

A (female or male) worker with child under the age of six, can be exempted from work without pay, for a period of three (3) days, whenever the child is sick and needs parental care. The workers benefiting from said exemption are not entitled to any pay for their work suspension duration.

Source: §91(2) of the Iraq Labour Law, 2015

# 06/13 MATERNITY & WORK

## **ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Iraq has not ratified the Conventions 103 and 183.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.



## Regulations on maternity and work:

- ISSA Social Security Profile for Iraq 2016
- Iraq Labour Law, 2015

## Free Medical Care

No separate provision on free medical care for maternity except the one specified through social security for secured females. Government health care centers and hospitals funded by the Department of Social Security and Pensions for Workers provide health care services. Benefits include general and specialist care, hospitalization, surgery, medicines, X-rays, appliances, laboratory services, and rehabilitation.

Source: ISSA Social Security Profile for Iraq 2016

## No Harmful Work

The 2015 law prohibits to force pregnant or nursing women to perform an activity deemed by the competent health authority harmful to the mother or the child, or if the existence of a major hazard on the mother or child's health is evidenced by the medical exam. Female workers are entitled to a rest period of not less than eleven consecutive hours per day, necessarily including seven hours during night falling between 9 p.m. and 6 a.m.

Source: §84, 85, 91&92 of the Iraq Labour Law, 2015

## Maternity Leave

Under the 2015 law, female workers are entitled to a fully paid maternity leave for

fourteen (14) weeks. On the basis of a medical certificate, issued by the competent authority, the pre-natal leave is eight weeks while the remaining six weeks can be taken after childbirth. The post-natal six-week leave is mandatory.

The pre-natal leave can be extended by a period that is equivalent to the period between the expected delivery date and its actual date without reducing the period of compulsory leave after childbirth. The competent medical authority can extend the period of the leave for up to nine (9) months, in the case of a difficult childbirth, the birth of more than one child, or in the event of pre- or post-natal complications. This leave is covered through the social security laws.

A working mother with the consent of her employer, can take a special unpaid maternity leave for a period of one (1) year, during which she provides care to her child if the child has not yet completed one year of age. The employment contract is suspended during this period.

Source: §86-89 of the Iraq Labour Law, 2015

## Income

The female employee is entitled to a fully paid maternity leave, the payment is equal to her last paying wage. Maternity benefits are paid through a social insurance system wherein the employer contributes.

Source: §86-89 of the Iraq Labour Law, 2015

## Protection from Dismissals

Although there are no specific provisions for dismissal on grounds of pregnancy, the Iraq Labour Law, 2015 makes it unlawful to



terminate employment or an employment contract apart from the reasons as mentioned in the Sections 37-52. Moreover, considering the fact that the law protects the right of a working mother to go back to the same or similar position at the end of maternity leave is indirectly a protection from dismissal. However, no clear provision was found on protection from dismissals as such.

Source: §87(6) of the Iraq Labour Law, 2015

### **Right to Return to Same Position**

The 2015 law mandates that the female employee at the end of her maternity leave is entitled to go back to the same position or to be employed in a similar position with the same wage as prior to her leave.

Source: §87(6) of the Iraq Labour Law, 2015

### **Breastfeeding/ Nursing Breaks**

Nursing mothers are entitled to a nursing break of one (1) hour per working day. The nursing break is counted as working time. Additionally, day care facilities are also mandatory on part of the employer.

Source: §91 & 92 of the Iraq Labour Law, 2015

# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Iraq has ratified the Convention 81 only.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- Iraq Labour Law, 2015

## Employer Cares

The employer has the obligation to take all necessary measures to ensure the safety and protection of physical and mental health of the employees during the performance of their employment activity.

The employer must take care of the hygienic conditions of working areas and after consulting with the employees adopt the necessary protective measures to avoid risk and dangerous substances, air pollutions, noises and vibrations.

The employer must take precautionary measures to protect the worker from occupation hazards such as protective cloth and devices, sign on dangerous sites and provide emergency rescue and first aid facility and frequently inspection of the area in order to ensure facilities provided by the employer.

