

***In the name of the people***  
***The Presidency Council***

According to what has been approved by the Council of Representatives and ratified by the President of the Republic, and in accordance with Articles (61-1), and (73-3) of the Constitution, the following law has been promulgated:

***No. (    ) of 2015***

***Labor Law***

***Chapter One***

***Definitions***

**Article 1-** For the purposes of this law, the following terms and expressions shall have the meaning ascribed to them below:

1 – Ministry: The Ministry of Labor and Social Affairs

2 – Minister: The Minister of Labor and Social Affairs

3 – Department: The Department of Employment and Loans

4 – Competent Authority: any authority responsible for the implementation of the provisions of this law.

5 – Work: Every mental or physical effort exerted by the worker in return for a wage, whether permanent, casual, temporary or seasonal.

6 – Worker: Every natural person, whether a male or a female, working under the guidance, supervision and control of the employer, whether working by virtue of a written or oral, explicit or tacit contract, as a trainee or on trial, whether performing an intellectual or physical work in return for a wage of any kind by virtue of this law.

7 – Secured Worker: everyone working on a collective or individual work project or in the informal labor sector and paying the social security contributions to be paid to the workers' social security and pension fund in return for the guarantees, services, allowances, bonuses or salaries provided by the fund to the secured worker.

8 – Employer: Any natural person or legal entity who employs one or more workers in return for a wage of any kind.

9 – Employment Contract: 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.

10 – Temporary Work: Any work whose nature necessitates its performance and completion in a determined period.

11 – Casual Work: Any work required by unforeseen circumstances, which is by its very nature not included in the activities carried on by the employer and the performance of which does not take more than (6) six months.

12 – Forced Labor: Any work or service imposed on any person under threat of any sanction, and which this person did not volunteer to perform of his own free will.

13 – Part-time work: Any work that is performed during working hours that are less than the normal daily working hours specified in this law, whether the work is performed on a daily basis or during certain days of the week; said working hours are calculated on a weekly basis or on the basis of an average during a given employment period.

14 – Wage: Any amount or benefit due to the worker in return for any work performed, plus all allowances and wages due for the overtime.

15 - Labor Disputes: Any dispute which arises between the worker, a group of workers, a workers' association or a combination of them on one hand, and the employer, a group of employers, an employers' association or a combination of them on the other hand, concerning existing rights represented by the provisions of this law or the other applicable labor or workers' laws, or concerning issues related to the methods of implementation or interpretation of an individual labor contract, an applicable collective agreement or an arbitration award; or disputes concerning future interests related to the proposal of amendment of the employment terms or conditions or adoption of new employment terms and conditions.

16 – Collective Bargaining: 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.

17 - Collective Agreements: Written agreements regulating the work terms, conditions and relationships and employment provisions related to the work and employment conditions concluded between the employer, group of employers, or one or more of their associations on the one hand, and one or more association of workers union or the elected workers representatives in the absence of workers association on the other hand.

18 – Trainee: Any person under internship, training and rehabilitation.

19 – Training Programs: includes vocational or educational or leadership training.

20 – Minor Worker: For the purpose of this law, any person, whether male or female, who has reached the age of (15) fifteen but has not reached the age of (18) eighteen.

21 – Child: Any person who has not reached the age of (15) fifteen.

22 – Workers Association: Free labor association enjoying a financial and administrative independence with a moral capacity, which represents the interests of workers, defends their rights, improves their working conditions and represents them before various bodies in accordance with the law.

23 – Foreign Worker: Any natural person, who does not hold the Iraqi nationality and works or wishes to work in Iraq as a worker, not as a self-employed.

24 – Project: Each workplace managed by a natural person or legal entity employing one or more workers in accordance with an employment contract.

25 – Direct Discrimination: any distinction, exclusion or preference based on race, color, sex, religion, religious community, opinion or political belief, origin or nationality.

26 – Indirect Discrimination: 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.

## *Chapter Two*

### *Objectives and Implementation*

**Article 2** – The purpose of this Law is to regulate the work relationship between the workers and employers and their associations, in order to protect their rights and achieve sustainable development based on social justice and equity, secure decent work for all, without any discrimination for the development of the national economy and the achievement of human rights and fundamental freedoms, regulate the work of foreigners working or wishing to work in Iraq and implement the provisions of Arab and international labor agreements duly ratified.

**Article 3** – 1 – The provisions of this Law shall apply to all workers in the Republic of Iraq and the like, unless otherwise specified in paragraph 2 of this Article.

2 – The Provisions of this law shall not apply to:

- a- Public officials appointed in accordance with the Civil Service Law or a special legal text.
- b- Members of the armed forces, the police and the internal security forces.

### *Chapter Three*

#### *Basic Principles*

**Article 4** – Work is the right of every citizen capable of performing it, and the State shall endeavor to provide work on the basis of equal opportunity, without any kind of discrimination.

**Article 5** – The law guarantees the worker's right to his labor benefits and the duration of practice of the profession, and the secured worker's service is calculated as an effective service to determine the salary and retirement, for the Iraqi worker upon his recruitment in a job in the government administrations and the public sector.

**Article 6** - Freedom of work is safeguarded and the right to work may not be restricted or denied. The State adopts the policy of promoting full and productive work and respects its fundamental principles and rights, whether in the Law or in the implementation, which include the following:

- 1- Freedom of association and the effective recognition of the right to collective bargaining
- 2- Elimination of all forms of forced or compulsory labor.
- 3- Effective abolition of child labor.
- 4- Elimination of discrimination in employment and occupation.

**Article 7** – Minimum age of employment in the Republic of Iraq is 15.

**Article 8** – 1- This law prohibits any violation of the principle of equal opportunities and equal treatment for whatever reason, in particular discrimination between workers, whether it is a direct or indirect discrimination, in all matters relating to vocational training, recruitment, or the terms and conditions of employment.

2- This law prohibits the recruitment of the worker under the condition that he refrains from joining a labor union or gives up his affiliation.

3- Shall not be considered discrimination, any distinction, exclusion or preference in connection with a specific job if based on the qualifications required by the nature of this work

**Article 9** – 1- This law prohibits forced or compulsory labor in all its forms, including:

- a- Slavery and bonded labor
- b- Secrete human trafficking, trafficking of immigrant workers, which is by nature a non-freely chosen work.
- c- Domestic work, which includes compulsory factors.

2- The work shall not be deemed forced or compulsory labor, if performed according to the following:

- a- 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.
- b- For the completion of any work or service, which is part of the normal civic duties in accordance with the provisions of this law.
- c- 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.

**Article 10**- 1- This law prohibits sexual harassment in employment and occupation, whether at the level of job search, vocational training, recruitment or work conditions and terms.

2- This law prohibits any other behavior that creates a hostile, intimidating or offending work environment for those against whom this behavior is directed.

3- 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 his job.

Article 11- 1- The worker may resort to the Labor Court to file a complaint when exposed to any form of forced labor, discrimination or harassment in employment and occupation.

2- Shall be punished by imprisonment for a period not exceeding six months and a fine not exceeding one million dinars or by any of the two sanctions, whoever violates the provisions of the articles contained in this chapter relating to child labor, discrimination, forced labor and sexual harassment, as the case may be.

**Article 12-** If the main employer subcontracts any of his works or part of them to another employer, under the same working conditions, the subcontractor must provide equal rights to his workers and the workers of the main employer, and both must be jointly liable in this respect.

**Article 13-** In order to determine whether a person is employed by another person, the court must determine the nature of the relationship between the parties based on the facts relating to the performance of work and the remuneration paid to the worker, whatever the description of the relationship in any contrary contractual or non-contractual arrangement, agreed between the parties.

Article 14- 1- The rights contained in the provisions of this law represent the minimum workers' rights and these provisions shall not affect any of the rights granted to the workers under any other law, employment contract, agreement or decision whereby the worker is granted more advantageous rights than the rights established under the provisions of this law.

2- When there is no provision in this law, the provisions of the relevant Arab and international labor conventions duly ratified shall apply.

**Article 15 -** The periods and dates indicated in this law shall be calculated according to the Gregorian calendar. For purposes of this Law, a year has (365) three hundred sixty five days and a month has (30) thirty days.

**Article 16 -** Arabic is the language to be used in all employment relationships, whether involving contracts, records or other documents. The Kurdish languages shall be used besides the Arabic in the region of Kurdistan. One may not invoke against a worker a document drafted in another language, even if the document bears the worker's signature.

## ***Chapter Four***

### ***Placement and Vocational Training***

#### ***Part I***

#### ***Placement***

**Article 17** – 1-Under the decision of the Council of Ministers, a Higher Committee for the planning and placement of the labor force shall be established under the chairmanship of the Minister and membership of representatives from relevant ministries, most representative Workers Associations and most representative Employers Associations, in charge of the elaboration of the general policy of Placement and Vocational Training.

2-The composition of the Committee, its operation and number of its members shall be determined by instructions issued by the Minister.

**Article 18-** The Ministry creates employment offices distributed appropriately so that it is easy for employers and workers to contact them; Said offices offer their services for free and the Ministry determines their regulations and powers by virtue of instructions issued by the Minister.

**Article 19** – Employment Office of the Labor Service shall:

- 1- Provide employment services for workers, the unemployed and the employers, free of charge and according to the available opportunities.
- 2- Cooperate with the public, private, mixed and cooperative sectors responsible for the organization of the labor market for the achievement and preservation of full employment and development of human resources.
- 3- Help workers to find jobs commensurate with their professional skills and mental and physical capacities and help employers to find suitable workers for the works to be entrusted to them.
- 4- Register jobseekers, state their professional qualifications, experience and desires, conduct interviews, assess their physical and professional capacities, and help them to get guidance, vocational training or retraining.
- 5- Obtain accurate information from the employer on the vacancies notified to the office, and the requirements to be met by the workers.
- 6- Nominate Iraqi job seekers who meet the skills and mental and physical capacities appropriate to the available job and other non-Iraqi workers, if they meet the qualifications that correspond to the specifications of the required work, subject to the provisions of Articles (30) and (31) of this Law.
- 7- Provide the jobseeker with an employment card including personal data and information and the type of work he is seeking.
- 8- Refer the jobseekers and vacancies to another employment office in case the appropriate job is not found for the job seeker, or the vacancy is not adequately filled by the first office, or if other conditions require this procedure with the consent of the job seeker.