The 2015 law mandates the following provisions as the basic health and safety measures:

1. Provide a suitable, healthy, easy, safe and secure working environment;
2. Train the workers on how to avoid occupational hazards;
3. Disseminate an occupational health and safety culture among workers and display the rules concerning occupational risks in an apparent location at the workplace;
4. Provide first aid equipment in the workplace;
5. Ensure that all workers undergo primary and periodic medical examinations regarding occupational

health and safety and the work environment, with the inclusion of accidents, occupational injuries and diseases that occur at work or are related to it;

6. Take all the necessary measures to ensure the effective protection of the workers' health and safety against occupational hazards and conduct the annual periodic inspection on steam boilers, pressure devices, elevators and lifting tools and accessories by the competent authorities authorized by the National Centre for Occupational Health and Safety;
7. Provide the appropriate personal protective equipment to the workers who will not bear the financial cost;
8. Verify the safety of harmful machinery and equipment (boilers, lifts and cranes ... etc.) through reports that prove its safe operational suitability, drafted by authorities formally authorized by the National Centre for Occupational Health and Safety in accordance with instructions issued by the Minister

The employer is responsible for providing the minimum occupational health and safety requirements with respect to all enterprises in which the workers are working and to all equipment at said enterprises. Said requirements are issued by the Minister after consultation with the trade union or employers' association that represent the workers the most. The employer must inform the worker in writing before starting his work of the occupational hazards and the means of prevention to be taken. The employer must post the occupational hazards rules in an apparent location at the workplace. Said rules must clarify the hazards and the appropriate means of prevention.

The 2015 law mandates the following on part of the employer:

1. Take the necessary measures to ensure on-the-job protection of workers against occupational hazards and against dangers posed by the work and by machinery, which are harmful to their health
2. Provide means of prevention against occupational hazards provided no amount is deducted from the worker's wages in return for the provision of such means of protection
3. Provide first medical aids in accordance with the type of the work and in specific and known locations
4. The National Centre for Occupational Health and Safety will set the instructions specifying the preventive means and devices, as well as their methods and conditions of use, which are issued by the Minister.

Source: §110-124 of the Iraq Labour Law, 2015

## Free Protection

The 2015 law mandates that the employer provide workers with devices and clothing for protecting them against occupational hazards but this provision is limited to workers in mines, quarries, and minerals extraction.

Employers are mandated to provide workers, employed at any establishment or enterprise, with the appropriate personal protective equipment without the workers bearing the financial cost for them.

Source: §105 and 113 of the Iraq Labour Law, 2015

## Training

The 2015 law defines training programs as vocational or educational or leadership training. For health and safety, the employer must disseminate information regarding health and safety instructions and train workers on how to avoid occupational hazards.

Source: § 113 of the Iraq Labour Law, 2015

## Labour Inspection System

Enterprises and workplaces subject to the provisions of this Law are subject to labour inspection under the Ministry's supervision and direction.

The labour inspection at workplace is under the supervision of the Ministry and inspection committee is chaired by the civil servant holding the title of labour inspector and representatives of workers and employers.

The labour inspection directorate has the following powers:

1. To verify the implementation of the legal provisions related to work conditions, the protection of workers and their essential rights during the performance of their work
2. To provide information and technical advice to the workers and employers regarding the effective methods and means of implementation of the legal provisions and international conventions
3. To inform the Ministry of the labour violations and infringements not specified in this Law

4. To provide an appropriate mechanism for the receipt of the workers' complaints in respect of any violation of their rights set forth in this law, and inform the workers on the method of use of this mechanism. The labour inspection department must draft a guidance list on how to submit those complaints, the information they must include and the method of delivery of said complaints to the inspection department in the directorate

Source: §125-134 of the Iraq Labour Law, 2015

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Iraq has not ratified the Convention 102, 121 and 130.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Labour Law 2015
- ISSA Social Security Profile for Iraq 2016

### Income

Paid sick leave is guaranteed under the Iraqi Labour Law. Every worker is entitled to 30 days of paid sick leave, to be paid by the employer. The sick leave period may be accumulated up to a maximum of 180 days. On exhaustion of all paid sick leave (to be paid by the employer), the worker is subject to the provisions of Law on Pensions and Social Security for Workers. The Pension and Social Security Fund reimburses the employer for the wages paid by the latter to the insured worker during the period of sick leave exceeding the (30) thirty days sick leave per year.

The sick leave is granted on the basis of a medical report drawn up by a physician approved by the employer or by an official medical authority. The period of sick leave counts as actual service for the purposes of this Law and other laws.

The sickness benefit is 75% of the insured worker's average income of the last three months before the incapacity started. The benefit is paid after a waiting period of eight (8) days for up to six (6) months. The sickness benefit can be extended for two (2) years at 100% of insured worker's average income for inoperable or malicious disease. During the first eight days (8), the employer must pay 100% of the sick worker's average income.

Source: §80 & 81 of the Iraq Labour Law 2015 and ISSA Social Security Profile for

Iraq 2016

### Medical Care

The employer must provide medical facility at the workplace and must engage a nurse if the number of employees is fifty (50). The employer must have an agreement with general physician to provide medical care to the workers in the workplace. If the number of employees is five hundred (500), a resident physician is hired who can draw a report of leave to the worker on the basis of medical Examination. Medical Benefits include general medical care, home visits, surgery, specialist care, hospitalization, and prescribed medicines.

Source: §85 and 120(3) of the Iraq Labour Law 2015

### Job Security

The Labour Law ensures that the employment contract must not be terminated in case of temporary absence from work due to illness or accidents evidenced by official proofs. Considering the fact that sick leave may be accumulated for a maximum period of 180 days and that sickness benefit is available for up to six months, it can be implied that a worker's employment is secure during the first six months of sickness.

Source: §48(1)(f) and 80(2) of the Iraq Labour Law 2015

### Disability / Work Injury Benefit

Work injuries may be classified on the basis of their consequences as those resulting in:  
(i) permanent total incapacity (ii) permanent partial incapacity (iii)

temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of temporary disability, 100% of the insured worker's last earnings before the disability began is paid after an eight-day waiting period until recovery or certification of permanent disability. The employer must pay full wages for the first eight days after the disability began.

In the event of permanent disability, 80% of the insured worker's average earnings is paid if the insured worker is assessed with a total disability. The minimum disability pension is the minimum wage in the insured worker's profession. For an assessed disability of at least 32%, a percentage of the full pension is paid according to the assessed degree of disability. Where the assessed disability is less than 32%, a lump sum equivalent to four years of the insured worker's partial disability pension is paid.

In the case of fatal injury, the survivors' pension depends on the number of dependents (spouse, children, parents). Surviving spouse is entitled to 60% of the permanent total disability pension the deceased received or was entitled to receive. A lump sum equivalent to four years of the partial disability pensions the deceased received or was entitled to receive is paid to the widow or to a dependent disabled widower. Orphan's pension is 40% of the pension the deceased received or was entitled to receive. For full orphan (who has lost both parents), the pension is 60% pension the deceased received or was entitled to receive. The orphan pension is for each son younger than age 17 (age 27 if a student; no age limit if disabled) and each unmarried daughter under age 17.

If there are no other survivors, 40% of the deceased worker's pension is paid to a dependent mother, father, sister, or brother younger than age 16. The maximum survivor pension is 100% of the deceased worker's pension.

In line with Iraqi Labour Law, employer shall pay to the Workers Social Security Administration a compensation for its obligations towards the non-secured worker as follows: 50% of the daily or monthly wage of the worker for a period of one year, if the injury caused a partial disability to the worker; and 100% of the daily or monthly wage of the worker for a period of one year, if the injury resulted in disability or death.

Source: §124 of the Iraq Labour Law 2015



# 09/13 SOCIAL SECURITY

## **ILO Conventions**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Iraq has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## Regulations on social security:

- ISSA Social Security Profile for Iraq 2016

## Pension Rights

The insured person is entitled to a pension when the pensionable age (65 year for men and 55 years for women) is reached. Worker and employer must have contributed (4.1% of monthly earnings and 9.9% of monthly payroll respectively; 15% of monthly payroll for employers in the oil sector) for at least 20 years. Law allows early pensions at any age with at least 30 years (men) or 25 years (women) of contributions.