- 9- Prepare periodic data in cooperation with relevant associations, departments and trade unions and provide available information on the labor market situation and its expected developments on the State level, industries, professions, or various regions by providing said information, collecting and analyzing them regularly and accurately to the concerned public sector, workers associations and employers' associations.
- 10- Take the appropriate procedures in order to facilitate the following:
  - a- Mobility of the national workforce in various types of occupations
  - b- Mobility of the national workforce to regions where suitable job opportunities are available for them.
  - c- Temporary mobility of the national workforce from one region to another, to provide labor supply and demand.
  - d- Workforce mobility from one country to another, authorized by the governments on the basis of the principle of reciprocity.

**Article 20 – 1 –** The Ministry shall form a tripartite Advisory Committee including representatives of the Ministry and the concerned ministries, as well as representatives of the most representative workers' associations and employers' associations.

2- The ministry is responsible for the administrative support to the tripartite consultation procedures and carries out the appropriate arrangements with the associations represented in the Committee to fund any training necessary for the members of this Committee.

**Article 21 –** The employer shall:

- 1- Notify the employment office in his region of the vacant posts available with it, within a maximum of 10 days of the vacancy. The employment office shall notify the jobseekers of the vacancies in accordance with the following procedures:
  - a- The employer shall make a request to the employment office in his region, specifying the type of work requested and the qualifications that the job seeker must meet.
  - b- The employment office shall reply to the request by referring workers who are registered with the office. If no registered worker fulfills the requirements, the employment office shall contact other employment offices to see if they can meet the employer's request.



- c- Within 15 days as of the receipt of the employer's request and its registration with the relevant department, the office shall inform the employer of the candidate proposed or shall inform the employer that the request cannot be fulfilled;

2- If the employer received a negative answer from the employment office, he may directly engage any worker.

**Article 22-** A jobseeker may refuse a work for which he has been nominated as a candidate if there are objective reasons preventing him from accepting the work or if the work does not correspond to his qualifications and level of competence, otherwise he shall lose his ranking in the chronological order of priority and the worker shall submit a new application and shall be granted a new chronological order of priority.

**Article 23- 1-** The Ministry shall issue licenses for the establishment of private employment offices, provided that these offices do not charge any commission or fee on the worker in return for his placement.

2- The terms and conditions of establishment of the private offices referred to in this article, including the bases and conditions of the annual renewal of the license of these offices, the cases of cancellation of a license, the method of management of said offices, and method of supervision of the work of these offices shall be determined by instructions issued by the Minister in this respect.

**Article 24 – 1 –** Any employer violating the provisions of the employment provisions specified in article 21 of this Law, shall be subject to imprisonment for a period of not less than (3) three months and not more than (6) six months and to a penalty of not less than (100,000) one hundred thousand and not more than (500,000) five hundred thousand dinars, or to one of these two penalties. The number of penalties shall be equivalent to the number of contraveners in this respect.

2 – The penalty provided for in paragraph 1 of this article shall be doubled in case of repeated violations.

## ***Part II***

### ***Vocational Training***

**Article 25 – 1 -** Vocational training aims at:

- a- Training youth before employment and providing them with technical expertise for all kinds of work in order to supply the various business sectors with the needed technical skills.

- b- Retraining unemployed persons and those at risk of unemployment to the various levels of qualifications and developing their skills, and retraining workers to improve their occupational qualifications and productivity.

2 - The rights and duties of the workers and employers in relation with the vocational training shall be governed by collective agreements.

**Article 26** – 1 – Public and private vocational training centers provide the employment office with vocational training programs in accordance with the provisions of this law. The employment office is responsible for the provision of advice about the type of skills in the training programs and for organizing employment after training.

2 - The training programs provided by the vocational training centers should lead to the creation of professional competencies, and the competent authority shall establish a committee in charge of coordination with workers and employers' associations, in order to create new professions according to the labor market requirements, and provide employment offices with these programs to offer advice and guidance for the unemployed about the types of skills in the training programs, and organize employment after the training.

3 – a – Companies and non-governmental organizations specialized in training shall obtain a license from the Ministry of Labor and be subject to inspection, monitoring and evaluation in order to determine the extent of their training capacities, and shall be determined by instructions issued by the Minister.

b- A fee of IQD 1,000,000 (one million Iraqi dinars) is imposed on the training center, which submits a request for a license to open a training center, and is registered as revenue for the Vocational Training Service. It shall also bear the costs of the inspection and evaluation committees. Workers' associations and civil society organizations that provide training services for free are excluded from the provisions of this paragraph.

4 – Job seekers may join the training programs for free.

5 – The professions that are subject to training, the duration of training for each profession, the theoretical and practical programs that must be taught, the application of training quality standards, the testing and certificate granted and the data that must be included in the certificate, are determined by instructions issued by the Minister.

**Article 27** – 1 - The relationship between the trainee and the entity providing the training shall be governed by a written contract which specifies the objectives, stages and duration of the training, as well as the rights and obligations of the trainee and the entity providing the training, including the training at the work place, by virtue of instructions issued by the Minister.

2- The Vocational Training Service shall be responsible for the payment of the contributions provided for by the Pension and Social Security Act for workers during the training period based on the minimum wage, if the trainee has an accident or dies in the course of training or as a result of it. The provisions of the Employees' Pension and Social Security Act shall apply with respect to trainees.

3 - The vocational training centers shall comply with the occupational health and safety requirements and shall submit the trainee to a medical examination before proceeding with the training.

**Article 28 – 1** - A trainee may unilaterally terminate his training.

2 - The training center may terminate the training contract at any time in case the trainee does not sufficiently comply with the training, misbehaves or does not achieve a substantial progress according to the periodic evaluation reports.

3 - Neither party may claim compensation from the other party in any of the cases specified in paragraphs “1” and “2” of this article, unless otherwise provided for in the contract.

**Article 29 – 1-** Any party violating the provisions of paragraph “3” of article 27 of this law shall be subject to a penalty of not less than IQD 1,000,000 (One million Iraqi dinars) and not more than IQD 2,000,000 (Two million Iraqi dinars)

2- After the removal of the violation by the training center, the Minister may approve the opening of the center upon a request submitted by the center, which bears the committees’ inspection and evaluation costs.

## *Chapter Five*

### *Foreign workers employment*

**Article 30** - No foreign worker may be engaged in any capacity whatsoever by the departments and employers before obtaining a work permit issued by the Ministry against the payment of a fee determined by instructions issued by the Minister.

**Article 31** - No foreign worker may be engaged in any occupation whatsoever before obtaining a work permit.

**Article 32 – 1 –** The employer shall give to the foreign worker he recruited to work in Iraq, at his own expense, a ticket to the country from where he recruited him, unless the worker stops working before the expiry of the contract due to illegal reasons.

2 - The employer shall, upon the death of the foreign worker, bear the costs of preparing the corpse of the deceased worker and his transportation to his home country or place of residence upon the request of his heirs.

**Article 33** - The Minister may issue special instructions governing the recruitment and employment of foreign workers in Iraq.

**Article 34** – A foreign worker, legally residing in Iraq for work purposes is not considered in an illegal or irregular situation just because he lost his job, and the job loss in itself does not lead to the withdrawal of the residence permit or work permit, unless the worker has violated the Iraqi laws.

**Article 35** – The ministry and workers' and employers' associations, each separately, may establish contacts and exchange information on a regular basis with their counterparts in the foreign workers' home countries or the countries from which they came, and conclude bilateral agreements to follow the recruitment terms and working conditions of these workers from both sides in order to ensure fair recruitment and equal opportunity and treatment.

**Article 36** – Any party or person who violates the provisions of this chapter shall be punished by a fine of three (3) times the worker minimum daily wage to (3) three times his minimum monthly wage.

## ***Chapter Six***

### ***Individual Employment Contract***

#### ***Part One***

##### ***Conclusion of the Individual Employment Contract***

**Article 37** - 1 - The employment contract shall be made orally or in writing, by virtue of the mutual agreement of its two parties, i.e. the employer and the worker. In the event of an employment contract made in writing, the employer shall draft the employment contract on three copies, signed by him and by the worker, each party keeping a copy and the third copy to be deposited with the Department. The employment contract must include at least the following data:

- a- The name of the employer and type and address of the enterprise.
- b- The name, date of birth, qualifications, profession, residence and nationality of the worker.
- c- The nature, type, duration and date of commencement of the work.

- d- 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.
- e- The working hours and their division method.

2- The employment contract must include a provision subjecting the worker to a probation period to be agreed upon between the two parties if the worker does not have a professional certificate that proves his skill in the assigned work, provided that the probation period does exceed (3) three months as of the date of the commencement of work. The worker shall not be subjected to more than one probation period with the same employer.

3- The employer may terminate the contract within the probation period if it appears to him that the worker is not capable of performing the work, provided the employer notifies the worker by virtue of a prior notice sent at least (7) seven days before the date of termination.

4 – In the absence of a written employment contract between the worker and the employer, they shall bear the burden of proving the existence of the contract and shall submit the information regarding any right and claim by virtue of the contract.

**Article 38- 1** – The employment contract shall be signed for a determined period provided said period does not exceed one year, for the performance of a specific job or provision of a service related to a work or enterprise ending on a specific date or expected date.

2 – An employment contract may not be signed for a determined period for a permanent work unless the work requirements require hiring additional workers for a certain period and work.

3 – The worker engaged by virtue of an employment contract with a determined period, enjoys the same rights as the worker engaged by virtue by an employment contract for an undetermined period.

4 - If the employment contract has been renewed more than one time, it shall be deemed a contract for an undetermined period.

**Article 39 - 1** – A part-time employment contract may be concluded and shall be subject to the terms of the employment contract set forth in Article (30) of this Law.

2 – Working hours in part-time employment contract shall not be less than (12) twelve hours and more than (24) twenty-four hours per week.

3 – The part-timer has all of the rights and obligations provided for in this Law.

4 - Part-timers' financial rights and days of annual leave are calculated pro rata to the working hours and the wage.

**Article 40** - Once a worker has shown up at the workplace, ready to perform his work, but is prevented from performing his work for reasons beyond his control, he shall be deemed to have worked and shall be entitled to receive a wage in return.