The Old-age pension is 2.5% of the insured worker's average monthly earnings during the last three years multiplied by the number of months of contributions, divided by 12. It is equal to 50% of the average monthly earnings the worker received. If a worker does not qualify for old age pension, they have the right to old age settlement which is a lump sum of the average monthly earnings paid in the last three years times the number of years of service.

Source: ISSA Social Security Profile for Iraq 2016

## Dependents' / Survivors' Benefit

Survivor pension (social insurance) is provided if the deceased worker received or was entitled to receive a social insurance old-age or disability pension. In such a case, the surviving spouse is entitled to 60% of the old age or disability pension the deceased received or was entitled to receive. Orphan's pension is 40% of the pension the deceased received or was entitled to receive. For full orphan (who has

lost both parents), the pension is 60% pension the deceased received or was entitled to receive. The orphan pension is for each son younger than age 17 (age 27 if a student; no age limit if disabled) and each unmarried daughter under age 17.

In line with the article 43(1) of the Iraqi Labour Law, in the event of death of the worker, the employer must pay to the family of the worker the equivalent of two month's wage, provided that the worker had spent in the service of the employer at least one year.

Source: ISSA Social Security Profile for Iraq 2016

## Unemployment Benefits

While Iraqi Labour Law (2015) requires employers to provide severance pay (at the rate of two weeks' pay for each year of service) in cases of company closure or downsizing, death of the employer or employee, mutual termination of a contract, employee resignation or retirement, prolonged illness (more than six months) or incapacity to work (at least 75%), there is no social insurance-based unemployment benefits system in Iraq.

## Invalidity Benefits

For disability benefits, the worker is assessed with long-term or permanent loss of at least 91% of working capacity. In the case of partial disability, the worker is assessed with the permanent or long-term loss of 35% to 90% of working capacity. The social welfare program disability allowance is provided to the person who is not qualified for any social insurance pension and unable to perform work due to disease or physical or mental disability. The paid

amount of disability pension is equal to 2.5% of the insured worker's monthly income over the last three (3) years of contribution and divided by twelve (12).

The partial disability pension is equal to a percentage of full pension based on assessed degree of disability.

The social welfare program disability allowance is paid according to the difference between the household's monthly per capita income. Such benefit is paid monthly from 105,000 dinars to 420,000 with at least four (4) family members.

The disability benefits are adjusted on an ad hoc basis.

Source: ISSA Social Security Profile for Iraq 2016

# 10/13 FAIR TREATMENT

## **ILO Conventions**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Iraq has ratified the Conventions 100 and 111.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Iraq Labour Law, 2015

### Equal Pay

The Iraq Labour Law, 2015 prohibits discrimination, whether direct discrimination, defined as any distinction, exclusion or preference based on race, colour, sex, religion, religious community, opinion or political belief, origin or nationality or indirect discrimination, defined as any exclusion distinction or preference based on sex, age or health condition, economic or social condition, affiliation to a trade union, and trade union activity and which has the effect of nullifying or impairing equality of opportunity or equality of treatment in employment and occupation.

The 2015 law mandates that every worker enjoy the right and freedom to work without any discrimination in wage, training, vocational training, employment opportunities or work-related promotions. The worker can resort to the Labour Court to file a complaint when exposed to any form of forced labour, discrimination or harassment in employment and occupation. A worker has the right to have equal opportunities and be recruited and work under equal conditions, without any discrimination. Labour Code further require equal pay between men and women workers for the same type of work.

Source: §1, 8, 11 and 53(5) of the Iraq Labour Law, 2015

## Sexual Harassment

A worker has the right to be employed in a working environment, free from any harassment. The 2015 law prohibits sexual harassment in employment and occupation, whether at the level of job search, vocational training, recruitment or work conditions and terms of employment.

The law prohibits any other behaviour that creates a hostile, intimidating or offending work environment for those against whom this behaviour is directed.

Sexual harassment in accordance with the provisions of this law is any physical or verbal conduct of a sexual nature or other conduct based on sex, affecting the dignity of women and men, which is undesirable and unreasonable and insulting to those who are victim of this conduct, and the rejection by any person of this conduct, leading explicitly or implicitly, to a decision affecting their employment.

A worker may file a complaint against sexual harassment at work. Harassment at workplace is a punishable crime leading to imprisonment for a period not exceeding six months and a fine not exceeding one million dinars or by any of the two sanctions.

Source: §10-1 of the Iraq Labour Law, 2015

## Non-Discrimination

The Iraq Labour Law, 2015 prohibits discrimination, whether direct discrimination, defined as any distinction, exclusion or preference based on race, colour, sex, religion, religious community,

opinion or political belief, origin or nationality or indirect discrimination, defined as any exclusion distinction or preference based on sex, age or health condition, economic or social condition, affiliation to a trade union, and trade union activity and which has the effect of nullifying or impairing equality of opportunity or equality of treatment in employment and occupation.

The 2015 law mandated that every worker enjoy the right and freedom to work without any discrimination in wage, training, vocational training, employment opportunities or work-related promotions. The worker can resort to the Labour Court to file a complaint when exposed to any form of forced labour, discrimination or harassment in employment and occupation.

Source: §1, 8, 11 and 42 of the Iraq Labour Law, 2015

## Equal Choice of Profession

Women have the right to engage in their chosen occupation and/or profession. No restrictive provisions could be located in the law. However, night work for female workers is prohibited under the law, except in cases of force majeure, for preserving raw materials or perishable products, or if a force majeure led to an unexpected suspension of the work at an enterprise, provided this is not repeated.

Source: §86(1) of the Iraq Labour Law, 2015

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Iraq has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Iraq Labour Law 2015

### Minimum Age for Employment

The minimum age for employment specified in the Iraq Labour Law is fifteen (15) years.

Minors can be employed in tasks that may not hinder:

- a) Their safety, health or development and
- b) Must only be in authorized position according to their physical fitness and ability to do work, declared by the medical authority.

The Council of Ministers defines light work and establishes special rules for the duration and maximum performance conditions for children. The Ministerial regulation could not be located however. The Competent Authority establishes special decision rules on working conditions and the procedure for granting authorization. Children under 18 should undergo full medical examination and can be employed only when recognized as fit for work. Night work is also prohibited for the minors under 18 years of age.

Source: §1(20), 7, 95(1), 96, 97(1) &98(1) of the Iraq Labour Law 2015

### Minimum Age for Hazardous Work

The 2015 law does not allow the employment of minors in activities whose nature or work conditions can harm their health, safety or morality. For this purpose, the Ministry, in consultation with the relevant trade unions and employer's associations, may make reviews, on a periodic basis and whenever necessary, of

the work lists. Such works included for example but are not limited to:

1. Working in underground and underwater locations or working in dangerous heights or restricted areas
2. Working with dangerous machines, equipment, or tools requiring a manual intervention or lifting of heavy loads
3. Working in an unhealthy environment exposing the minors to hazards or to unusual temperatures, noise or to movements harmful to their health
4. Working in difficult conditions for long hours or in some conditions during night
5. Minors cannot be employed to perform night work or mixed schedule work

Minors can only be employed in the authorized positions, following a comprehensive medical exam by a medical committee, confirming their physical fitness and their ability for the required work.

The minor's fitness to carry out the activity remains subject to health supervision, until they turn 18. Minors are subject to regular medical exams each year during their employment term. The work fitness medical exams must be repeated until the worker turns 21, at least with respect to the activities the competent authority deems including high health hazards. The minor worker or his parents do not bear any costs for the medical exams.

The employment term of the minor worker not yet completing 16 years of age do not exceed 7 working hours per day. The daily working hours include one or more rest periods not less than one hour, provided



the consecutive working hours do not exceed 4 hours. The minor authorized to be employed is entitled to a paid 30-day annual leave per year. The employer who employs minors who have been authorized to work by virtue of the Law must post at the workplace a copy of the provisions regarding the protection of minors.

The employer must develop a minor's register specifying their names, ages and the works assigned to them. The employer must put the medical certificate as specified above, evidencing the minor's physical fitness to carry out the work in a file and submit said file to the work inspector for perusal, or may give the work inspector the register number under which said certificate is kept.

The employer infringing these provisions is subject to a penalty of minimum one hundred thousand (100, 000) to maximum five hundred thousand (500, 000) Dinars.