**Article 41** – 1 – The employer has the following rights:

- a- To organize the activity of his enterprise.
- b- To distribute the duties and responsibilities of the workers.
- c- To take the adequate decisions concerning the workers.
- d- To monitor the work progress and the performance by the workers of the tasks entrusted to them by virtue of the employment contract.

2 – The employer has the following duties:

- a- To abide by and execute the employment contract, collective agreements and provisions of this Law.
- b- To provide the worker with the means for performing his work.
- c- To pay the worker's wages in accordance with the provisions of this Law.
- d- To ensure healthy conditions at the workplace and take sufficient safety measures to protect the worker while performing his job.
- e- To provide the worker with the possibility and means of enhancing his knowledge and technical skills.
- f- To give the worker, upon the commencement of his work, a receipt for any documents received by the employer, and restitute them to the worker at the end of the contract or upon the worker's request, unless if said restitution is prejudicial to the employer.
- g- To give the worker, at the end of the employment contract, a certificate specifying the date of commencement of work, date of termination and type of work performed. The worker may request that the certificate includes other information; the employer shall answer his request when the requested information is true.
- h- To sign a discharge for the worker at the end of the employment contract provided the worker fulfilled all of his obligations towards the employer. In case of refusal, the worker may resort to the labor courts in order to obtain the requested discharge.

- i- To state the occupational hazards and inform the worker prior to the engagement.
- j- To provide an appropriate system to deal with workers' complaints and grievances, facilitate the access and use of such a system, treat immediately and positively the lodged complaints without exposing the workers who submitted these complaints to any sanctions.
- k- To open a personalized file for each worker, in which he keeps a copy of the decision of his appointment as well as all documents, certificates and information related to him. The file shall also include any change to the status of the worker affecting his work, wages, allowances, penalties or any other relevant information. The file must be kept for two years at least from the date of the end of the employment relationship.
- l- To prepare an annual report for each worker, drafted by his direct supervisor including data on the worker's behavior, efficiency and production, specifying his level of efficiency, and concluding with the remarks, proposals and evaluation of the worker's direct supervisor. Said report shall be kept in the worker's file and the worker informed of the content of the report, provided the enterprise includes at least (15) fifteen workers.
- m- To provide a copy of an official report on the basic rights granted to workers in the enterprise, or any other relevant information relating to the terms of recruitment and working conditions, upon the Department's request of that information, provided that the employer provide the Department with said information within a maximum period of one month from the date of receipt of the request.
- n- To ensure equal treatment of all employees of the same profession and the same working conditions, whether in terms of wages, benefits, bonuses, allowances, vocational training or career advancement opportunities.
- o- To provide the workers with the necessary goods and services in remote locations at subsidized prices.

**Article 42 – 1 – The worker has the following rights:**

- a- To receive the wage for the work performed.
- b- To have daily and weekly rest periods in accordance with the employment contract, collective agreements and the provisions of this Law.

- c- To have equal opportunities and be recruited and work under equal conditions, without any discrimination.
- d- To have a working environment, free from any harassment.
- e- To enjoy respect in the employment relationships within the scope of the work.
- f- To benefit from vocational training programs.
- g- To be informed and consulted about the matters directly affecting his work.
- h- To work within safe circumstances and healthy work environment.
- i- To bargain in order to improve the work terms and conditions.
- j- To strike in accordance with the provisions of this Law.
- k- To enjoy freedom to create and join trade unions.

2 – The worker has the following duties:

- a- To perform the duties entrusted to him with care and loyalty in accordance with the employment contract, the provisions of this Law and the instructions and decisions issued for its implementation as well as the enterprise's regulations issued by the employer, and perform his work with the due care expected from a person in a way that does not conflict with the provisions of this Law.
- b- To safeguard the assets of the employer which has been entrusted to the worker, and refrain from keeping any work registers, documents or papers.
- c- To refrain from disclosing professional secrets communicated to him within the scope of his work.
- d- To abide by the occupational health and safety rules.



- e- To abide by the attendance, leave and rest periods stipulated in the employment regulations.
- f- To refrain from showing up at the workplace in a state of obvious drunkenness or under the influence of drugs.
- g- To refrain from carrying a weapon at the workplace, unless the nature of the work so requires and provided said weapon is licensed.
- h- To refrain from faking sickness in order to avoid working.
- i- To refrain from receiving any person at the workplace without the employer's approval.
- j- To refrain from accepting any commission or other from agents or contractors with whom the employer has a contractual relationship, without the employer's knowledge and approval, provided that the funds are deposited in a special till and distributed equally to workers under the supervision of the employer; said funds shall be deemed wage supplements.
- k- To refrain from performing work for a third party during working time.
- l- To refrain from using a machine or a device he has not been assigned to use by the employer.
- m- To refrain from arranging for meetings on workplace premises without the permission of the employer and the competent trade union body for labor union purposes.

## ***Part II***

### ***Termination of the Employment Contract***

**Article 43 –1-** An employment contract shall be terminated in any of the following cases:

- a- 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 spent in the service of the employer at least one year.
- b- If a worker has been sentenced by virtue of a final judgment of a court to imprisonment for a period of more than one year. If the judgment is for less than one year, the employer

shall return to his work but is not entitled to the wages corresponding for the period of arrest or imprisonment.

- c- Death of the employer, if the contract has been concluded for consideration related to the person of the employer and the contract may not be completed with his heirs.
- d- If the enterprise is liquidated by virtue of a judicial judgment or if the enterprise is deliberately liquidated subject to the provisions of paragraph 3 of this article.
- e- When the two parties mutually decide to terminate it in writing.
- f- On the expiry of the contract period, if it is for a determined period.
- g- 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.
- h- When the worker decides to resign, provided he sends a notice to the employer at least (30) thirty days in advance; if the worker quits without notice or before the expiry of the notice period specified in the contract, the worker shall pay to the employer compensation equivalent to the notice period or fraction thereof.
- i- In case of force majeure.

2 – The employer may terminate the employment contract in one of the following cases:

- a- If the worker has contracted an illness which makes him unable to work and has not been cured within (6) six months, as substantiated by an official medical report.
- b- If the worker has become incapacitated to the extent of (75%) seventy five percent or more and is unable to work, as substantiated by an official medical report.
- c- If the worker has reached the age of retirement, and he shall be entitled to the end-of-service gratuity in accordance with the workers' Pension and Social Security Act.
- d- If the working conditions in the enterprise call for a reduction in the volume of work, subject to the Minister's consent.
- e- If the worker commits a breach of any of his essential obligations under the contract.
- f- If the worker assumes a false identity or submits forged documents.
- g- If it has been proved that the worker under probation is not sufficiently qualified to perform the work.

h- If the worker has committed a serious error causing material damage to the work, workers or the production, by virtue of a judicial judgment.

3 – The employer may not close, stop or liquidate his enterprise, before obtaining the Minister’s approval.

**Article 44** – In any of the cases provided for in paragraph “3” of article 43 of this Law, the employer shall give the worker an advance notice in writing of the termination of the contract; In the absence of such a notice, the employer shall be required to pay the worker compensation for the notice period; the notice period shall not be of less than (30) thirty days.

**Article 45** – The worker whose service was ended is entitled to an end of service gratuity equivalent to (2) two weeks for each year of service performed with the employer, except for the provision of subparagraph “b” of paragraph “1” and subparagraphs “e”, “g” and “i” of paragraph “2” of article 43 of this Law.

**Article 46** – 1 – The employer may challenge the decision of his end of service before the End of Service Committee established under the instructions of the Minister, or before the Labor Court, within (30) thirty days as of his notification of his end of service. The worker is deemed to have waived this right of challenge if the challenge is not submitted within this period, and if he chooses any of these two means, he shall lose his right to the other.

2– The decision of the End of Service Committee may be challenged before the Labor Court within (30) thirty days of the notification of the decision or of the date the notification is deemed served.

3- The employer shall bear the burden of proof of termination of the worker’s service when the worker challenges the end of service decision before the End of Service Committee or Labor Court.

**Article 47** – 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 set forth in article 43 of this Law, it shall decide to return the worker to his work and to pay him all of his wages for the period of the employment contract termination.

2 - If the End of Service Committee or the Court decides that the worker may not be returned to his work, the employment contract is terminated as of the date of the Committee’s decision or the Court’s decision, and the worker shall receive a compensation equivalent to twice the end of service gratuity provided for in Article (45) of this Law.

3 – In enterprises engaging less than (5) five workers on a regular basis, the employment contract shall be deemed as terminated as of the date of its actual termination if the End of Service Committee or the Court decides so, provided the employer pays to the worker the end of service gratuity in accordance with the compensation provided for in paragraph “2” of this Article.

**Article 48 – 1** – The employment contract shall not be terminated in one of the following cases:

- a- 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.
- b- If the worker seeks to represent the workers or to exercise or already has exercised the capacity of workers representative.
- c- If the worker submits a complaint or a claim against the employer in grievance of the laws.
- d- If the worker is on one of his legal leaves.
- e- In case of direct or indirect discrimination in terms of recruitment or profession.
- f- In case of temporary absence from work due to illness or accident evidenced by official supporting proves.

2 – a – The termination of the employment contract shall be null and void in case of any of the reasons provided for in paragraph "1" of this article, and in such case, the End of Service Committee or the Court shall decide to return the worker to his work and to grant the worker his wages for the previous period.

b- If the worker does not request to return to his work or if the Committee or the Court decides that the worker's return to his work is impossible, unpractical or inadequate, it shall decide to grant him a fair compensation provided that said compensation is not less than the twofold of the amount specified in paragraph "2" of article 47 of this Law.

**Article 49 –1**– The worker may unilaterally terminate the employment contract without any prior notice, in the two following cases:

- a- When the employer has not fulfilled one of his obligations set forth in the law, labor internal regulations, or individual employment contract.
- b- 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

- c- 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.

2- The worker may request the End of Service Committee or the Court for compensation in accordance with the provisions of subparagraph "b", paragraph "2" of Article 48 of this Law.

**Article 50** – In case of merger of the enterprise, transfer of its ownership to the heirs, its assignment to third parties, sale, lease or exploitation, totally or partially, the new employer is liable for the fulfillment of the obligations of the former employer towards the worker in accordance with the provisions of this Law, and the former employer remains jointly and severally liable with the new employer for the obligations arising from the existing labor relationships, which were incumbent upon him before and until the transfer of the enterprise.

**Article 51** – 1- An action claiming rights arising from the labor relationships is inadmissible three (3) years after the date said rights were due; and an action claiming compensation for damages caused by a criminal act is inadmissible five (5) years after the date of existence of this damage.

2- The period specified for the admissibility of an action claiming rights starts on the date the right is due, but one may not claim again funds paid by the employer for the discharge of a right after its forfeiture.

**Article 52** – Any employer, who violates the provisions of this chapter shall be subject to imprisonment for a period of not less than (3) three months and not more than (1) one year or to a penalty of not less than (500,000) five hundred thousand and not more than (1,000,000) one million Dinars.

## *Chapter Seven*

### *Part One*

#### *Wages*

**Article 45** – 1 - Wages due to the workers shall be paid in Iraqi currency, unless otherwise specified in the employment contract.

2 – Wages may be paid by checks, bank transfers or payment orders provided that this is in accordance with a collective agreement or an arbitral award, or with the written consent of the concerned worker in the absence of such an agreement or award, with the worker's right to revoke this authorization at any time.

3 - Wages shall be 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, provided that the maximum authorized delay in payment of wages is 5 days.

4- Wages may not be paid in the form of promissory notes, vouchers or under any other form replacing the Iraqi currency or what is agreed upon in the employment contract.

5 – Wages must be equal between women and men for the same type of work.

**Article 54 - 1** - The wages shall be paid directly to the worker and may be transferred to the account of the worker with the bank to be agreed upon in writing by the two parties or paid to the worker's representative.

2 – Upon the death of the worker, all sums due to him shall be paid to his heirs in accordance with the Law.

**Article 55 – 1** – The employer shall be prohibited:

- a- to limit the worker's freedom to dispose of his wages.
- b- to force the worker to buy his products or to buy products from particular shops or goods he imports.

**Article 57 – 1**- A worker's wage may only be deducted only in cases provided by law, among, inter alia:

- a- The expense of persons who are legally dependent on the worker.
- b- The amounts owed by the worker for the workers' pension and social security department.
- c- The trade union contributions in accordance with the provisions of the trade union regulation.

2- The overall wage deduction may not exceed (20%) twenty percent of the worker's wage if his wage is less than the threefold of the minimum wage, and may not exceed (30%) thirty percent of the worker's wage if his wage exceeds the minimum wage. Said rates are not applicable on the deduction of the expense loans.

3 – Loans due by the worker to the employer may not be subject to any interest.

**Article 58 –1**– In case of the enterprise bankruptcy or liquidation by virtue of a judicial judgment, the workers shall be considered preferential creditors and granted the following benefits:

- a- The wages corresponding to the (3) three months prior to the end of their service.
- b- The wages corresponding to the official holidays during the year in which their service was ended and during the previous year.
- c- All amounts due to them in relation with other types of leave before the end of service.
- d- End of service gratuity owed to the workers.

2 – Benefits set forth in paragraph "1" of this article are privileged against other privileged debts, including the government's privileged debts.

3 – The following debts shall be paid before the settlement of the debts due by the employer to the worker:

- a- Debts arising from the employer's commitment to support his family and owed by him in accordance with the law.
- b- Debts related to the management of the properties of the insolvent or bankrupt employer, including legal fees and management expenses.

4 – All amounts owed to the worker or his legal successor shall be privileged against all of the employer's movable and immovable properties and shall be entirely and directly collected before all other privileged debts, including the amounts owed to the government treasury, except for the expense debts.

**Article 59 – 1-** The employer shall be informed about the components of his wage before signing the 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. He shall also be informed of said information whenever there is a change in the wage components.

2- 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, if any.

**Article 60 -** A final settlement of the wage shall be made from the day following the termination of the employment contract. If the worker terminates the employment contract, his wages due shall be paid during the (7) seven days as of the date of leaving his job.

**Article 61 – 1 -** An employer shall maintain a wage and overtime register including all details of the worker's wage, wage deductions and net wages paid to the worker. The above-mentioned register shall not contain any blanks, erasures or additions. The wage register shall be subject to the verification and inspection of the Ministry's labor inspectors.

2 - An employer shall be discharged in respect of outstanding wages only once the worker has signed the wage register. Nonetheless, a worker's signature unaccompanied by any stated reservations shall not constitute waiver of any rights on his part.

## *Part II*

### *Determination of Wages*

**Article 62** –1– The worker's wage shall be determined by the individual employment contract, provided that it does not fall below the minimum wage specified for his profession under the collective agreement binding the employer, and in all cases the worker's wage shall not fall below the legally prescribed minimum wage.

2 - The minimum wage shall mean the legally prescribed wage or the wage specified in the employer's enterprise according to the individual or collective employment contract, whichever is the higher.

**Article 63** – 1 – A committee responsible for proposing, at regular intervals, the minimum wage for a worker shall be established by a decision of the Minister; and formed by the following members:

- (a) The Director-General of the Labor and Loan Department, who shall chair the Committee;
- (b) The Director-General of the Workers' Pension and Social Security Department, member;
- (c) A representative of the Labor and Vocational Training Service, member;
- (d) The Deputy General Manager of the Vocational Training Department, member;
- (e) A representative of the Ministry of Planning, member;
- (f) A representative of the most representative employers' associations, member;
- (g) A representative of the most representative workers' associations, member;
- (h) Two competent and experienced members chosen by the Minister specialized in the various aspects of wage policies.

2 - The Minister shall submit the Committee's proposals to the Council of Ministers.

3 - Upon the determination of the minimum wages, the following factors shall be taken into consideration:

- a- Needs of the workers and their families.
- b- General level of wages in the country.
- c- Cost of living and changes thereto.



d- Economic factors including the requirements of economic development, the level of productivity and the desire to achieve and maintain a high rate of employment.

4 - The worker subject to the provisions of this law is entitled to an annual periodic increment as of the date of its maturity after one full year of service. Said increment shall be determined according to the labor market indicators and for each enterprise by the mutual agreement of the concerned parties.

5 - The minimum wage is adjusted from time to time to take into consideration the cost of living and other economic conditions. The periodic review of the cost of living and other economic conditions is carried out each (2) two years.

**Article 64** - Any person violating the provisions governing the wages specified in this Law shall be subject to a penalty not less than the twofold of the legally prescribed minimum monthly wage. If the violation consists of the payment of wage lower than the minimum wage, the contravening party undertakes to pay in addition to the penalty, compensation to the worker corresponding to the twofold of the difference between the wage paid and the minimum wage.

**Article 65** -1- The employer shall display in a prominent place in the enterprise, an announcement informing the workers about the wages applied in his enterprise, provided said wages are not less than the legally prescribed minimum wages.

2 - Any worker, who received a wage less than the wage he is entitled to, shall recover the difference between the amount received by him and the amount he is entitled to receive.

3 - If the worker alleges that the employer paid him a wage less than the legally prescribed wage in his enterprise, the employer shall bear the burden of proving that he paid to the worker the legally prescribed wage.

## ***Chapter 8***

### ***Working Hours***

**Article 66** - The term « Working hours» means the time during which the worker is at the disposal of the employer engaging him, and excludes the rest and meal periods; the employer shall determine the beginning and the end of the working day.

**Article 67** -1- The daily working hours shall not exceed (8) eight hours per day or forty-eight hours (48) per week, subject to the exceptions provided for in this Law.

2 - For work performed over two shifts and intermittent work, the worker may not be required to be present at the workplace for more than (10) ten hours, provided the number of hours of actual work does not exceed (8) eight per day.

3 - The number of working hours per day shall be reduced for work which is arduous or harmful to health. Such types of work and the maximum working hours shall be determined by instructions issued by the Minister upon the proposals of the National Center for Occupational Health and Safety.

4 -The following shall be excluded from the provisions of this Article:

- a- Enterprises employing only the members of the employer's family.
- b- Persons who hold supervision and management positions.
- c- Persons occupying positions requiring confidentiality.
- d- Workers assigned to preparatory or complementary work that is performed outside the hours specified for workers in the enterprise.
- e- Watch-keepers.
- f- Persons assigned to perform work outside their enterprises.
- g- Agriculture workers.

5 - Instructions issued by the Minister shall determine the working hours for the cases referred to in paragraph (4) of this article.

**Article 68** -1- Working hours shall include one or more rest periods, of not less than 30 minutes and not more than 1 hour; these rest periods shall be determined by the employer through notices posted in apparent locations in the workplaces provided the consecutive working hours do not exceed (5) hours.

2 - Each worker shall be entitled to a rest period of not less than (11) eleven 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.

3- In enterprises where work must be performed without interruption owing to technical reasons or the very nature of the production or services offered, workers shall be entitled to one or more rest periods of not less than (30) thirty minutes.

4 – a - In activities which are performed over two shifts, the rest period separating the two shifts may not be less last 1 hours and more than 4 hours. This provision may be included in collective employment contracts.

b- Workers who work on more than one shift are entitled to a rest period of (11) eleven consecutive hours between the end of the first shift and the beginning of the following shift.

5 - No worker employed as a driver, may drive for more than (4) consecutive hours without a rest period. The duration of said period shall be specified by instructions issued by the Minister.

**Article 69 -1** - Work is divided into the following categories:

- a- day work, performed between (6) six a.m. and (9) nine p.m.;
- b- night work, performed between (9) nine p.m. and (6) six a.m.;
- c- mixed schedule work, performed in a period linking the day and night work and vice versa, provided the night work does not exceed in this case (3) three hours.

2 - Working hours may not exceed in the following cases:

- a- (7) seven hours for night work; or
- b- (7) seven and 1/2 hours for mixed schedule work.

3 - For work performed during the day and during the night on an alternating basis, workers may not work for more than (30) thirty consecutive days.

**Article 70 -1** - Every worker is entitled to at least one rest period per week of not less than 24 paid consecutive hours. Friday shall be the weekly day of rest and may be exchanged by another day of the week.

2 - 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.

3 - An employer may, 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.