Source: §94-104 Of the Iraq Labour Law, 2015

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Iraq has ratified both Conventions 29 and 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- Iraq Labour Law 2015
- Law No. 28 of 2012 on Combating Trafficking in Persons

## Prohibition on Forced and Compulsory Labour

The Iraq Labour Law, 2015 prohibits forced or compulsory labour in all its forms, including:

1. Slavery and bonded labour
2. Secrete human trafficking, trafficking of immigrant workers, which is by nature a non-freely chosen work
3. Domestic work, which includes compulsory factors

The work not deemed forced or compulsory labour, if performed according to the following:

1. Any work or service imposed on any person based on the conviction of a court of law, provided that these works or services are performed under the supervision and control of the public authorities, and that this person is not rented to individuals, companies or associations or put at their disposal
2. For the completion of any work or service, which is part of the normal civic duties in accordance with the provisions of this law
3. Any work or service which is imposed in emergency situations and in general, in any circumstance threatening the survival or well-being of the whole population or part of the population

The forced labour is prohibited by the Combating Trafficking in Persons law. The

human trafficking is a crime, the person who commits an offence is liable for imprisonment of fifteen (15) years and a penalty from five million to ten (10) million Iraqi dinars.

Source: §1(12), 6(2) & 9 of the Iraq Labour Law 2015 and §1 & 6 of Law No. 28 of 2012 on Combating Trafficking in Persons

## Freedom to Change Jobs and Right to Quit

In line with the provision of the Labour Law, workers have the right to change employment and the right to quit after serving required notice. For detailed information on this, please check the section on Termination Notice.

## Inhumane Working Conditions

Working conditions such as working hours, over-time work, leaves, occupational health and safety, hazardous work are mandated through the Iraq Labour Law, 2015 under different sections.

Considering the fact that a worker cannot be employed for more than forty (40) hours of overtime in a 90-day period and 120 hours of overtime in twelve (12) months, the average overtime hours per month are 10 which translates to 2.5 overtime hours per week. In total, this does not exceed 56 hours per week.

In industrial activities which are performed in shifts, no more than one hour per day may be worked as overtime. In performing preparatory or complementary work in industry, or in handling extraordinary work, no more than four hours per day may be worked as overtime. In non-industrial

activities, no more than (4) hours per day may be worked as overtime.

In road transport, during the entire driving time, working hours including overtime hours may not exceed nine hours per day and forty-eight hours per week. The total driving hours in the event of driving in arduous situations, shall be reduced.

Source: §71(5) of the Iraq Labour Law 2015

# 13/13 TRADE UNION

## ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)  
Right to Organize and Collective Bargaining: Convention 98 (1949)

**Iraq has ratified both Conventions 87 & 98.**

### *Summary of Provisions under ILO Conventions*

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- Labour Law 2015

### Freedom to Join and Form a Union

The Constitution of Iraq 2005 guarantees the right to form and join unions and professional associations. The 2015 Labour Law prohibits the recruitment of the worker under the condition that they refrain from joining a labour union or give up their affiliation. Every worker has the right to create and join trade unions.

To govern that freedom the 2015 law mandates that, an employment contract cannot be terminated if the worker is a member in a trade union or participates in the trade union's activities outside the working hours or during the working hours, subject to the employer's written consent. The worker is also entitled to a fully paid leave for the performance of trade union duties provided for in the applicable collective agreement.

Source: §42(1) (k), 48(1) (a) & 82(5) of the Iraq Labour Law 2015

### Freedom of Collective Bargaining

The 2015 Labour Law defines collective bargaining as negotiations between the employer or group of employers or one or more of their associations, on one hand and one or more worker associations or workers' representatives elected in accordance with the provisions of this law in the absence of worker associations on the other hand, for the determination of the employment relationships or terms and the regulation of the relationships between these parties or their associations. Every worker has the right to collective

bargaining without any dismissal or threat of termination.

The collective bargaining aims at:

1. Cooperating between the workers' associations and the employers or the employers' associations in order to achieve the workers' social development;
2. Improving the work terms and conditions;
3. Regulating the work relationships between workers and employers;
4. Regulating the relationship between the employers or their associations and the workers' associations; and
5. Settling labour disputes that may arise between workers and employers

The employer cannot refuse negotiation, when he receives an open request for negotiation with a registered union representing more than twenty 20 percent of the workers in the enterprise, which will be subject to collective agreement.