**Article 71 – 1** - The working hours provided for in Article 67 of this Law may be extended in the following two cases:

- a- In case of accident or imminent accident, urgent repair of devices or machines or in other cases of force majeure. The increase in the number of working hours shall be in relation to the time necessary to prevent the suspension of the normal activity in the enterprise.
- b- If the work circumstances require performing it in continuous consecutive shifts provided that the total weekly working hours do not exceed (56) fifty six hours, and that this does not affect the worker's right to have a compensatory day of rest.

2 - In exceptional cases where the provisions of Article (67) of this law may not apply, workers and employers associations may agree to increase the daily working hours for a specified period,

provided the average number of weekly working hours does not exceed the number of weeks included in the agreement by (48) forty eight hours.

3 – The Ministry may, after consultation with the relevant workers and employees associations, grant the following:

- a- Permanent exceptions allowed for preparatory or complementary work provided for in subparagraph (d), paragraph (4) of Article (67) of this Law to be performed outside the usual working hours in the enterprise or for the workers categories whose activities requires being intermittent.
- b- Provisional exceptions authorized to address exceptional work load.

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.
- (4) To draw up the annual inventory and accounts, prepare for the sales and open the new season.

4 – The Ministry shall, upon the granting of said exceptions, specify the maximum additional working hours in each case as well as the overtime pay rates, which shall not be less than (50%) fifty percent of the usual wage if it is a daily work and not less than the twofold of the wage if it is a night work, a work during a day of rest or if it is an arduous or harmful work, and give the worker one compensatory rest day during the week if he works on his weekly day of rest.

5 - Overtime shall be subject to the following provisions:

- a- In industrial activities which are performed in shifts, no more than (1) one hour per day may be worked as overtime.
- b- In performing preparatory or complementary work in industry, or in handling extraordinary work, no more than (4) four hours per day may be worked as overtime
- c- In non-industrial activities, no more than (4) hours per day may be worked as overtime.
- d- In road transport, during the entire driving time, working hours including overtime hours may not exceed (9) nine hours per day and (48) forty eight hours per week. The total driving hours in the event of driving in arduous situations, shall be reduced.
- e- No worker shall be employed for more than (40) hours of overtime for (90) ninety days, and (120) one hundred and twenty hours of overtime for (12) twelve months. The Minister shall issue instructions to specify said works and the total time applicable to concerned drivers.

6- The term “overtime” means in accordance with the provisions of this law, 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.

**Article 72** -1- If work has stopped entirely or in part as a result of exceptional circumstances or force majeure, the employer shall be required, after obtaining the Ministry's approval, to pay the worker his wages for the period of interruption, up to (30) thirty days; the employer may, however, assign the worker to carry out other similar work or an additional unpaid work in order to make up for the time lost, provided the additional unpaid work does not exceed (2) two hours per day and (30) thirty days per year.

2 - If the work interruption is due to the employer, the latter shall pay the entire workers wages for the period of interruption and entrust the worker with additional paid work within the limits set forth in paragraph (1) of this article.

**Article 73** – Any employer violating the provisions of this chapter shall be subject to a penalty of not less than (250,000) two hundred fifty thousand dinars and not more than (500,000) five hundred thousand dinars. The number of penalties shall be equivalent to the number of workers subject of the violation.

## ***Chapter Nine***

### ***Leaves***

**Article 74** – 1 – a- Workers are entitled to a leave at full pay on feast days and official holidays fixed by the law, except for Saturday.

b- Every worker is entitled to one fully paid day of rest per week.

2 - A worker may be requested to work during feast days or official holidays, except, for the day of weekly rest, for any of the reasons set forth in paragraph (3), Article (71) of this Law and in return for a double wage.

3 – Feast days and official Holidays falling during the worker's leave shall not be included in the annual leave.

4 - Worker engaged by virtue of an employment contract for a determined period or trainees shall be entitled to a fully paid annual leave based on the duration of the contract and before its expiry.

**Article 75** –1- A worker, after one year of service, shall be entitled to at least (21) twenty one days of fully paid leave for each year of work.

2- A worker employed in work which is arduous or harmful to health shall be entitled at least to (30) thirty days paid leave for each year of work.

3 - The worker's annual leave based on his year of service is increased as follows:

a- (2) two days after the first (5) five years of continuous service with the same employer.

b- (2) two days after the second (5) five years of continuous service with the same employer.

c- (3) three days after every additional (5) five years service with the same employer.

4 - A worker shall be entitled to proportional leave in relation to any fraction of a year of work.

5 - The days in which the worker is not working for reasons beyond his control such as illness, injury, accident or maternity are included within his period of service and he shall be entitled to the corresponding annual leave.

6 - The days of annual leave shall be calculated effective working days for the purposes of this Law and other laws.

**Article 76** –1 – The worker who is granted the leave provided for in Article (75) of this Law shall be entitled to receive a wage for the entire period of the leave corresponding to not less than the wages he received during the last six months of service.

2 – Transportation, food and risk allowances are excluded from the provisions of paragraph (1) of this Article.

3 – Amounts provided for in paragraphs (1) and (2) of Article (75) shall be paid to the worker before he takes the leave.

4- In case of termination of employment, the compensation for days of annual leave not yet taken shall be paid to the worker on the basis of the last paid wage.

**Article 77** – 1 - A worker may take his annual leave all at one time or divide it up over several periods.

2 – If the annual leave is divided up, each period of annual leave must not be less than (14) continuous days as of the date of notification of the employer and taken at one time, the remaining paid annual leave days shall be taken at the latest (18) eighteen months as of the end of the year for which the leave is due.

**Article 78** -1 – The work internal regulations shall 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 worker shall fix the date of his annual leave in agreement with the employer in accordance with paragraph (2) of article (77).

2- The employer shall allow the worker to take his annual leave provided for in this Law.

3 - If it has been evidenced that a worker has not been able to take his annual leave during the year as a result of the employer's refusal to grant it, the worker shall receive a compensation equivalent to his full wage for the leave period he was unable to take, based on the wage for the work performed during the period of his due leave.

**Article 79 -1** - A worker may not exercise any remunerative activity during his annual leave.

2 - Any agreement under which a worker waives his right to take his minimum paid annual leave or waives said right against remuneration or for any other reasons shall be null and void.

**Article 80 -1** - For every year of work, the worker is entitled to (30) thirty days' sick leave period paid by the employer.

2 – The sick leave period to which a worker is entitled by virtue of paragraph (1) may be accumulated for a total of up to (180) one hundred and eighty days.

3 - When an insured worker has exhausted all of his paid sick leaves and remains sick, he shall be subject to the provisions of the Law on pensions and social security for workers.

4 - The Pension and Social Security Fund shall reimburse 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 in accordance with the provisions of paragraphs (1) and (2) of this Article.

**Article 81 - 1** – The sick leave shall be granted on the basis of a medical report drawn up by a physician approved by the employer or by an official medical authority.

2 - The period of sick leave shall count as actual service for the purposes of this Law and other laws.

**Article 82 – 1** – The worker is entitled to a fully paid leave for personal reasons in the following cases:

- a- Wedding of the worker; (5) five days.
- b- Wedding of the worker's son or daughter; (1) one day.
- c- The death of the husband, wife, father, mother, son, daughter, brother, sister or one of the spouse's parents; (5) five days.

2 – The employer may grant the worker whose husband has died a fully paid leave of one hundred and thirty days (130) for the requested period of waiting “*iddat*” by virtue of the law.

3 - The worker shall be entitled upon his request, to an unpaid pilgrimage leave once during the period of his service.

4 - The worker shall be entitled to a fully paid leave for the performance of official or public duties, to exercise the right to vote or to attend before the court as a witness or expert and in other cases provided for by the law or in the collective employment contract.

5 – The worker shall be entitled to a fully paid leave for the performance of trade union duties provided for in the applicable collective agreement.

6 – When necessary, the employer may grant the worker, upon his request, an unpaid leave.

**Article 83** – Any person violating the provisions related to working hours and leaves specified in this Law, shall be subject to a penalty of not less than (50,000) fifty thousand dinar and not more than (100,000) one hundred thousand dinars. The number of penalties shall be equal to the number of workers subject of the violation.

## ***Chapter 10*** ***Protection of the Female Worker***

**Article 84:** Any employer employing one or more female worker is required to keep at the workplace a copy of the provisions governing the protection of the female workers.

**Article 85:** 1- It shall be prohibited to force the pregnant or the 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.

2- Women may not be recruited to perform arduous or harmful works that are specified in accordance with the instructions issued under Article 67 (paragraph 3) of this law.

**Article 86:** 1) It shall be prohibited to make women work at night, unless the performance of night work is necessary, as a result of a 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.

2) Female workers shall be entitled to a rest period of not less than eleven (11) consecutive hours per day, necessarily including 7 night hours falling between 9 p.m. and 6 a.m.



3) The provision specified in paragraph 1 of this article shall not apply to the following categories:

- (a) Female workers engaged in administrative or commercial work;
- (b) Female workers employed in health or recreational services; or
- (c) Female workers employed in transport or communication services.

**Article 87:** 1) A female worker is entitled to a maternity leave at full pay of not less than fourteen (14) weeks per year.

2) A pregnant worker may, by virtue of a medical certificate issued by the competent authority, take the above-mentioned leave, eight (8) weeks before her expected due date.

3) The pregnant worker is entitled to take the remaining days of the leave after the delivery, provided that the period of this leave after the delivery is not less than six (6) weeks.

4) The pre-maternity leave shall 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.

5) The competent medical authority may extend the period of the leave specified in paragraph 1 of this Article for up to 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. The period added to the leave specified in article (2) of this article shall be covered by the provisions of the Pensions and Social Security Law.

6) The working mother shall be able at the end of her maternity leave, to go back to the same position or to be employed in a similar position with the same wage.

**Article 88:** The working mother on maternity leave may not be employed by another employer.

**Article 89:** 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.

**Article 90:** A female worker shall not use her special maternity leave for purposes other than those for which it was granted; and if it is evidenced that a female worker while enjoying said leave is engaging in a remunerative activity for another employer, the leave shall be cancelled and the employer may request her to return to work on a date specified by him.

**Article 91:** 1) Nursing mothers shall have a nursing break not exceeding one (1) working hour; the nursing break shall count as a working hour.

2) A female or male worker with one child or more under the age of six, may be exempted from work without pay, for a period of not more than 3 days, whenever one of her/his children is sick and needs her/his care. The workers benefiting from said exemption shall not be entitled to any pay for their work suspension duration.

**Article 92:** 1) The employer employing women shall provide them with special rest in accordance with the work requirements.

2) The employer in enterprises involving female workers undertakes to construct nurseries, whether alone or with the participation of another employer in another/other enterprise(s) by virtue of instructions issued by the Minister.

**Article 93:** The provisions of this Chapter do not apply to women who are engaged in a family business, in which only family members work and which is under the authority and supervision of the spouse, father, mother or brother.

**Article 94:** Any employer violating the provisions of this chapter shall pay a penalty of not less than (Dinars 100, 000) one hundred thousand Dinars and not more than (Dinars 500, 000) five hundred thousand Dinars.

## ***Chapter 11***

### ***Protection of Minors***

**Article 95:** 1) It shall not be allowed to employ minors in activities whose nature or work conditions may harm their health, safety or morality.

2) 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, subject to the provision specified in paragraph 1 of this article. Such works include for example but not limited to:

a- Working in underground and underwater locations or working in dangerous heights or restricted areas.

b- Working with dangerous machines, equipment, or tools requiring a manual intervention or lifting of heavy loads.

c- Working in an unhealthy environment exposing the minors to hazards or to unusual temperatures, noise or to movements harmful to their health.

d- Working in difficult conditions for long hours or in some conditions during night.

3. Minors may not be employed to perform night work or mixed schedule work.

**Article 96:** 1) Minors shall 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.

2) The certificate confirming the minor's physical fitness for a given work shall be issued in accordance with the following:

a- Specific employment conditions;

b- A specific activity or series of activities involving the same health hazards classified as a category by the competent authority.

**Article 97:** 1) The minor's fitness to carry out the activity remains subject to health supervision, until he turns 18.

2) Minors are subject to regular medical exams each year, at least during their employment term.

3) 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.

4) The minor worker or his parents shall not bear any costs for the medical exams specified in paragraphs 2 and 3 of this article.

5) The competent authority for the purposes of this chapter shall mean the Ministry in charge of labor or the Ministry in charge of health or both.

**Article 98:** 1) The employment term of the minor worker not yet completing 16 years of age shall not exceed 7 working hours per day.

2) The daily working hours shall include one or more rest periods not less than one hour, provided the consecutive working hours does not exceed 4 hours.

**Article 99:** the minor authorized to be employed is entitled to a paid 30 day annual leave per year.

**Article 100:** 1) The employer who employs minors who have been authorized to work by virtue of the Law shall post at the workplace a copy of the provisions regarding the protection of minors.

2) The employer shall develop a minor's register specifying their names, ages and the works assigned to them.

**Article 101:** The employer must put the medical certificate specified in article 96 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 No. under which said certificate is kept.

**Article 102:** In the event a relationship exists between an employer and a minor, such minor may not be employed by virtue of the provisions of this Law. The employer shall pay the minor the agreed wage and shall compensate him in case of an accident during or as a result of the work, regardless to whom the fault is attributed.

**Article 103:** The provisions of this Chapter do not apply to minors of more than 15 years of age, working in a family business under the authority or supervision of the spouse, father, mother or brother, producing local consumer goods and not employing wage earners.

**Article 104:** Hazards or unusual temperatures, noise or movement harmful to the minor's health, safety and morality shall be specified by virtue of instructions issued by the Minister.

**Article 105:** The employer infringing the provisions of this chapter shall pay a penalty of not less than (Dinars 100, 000) one hundred thousand Dinars and not more than (Dinars 500, 000) five hundred thousand Dinars.

## ***Chapter 12***

### ***Protection of Workers in quarries, mines and minerals extraction***

**Article 106:** 1) The provisions of this Chapter apply to work in construction materials quarries, mines and minerals extraction works, in particular, the following:

- a- Prospection, excavation and exploration works for minerals and stones, including jewelry and their extraction and manufacturing.
- b- Extraction, concentration or manufacturing of mineral deposits, whether on the surface on underground.
- c- All works associated to the abovementioned works specified in subparagraphs (a) and (b) of this paragraph such as building and constructions of plants and the installation of equipment.

2) It shall be prohibited to employ a worker in the industries and works specified in paragraph 1 of this article unless following the medical examination of the worker in order to ascertain his physical fitness for the work he will be assigned with.

3) Before the termination of the worker's employment contract, for any reason whatsoever, the medical exam must be repeated, to check if the worker contracted any occupational disease.

4) The workers covered by the provisions of this chapter shall undergo the medical test during the working hours without bearing any fees in this respect.

5) The cases specified in paragraphs “2” and “3” of this article are subject to the labor inspection committee’s supervision.

**Article 107:** The employer shall post in an apparent location at the workplace, the following:

- 1) The enterprise’s internal regulations, specifying the working hours and rest periods, provided a copy is sent to the labor inspection committee.
- (2) Health and safety instructions in the enterprise.

**Article 108:** 1) a- Access to work premises and adjacent areas shall be prohibited to any person who is not a worker or employee assigned to work in the quarries or mines locations, or assigned to inspect or guard said locations or one of the Trade Union’s representatives.

b- Workers are prohibited to access the work premises specified in subparagraph (a) of this paragraph during non-working hours, unless permission has been given.

2) The employer shall keep a register of the names of the persons who have entered the work premises to perform their tasks, and he shall mark said register upon their exit.

**Article 109:** 1) The daily working hours in the activities, professions and industries specified in paragraph (1) of Article 100 of this law are 7 hours, and in all cases no worker shall be kept at the workplace for more than 8 hours per day.

2) Except for the provision of paragraph 1 of this article, a worker may work for more than 8 hours temporarily and in case of necessity, in order to prevent an accident or its dangerous consequences or to repair damage arising from an accident, in accordance with the following:

(a) The labor inspection and the Trade Union shall be informed of the urgent or expected accident within 24 hours as of the start of the work.

(b) The working hours in addition to the period specified in paragraph (1) of this article is deemed an overtime work which shall be compensated in accordance with the provisions of this law.

**Article 110:** The employer shall:

1) Draw up instructions on occupational safety and health in accordance with the instructions and statements issued by the Ministry;

2) Take the following measures:

- a- Issue instructions and orders regarding occupational safety whenever necessary;
- b- Avoid having workers present at the site of explosions unless all danger has passed;

- c- Provide workers with devices and clothing for protecting them against occupational hazards;
- d- Put a mark on potential hazardous locations;
- d- Provide emergency rescue and first aid requirements;
- e- Periodically inspect workplaces in order to verify the appropriate application of the measures specified in this subsection.

**Article 111:** 1) The price paid by a worker in return for transportation, meals and housing in remote and distant areas shall be determined by virtue of the Minister's decision.

**Article 112:** Any person violating the provisions on the protection of workers in quarries, mines and minerals extraction, specified in this Chapter, shall be subject to imprisonment for a period of not less than 10 days and not more than 3 months or to a penalty of not less than (Dinars 100, 000) one hundred thousand Dinars and not more than (Dinars 500, 000) five hundred thousand Dinars.

### ***Chapter 13***

#### ***Occupational Safety and Health and labor inspection***

##### ***Part 1: Occupational Safety and Health***

**Article 113:** The National Center for Occupational Health and Safety is in charge of the management of the planning and monitoring of occupational health and safety matters in a way that ensures the dissemination of a safety culture and protection of workers in the different workplaces against occupational diseases and work-related injuries.

**Article 114.** 1) The cooperation between the employer or the administration and the workers or the workers representatives in the enterprise is deemed an essential element of the measures taken to improve the conditions of occupational health and safety on the enterprise level and in the workplace.

2) In order to implement the provision specified in paragraph 1 of this article, the following must be abided by:

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. Report incidents, work-related injuries and occupational diseases to the relevant health authority once they occur and inform the Center about them. The notice shall include data on the enterprise and the employer, the injured person, the nature of the injury or disease, the workplace, and the circumstances of the accident. In case of occupational disease, the health risk exposure circumstances shall be evidenced on a standard and general form by the National Center for Occupational Health and Safety, and the Center shall draft an annual report on incidents and injuries at the workplaces including more than fifty (50) workers.

7. 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 Center for Occupational Health and Safety.

8. Provide the appropriate personal protective equipment to the workers who shall not bear their financial cost.

9. 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 Center for Occupational Health and Safety in accordance with instructions issued by the Minister.

10. The Center shall grant occupational health and safety licenses to the enterprise after verification that all of the safety requirements are met and examination of the workers against fees specified by instructions issued by the Minister.

11. Oversee the organization of the emergency plan management.

**Article 115:** 1) The Ministry shall be responsible for any national authority in charge of occupational health and safety by reviewing the national policy on occupational health and safety on regular basis, developing said policy and reviewing it in consultation with the employers, workers or their most representative associations.

2) The activities of the national authority in charge of occupational health and safety shall include the objectives specified in paragraph 1 of this article in accordance with the following:

- a. Determining and evaluating the health hazards arising from the workplace with regard to occupational health and safety, conducting pollution measurements in the work environment and taking samples from the work site related to occupational health and safety, and notifying the employer or his representative in this respect.

- b. Monitoring the factors affecting the health of the workers in the working environment and with respect to work practices, including health facilities, booths and sleepover locations provided by the employer;
- c. Providing advice about work planning and organization, including the workplace design, choosing other machineries, tools and used materials and ensuring their maintenance at the workplace;
- d. Participating in development programs for improving work practices, checking and evaluation the health aspect of the new devices;
- e. Providing advice about occupational health and safety, the working environment and personal prevention equipment;
- f. Monitoring the worker's health; work injuries and occupational diseases
- g. Adapting the worker to the work;
- h. Contributing in professional habilitation measures;
- i. Cooperating for providing information, formation and training on occupational health and safety and to study the link between the workers and the environment;
- j. Organizing the management of emergency situations and first aids;
- k. Participating in the analysis of occupational accidents, injuries and diseases and finding out their causes.

**Article 116:** The employer shall be responsible for providing the minimum occupational health and safety requirements with respect to all enterprises in which the workers are working and to all equipments 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.

**Article 117:** 1) the employer must inform the worker in writing before starting his work of the occupational hazards and the means of prevention to be taken.