In case one union or more does not represent the percentage specified, the Ministry, at the request of any of the negotiating parties, organize a secret ballot for at least sixty 60% percent of the enterprise workers, who are not represented in those trade unions to verify the percentage of workers, who support the negotiation and authorize the unions to carry out said negotiation on their behalf.

If the percentage of workers, who support the negotiation, exceeds 50% of the number of participants in the ballot, then the employer cannot refuse negotiation.

The negotiation occurs between representatives of the trade union organization in the enterprise, the relevant

union and the employer. If the enterprise workers are represented by more than one registered union, said unions may agree on submitting a common call for negotiation; in this case, the employer cannot refuse negotiation.

The collective agreements include provisions governing the following:

1. The wages to be paid by the employers and the mechanism of their determination
  2. The working hours, paid holidays, overtime wages and any other rights
  3. The probation period
  4. The disciplinary rules and penalties
  5. The organization of the practice and the professional training programs
  6. The improvement of the working conditions and occupational safety and health
  7. The procedures for reviewing, amending or terminating the collective agreement or any part thereof
  8. Trade union's rights
  9. Workers' representatives' rights
  10. The relationships between the employer(s) and the unions
  11. The collective agreement's implementation mechanism
  12. Dispute settlement procedures
1. By virtue of the parties' mutual agreement
  2. By the expiry of its term if it is for a determined period
  3. By its termination by one of the parties, three years after its expiry, if its period is not determined or if its period is more than three years, provided the other party is notified said termination 90 days before the expiry date
  4. In the event the enterprise is closed if the agreement is on the enterprise level

The collective agreement will not include texts granting the workers' rights lower than the rights granted by virtue of the provisions of this law or any other law. The collective agreement must be registered with the Department within thirty (30) days from the date of its submittal by the concerned parties; a certified copy of the collective agreement shall be provided, bearing the date of its registration.

The collective agreement is terminated in one of the following cases:

The collective agreement on the level of the enterprise cannot be terminated if the enterprise's entire or partial ownership is transferred to a new owner.

Source: §1(16), 14-155 of the Iraq Labour Law, 2015

## Right to Strike

The Iraq Labour Law, 2015 mandates that in case the proceedings for the settlement of a dispute on future interests ends without an agreement being reached, the trade union or the elected workers' representatives can, in the absence of a trade union, resort to a peaceful strike to defend the professional, economic and social interests of its members if the dispute settlement procedures end without an agreement being reached.

A strike must be peaceful. The trade union involved in the dispute cannot declare strike as long as the settlement proceeding have not ended yet in accordance with the provisions of this law. The workers and their trade unions cannot declare strike in the enterprises in which the interruption of work threatens the life, safety or public health of all or some of the population.

The workers on strike cannot impede the freedom to work or perform any act that would prevent any other workers or the employer or his representative from going to the workplace and performing their usual work, whether by an act, threat, violence, abuse, or by occupying the workplace or damaging property.

Work relationships between the employer and the workers or their representatives are not interrupted during the period of the strike. The employer cannot impose any penalty on the workers for being on strike or calling for strike as long as it is in compliance with the provisions of this law.

The employer cannot replace the workers on strike by others hired on a permanent or temporary basis. The employer cannot submit a request for the total or partial closure of the enterprise, or reduction of its size or activity during the dispute settlement stages. The strike suspends the employment contract but does not terminate it.

Source: §161-164 of the Iraq Labour Law, 2015



# QUESTIONNAIRE

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## Check

DecentWorkCheck Iraq is a product of  
wageindicator.org and rawateb.org/iraq/



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

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	Nationality/Place of Birth	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Age	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities	😊	<input type="checkbox"/>	<input type="checkbox"/>
	Language	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance	😞	<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity	😞	<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden	😊	<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice	😊	<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour	😊	<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

46.	I have a labour union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination	😊	<input type="checkbox"/>	<input type="checkbox"/>

# DECENTWORKCHECK.ORG

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Iraq scored 46 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.