2) The employer shall post the occupational hazards rules in an apparent location at the workplace. Said rules must clarify the hazards and the appropriate means of prevention.

**Article 118:** 1) The employer undertakes to do the following:

a) 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;

b) 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;

c) Provide first medical aids in accordance with the type of the work and in specific and known locations.

2) The National Center for Occupational Health and Safety shall set the instructions specifying the preventive means and devices, as well as their methods and conditions of use, which shall be issued by the Minister.



**Article 119:** The workers should comply with the following:

- a. Follow orders and instructions regarding the preventive means and occupational safety, and use the appropriate preventive equipment.
- b. Do not enter any psychotropic substance to the workplace or come to the workplace while being under their influence of such substance
- c. Comply with the occupational health and safety instructions in the workplace.
- d. Comply with the periodic medical examination dates as decided by the enterprise's physician or the competent medical authority.
- e. Wear personal protective equipment
- f. Stay away from the work site in case of a real danger.
- g. Cooperate with the employer to enable him to fulfill his obligations.

**Article 120:** 1) the employer must guarantee the workers occupational health and safety with respect to all of the aspects of the work:

- 2) The failure by the workers to abide by the legal occupational safety standards shall not be deemed a reason for the exemption of the employer of the obligations specified in this respect.
- 3) The worker shall not bear the costs for providing a healthy and safe work environment, including medical care, prescribed medications cost, periodical and laboratory tests, X-rays and other medical tests.

**Article 121:** 1) The employer shall provide at the workplace medical first aids. If his workers are more than fifty, the employer shall engage a nurse assigned to provide first aid and shall conclude a contract with a special physician to provide care to workers in a clinic allocated to him at the workplace for this purpose, said physician shall provide the workers with the needed medicaments and treatments during work, free of charge.

- 2) The special physician specified in paragraph 1 of this article shall have a daily working schedule of not less than two hours per day if the number of workers exceeds 100 workers.
- 3) If the number of workers exceeds 500, the employer shall appoint a resident physician at the enterprise and establish a special dispensary including all means of care, aids and treatment. The resident physician shall draw up a report on the cases requiring a medical leave or a consultation

by specialized physician or medical surgeries, in conformity with the provisions of article 74 of this law governing sick leaves.

4) The employers of many enterprises within one region or municipality may construct a public dispensary for providing the services specified in paragraph 3 of this article.

**Article 122.** 1) The employer must provide precautions and ensure the implementation of the instructions specified in articles 118 and 121 of this Law.

2) The competent labor inspectors shall, in their on-site inspection report concerning an enterprise, give their remarks on the work requirements and indicate the extent to which the employer is abiding by instructions on occupational safety and health.

3) If an employer does not apply the occupational health and safety instructions, the Ministry may, after having issued a warning requesting the employer to rectify the violation, close the work premises or shut-off one or more machines until the circumstances giving rise to the closing or shutting-off have been eliminated. Suspended workers as a result of this closing shall be entitled to receive their wages in full for the duration of the closing or suspension.

**Article 123:** The workers' representatives in the enterprise shall cooperate with the employer with respect to occupational health and safety. The workers' representatives in the enterprise shall be provided with sufficient information on the procedures taken by the employer to ensure occupational health and safety. The most representative workers associations may be consulted with respect to said information, provided they do not disclose commercial and industrial secrets;

Article 124: 1) The provisions concerning work injuries set forth in the worker's pension and social security law apply to non-secured workers.

2) a- The workers social security administration is in charge of the implementation of the provisions of paragraph (1) of this article.

b- The employer shall pay to the workers Social Security Administration a compensation for its obligations towards the non-secured worker as follows:

1- 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.

2- 100% of the daily or monthly wage of the worker for a period of one year, if the injury resulted in disability or death.

3. Article 125: Any person violating the provisions regarding occupations safety measures specified in this Chapter shall be subject to a penalty of not less than 500,000 five hundred thousand Dinars and not more than 100,000 one hundred thousand Dinars or to an imprisonment penalty for a period of not less than 1 month and not more than 6 months.

## ***Part 2: Labor Inspection***

**Article 126:** Enterprises and workplaces subject to the provisions of this Law shall be subject to labor inspection under the Ministry's supervision and direction.

**Article 127:** 1) The labor inspection directorate shall have the following powers:

- a. 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;
- b. 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.
- c. To inform the Ministry of the labor violations and infringements not specified in this Law.
- d. 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 labor 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.

2) The missions the labor inspectors are entrusted with must not contradict with their performance of their main missions or affect in any way their mission and their unbiased position in their relationship with the workers or the employers.

**Article 128:** 1) Inspection committees shall be presided over by a civil servant in the Ministry holding the title of labor inspector and shall include a representative of the employers who represents them the best, and a representative of the workers who represents them the best. The committee shall be accompanied by a representative of the National Center for Occupational Health and Safety when required by the enterprise.

2) Shall only be appointed a labor inspector, a candidate having at least a university degree and having successfully completed a training session organized by the Ministry for this purpose.

3) Labor inspectors, employers and workers' representatives shall, before starting to practice his responsibilities, take the following oath before the Minister or its authorized representative:

(I swear by God Almighty to fulfill my duty with trust and impartiality and not to reveal any professional secret, which may be brought to my knowledge as a result of my position, even after leaving said position).

4) The inspection committee may call upon duly qualified experts from among experts with scientific qualifications.

**Article 129:** 1) The inspection committee shall have the following duties:

- a- To freely access the workplace subject to inspection, without prior notice any time, day or night;

- b- To undertake any examinations or inquiries deemed necessary to ensure the absence of any violation of the provisions of this law, in particular:
  - (1) To individually question the employer or the workers at the enterprise or in the presence of a witness, about any matter related to the implementation of the provisions of this law;
  - (2) To peruse any letters, records or other documents, which must be kept by virtue of the provisions of the laws and Labor instructions to make sure they are compatible with the provisions of this law. Copies or samples of said documents may be taken.
  - (3) To verify the executions of the directions and recommendations issued by virtue of the provisions of this law;
- c- To take samples from the workplace, related to occupational health and safety for the purposes of analysis, provided the employer or his representative are notified.
- d- To request the employer in writing to urgently execute the following:
  - (1) To make the necessary changes during a specified time-limit, in the installations and mechanical equipment for making them compatible with the legal provisions on the workers' safety and health.
  - (2) To take emergency measures in case of imminent danger to the worker's safety and health.

2) To take emergency measures in case of serious danger which must be dealt with immediately, including the total or partial suspension of the work or the evacuation of the workplace.

3) To draw up a detailed report of each inspection visit, including a summary of the violations and recommendations for taking the legal procedures against the contravening employers.

4) The inspection committee must notify the employer or his representative of its presence on the enterprise during the inspection visit, unless the committee considers that such notification may affect its execution of its mission.

**Article 130:** 1) Internal security forces and police forces shall assist the inspection committees in the execution of their mission when so requested by said committees.

2) The representatives of the inspection committees shall be provided with cards signed by the Minister, evidencing their identities and giving their descriptions; the representative must carry his card during the performance of his duty and he must produce it to the concerned parties when necessary.

**Article 131:** The inspection committee is prohibited the following:

- 1- To realize any direct or indirect interest in the enterprise subject to their supervision;
- 2- To disclose secrets that may have been brought to their knowledge during the course of their duties and even after leaving their position; it is worth mentioning that they shall be held legally accountable in the event of any disclosure.

**Article 132:** The inspection committee shall keep secrecy when dealing with the source of any complaint submitted to it regarding any violation of the provisions of the law and must not declare to the employer or its representative that the inspection visit was a result of said complaint.

**Article 133:** 1) Every 90 days, the directorate and the most representative employer's associations and worker's associations shall draw up a report and shall submit said report to the Ministry.

2) The directorate shall publish an annual report on the following:

- a- Regulations and instructions on the inspection division's activities;
- b- Workers in the inspection division;
- c- A statistic on the work of the inspection committee's work, including the following:
  - 1- Workplaces subject to inspection and the number of workers in it;
  - 2- Inspection visits;
  - 3- Violations and imposed penalties;
  - 4- Industrial accidents;
  - 5- Occupational diseases and work injuries;
  - 6- Entirely or partially suspended enterprises;
- d- Data on the levels of prevailing wages;
- e- Proposals for the development of inspection activities.

**Article 134:** 1) The Minister must issue a warning to the contravening employer before referring him to the competent court.

2) Based on the report of the inspection committee, the ministry shall decide to refer the contravening employer to the competent labor court in accordance with the provisions of this chapter and file a criminal case against the contravening employer upon the recommendation of the inspection committee based on the inspection visit report.

3) The inspection committee's report along with the inspector's attestation shall be deemed evidence, confirmed by the court upon the rendering of its decision, unless otherwise evidenced.

**Article 135:** Any person who prohibits or impedes the labor inspection committee from entering the work premises shall be subject to imprisonment for a period of at least one month or to a penalty of not less than (Dinars 100, 000) one hundred thousand Dinars and not more than (Dinars 500, 000) five hundred thousand Dinars.

## *Chapter 14*

### *Disciplinary Measures*

**Article 136:** 1) The employer subject to the provisions of this law, employing ten or more workers on a regular basis, shall draw up internal regulations for the workers including the following:

- a- The hour of opening of the enterprise, the working hours, the starting hour and the daily and weekly rest period;
- b- The amount of the basic salary and the amount specified for the overtime;
- c- Occupational health and safety procedures;
- d- Worker's obligations and disciplinary rules
- e- Annual leaves and special leaves;
- f- Names and work addresses of the work supervisors.

2) The Ministry shall issue model disciplinary internal regulations serving as a guide to the employers. The directorate may assist the employer in drawing up such regulations at his request.

3) The employer shall draw up the internal regulations after consultation with the workers' representative at the enterprise if any, within 3 month as of the date of the opening of the enterprise, or within 3 month as of the entry into force of the provision of this Law if the enterprise is duly incorporated.

4) The employer must submit the internal regulations before the start of their execution to the labor and training office for approval or amendment, provided it notifies the employer that the final or amended version of the regulations have been approved within 30 days as of the date of its receipt; otherwise after this period has elapsed, the regulations shall be deemed approved.

5) Following approval of the internal regulations, the employer shall post them in an apparent place and shall preserve them in a legible and good condition.

6) Any text in the internal regulations infringing the rights of workers specified in this law or in the collective bargaining shall be deemed null and void.

**Article 137:** 1) The worker shall be liable towards the employer for the damages caused directly by him as a result of his violation of his duties or anything directly or indirectly related to them.

2) The employer must prove the worker's fault, he shall set the compensation that the worker is bound to pay by virtue of a judicial decision, unless the parties agree on settling the matter amicably.

3) The term "violation of duties" specified in paragraph 1 of this article means the damages resulting intentionally, a result of gross negligence or serious fault.

**Article 138:** 1) The employer may not impose any disciplinary penalty against the worker for any violation committed by the latter, 15 days after this violation is brought to the knowledge of the employer or any of his representatives.

2) If the worker violates the instructions or breaches his obligations by virtue of the employment contract, he shall be subject to one of the following penalties:

- a- a warning, by virtue of a written notification sent to the worker stating the violation committed by him and warning him not to violate his duties in the future;
- b- work suspension for a period of not more than 3 days;
- c- denial of the annual wage increment for the year during which the infringement was committed for a period of not more than 180 days;
- d- a lowering of the worker's rank followed by a wage deduction in line with the new rank after the demotion;
- e- dismissal

3) The disciplinary penalty must correspond to the gravity of the violation committed by the worker.

4) The employer may not apply more than one penalty against the worker for the same violation.

**Article 139:** No fines shall be imposed against the worker, unless otherwise specified by the applicable collective agreement.

**Article 140:** No disciplinary penalties shall be imposed on the worker unless after the latter is given a chance to defend himself in the presence of the workers' representatives; in the event the penalty is a fine, its amount shall revert to the pension and social security fund.

**Article 141:** the dismissal penalty may only be applied in one of the following cases:

- 1) when the worker committed a serious violations causing the employer a serious material damage;
- 2) when the worker has disclosed a professional secret and such disclosure has prejudiced the employer;
- 3) when the worker violated instructions regarding occupational health and safety, in case said violation is repeated, the employer must notify the employer of the termination of the employment contract without any warning;
- 4) when the worker has been on more than one occasion during working hours in a state of obvious drunkenness or under the influence of drugs, despite being warned more than once of this behavior;
- 5) when the worker has on more than one occasion engaged in a conduct which is not compatible with the work ethics, provided he had been previously warned of this behavior;
- 6) when the worker has physical attacked the employer or one of his supervisors or colleagues whether during work or not;

- 7) when a worker has been absent from work without justification for 10 consecutive days, or for 30 non-consecutive days in a given year,
- 8) when a worker commits a misdemeanor or a crime at work against one of his colleagues and has been found guilty by a court in a final judgment;
- 9) when a worker has been sentenced by the final court judgment to imprisonment for a period of more than one year;

**Article 142:** If the employer has warned the worker in writing, after 5 consecutive days or 20 non-consecutive days of unjustified absence, the employer may dismiss the worker within 5 additional days of the unjustified absence for consecutive days or within 10 additional days of the unjustified absence for non-consecutive days.

**Article 143:** 1) The employment contract of any worker may not be terminated as a result of an error he committed unless otherwise specified in the provisions of this law, except if this error is repeated once or several times, and the employer had already warned the worker in writing in this regard, subject to the provisions of Article (43) 2 of this law.

2) The employment contract of any worker may not be terminated as a result of unsatisfactory performance of his work, unless the employer has given the worker the necessary instructions, warned him in writing and the latter has continued to perform his duties at work in an unsatisfactory manner for a period of (30) thirty days from the date of such warning.

3) The worker may be assisted by the workers' or the trade union representative or any other person of his choice to defend himself against the allegations concerning his conduct or performance that may lead to the termination of his contract.

4) The employer must consult the workers' representatives before making a final decision on the termination of any employment contract.

**Article 144:** The decision to impose the penalty shall be set forth in writing and notified to the worker. The worker may not allege that he did not receive the notification 10 days as of the issuance of the decision and its posting on the advertisements board at the workplace.

**Article 145:** 1) the Worker may challenge the decision to impose a penalty before the competent labor court within 15 days of having received the notification. The decision of the court shall be final in this respect.

2) When the penalty of dismissal has been imposed, the time-limit for challenging said decision before the labor court is of 30 days as of the date of receipt by the worker of the dismissal decision. The court's decision may be challenged by means of cassation before the Federal Court of Cassation within 30 days as of the date of its notification.

3) The employer shall bear the burden of proving the violations for which the penalty has been imposed against the worker, during their examination before the competent court.



## *Chapter 15*

### *Collective agreements and bargaining*

**Article 146:** 1) The unions and federations or the workers' representatives elected in accordance with the provisions of this law in case of absence of workers' associations, may conclude collective agreements on behalf of their members with the employer or a group of employers or one or more employers' associations.

2) The parties to the collective bargaining shall be the labor associations or the workers elected representatives in case of absence of worker's associations, and the employer or a group of employers or employers' associations.

**Article 147:** 1) The collective bargaining aims at:

a- Cooperating between the workers' associations and the employers or the employers' associations in order to achieve the workers' social development.

b- Improving the work terms and conditions.

c- Regulating the work relationships between workers and employers.

d- Regulating the relationship between the employers or their associations and the workers' associations.

e- Settling labor disputes that may arise between workers and employers.

2) The negotiating parties are free to determine the level of the negotiation without the interference of any other party, according to the level the parties deem appropriate to conduct their negotiations, whether at the enterprise or sector level or any part of it, or at the regional, governorate, or national level.

3) The collective agreements resulting from the negotiation on the enterprise level must not include texts that are less usefulness than those included in bargaining on higher levels including the same enterprise, unless otherwise specified by said agreement.

**Article 148:** 1) The employer may not refuse negotiation, when he receives an open request for negotiation with a registered union representing more than 20% of the workers in the enterprise, which shall be subject to collective agreement.

2) In case one union or more does not represent the percentage specified in paragraph (1) of this Article, the ministry may, at the request of any of the negotiating parties, organize a secret ballot for at least 60% 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 may not refuse negotiation.

3) The negotiation occurs between representatives of the trade union organization in the enterprise, the relevant union and the employer.

4) 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 may not refuse negotiation.

5) In the event of absence of a trade union in the enterprise to carry out the negotiation, said negotiation may be carried out between the employer and three of the elected enterprise workers in accordance with instructions issued by the Minister in this regard, in presence of two representatives from the most represented federation of trade unions or another workers' association chosen by the enterprise workers.

6) Unions covered by the provisions of paragraph (4) of this article, without the interference of any party, shall take the necessary arrangements to ensure the joint representation in the negotiation process of the workers they represent in such a way that one or more trade unions in the enterprise authorizes another union in the same enterprise in writing to negotiate on behalf of all those unions with the employer, or that the enterprise trade unions agree among themselves to determine the percentage of participation of their own representatives in the joint negotiating team with the employer in accordance with the percentage of representation of each of them of the workers, or in any other way the unions see fit and ensure the representation of its members in the negotiation process.

7) In case trade unions fail to agree on submitting a common call for negotiation, any union may negotiate on behalf of its members.

Article 149: 1) The party who wants to negotiate must send to the other party a written request informing him of his desire to negotiate and mentioning the issues he wishes to negotiate.

2) The party who receives the negotiation request must inform in writing the other party of his position within a maximum of 7 days as of the date of receipt of the said request.

3) The concerned trade union and the employer shall within 14 days as of the date of receipt of the other party's written answer, carry out the collective bargaining in good faith in order to conclude the collective agreement, provided that the negotiation period does not exceed thirty days from the date of commencement of the negotiation.

4) The negotiating parties and their associations shall undertake to provide the other party with the necessary data and information related to the negotiated issues to ensure the proper conduct

of the collective bargaining. Both negotiating parties may request this data from their associations.

Article 150: 1) The agreement resulting from the negotiation is registered in a collective agreement in accordance with the conditions and rules governing the collective labor agreements specified in this law.

2) If the negotiation does not result in an agreement between the parties, any of them may request the Department in writing to take the necessary steps to settle the dispute in accordance with the provisions of this law.

3) In case of existence of a signed collective labor agreement, then both parties to the agreement must resort to the collective bargaining to renew the agreement three months before its expiry. In case of expiry of that period expires without an agreement on the renewal, the agreement shall be still valid for three additional months and negotiations will be still ongoing to renew it. If the last period has elapsed without reaching an agreement, any of the parties to the agreement may request the Department in writing to take the necessary steps to settle the dispute in accordance with the provisions of this law.

**Article 151:** 1) The collective agreement shall be legally binding towards its parties and towards any party signing on their behalf.

2) The collective agreement includes all of the enterprise's workers represented by one or more unions that represent at least 50% of the enterprise's workers, in the collective negotiation leading to the conclusion of this agreement.

3) If the employer provided better working conditions to workers, who are not trade union members, said conditions shall be automatically extended to include all workers who are trade union members.

Article 152: 1) In case the union(s) in the enterprise does not represent the percentage referred to in Article 151 (2), the concerned union(s) may request the expansion of the scope of the agreement to include workers not affiliated to any union in the enterprise or belonging to the same professional group or categories covered by the agreement; in the event the employer refuses said request, the concerned union(s) may request the Ministry to organize a secret ballot at the enterprise, and the agreement shall be deemed covering all of the workers if more than 50% of the votes are in favor of the expansion of the agreement's scope, provided that the number of participants in the vote is not less than 60% of the total number of workers in the enterprise, while the ministry must ensure the participation of the majority of workers, who are not affiliated to a trade union, in the mentioned ballot.

2) In case the minimum of votes in favor of the expansion of the agreement's scope in accordance with the provisions of paragraph (1) of this Article is not reached, then the collective agreement shall include on the level of the enterprise all the workers who are represented by the union(s) in the collective negotiation leading to the conclusion of this agreement.

3) Trade union associations, employers and their associations, that are not parties to the collective agreement, shall join the agreement after its registration with the Department, upon a request signed by the parties and submitted to the Department for registration.

4) The provisions of the collective agreement are applicable to workers who are recruited after the entry into force of the agreement.

**Article 153:** Any of the parties may submit a request to the Ministry for issuing a decision ordering the agreement to include all of the enterprise's workers or the professional sector's workers, in accordance with the following:

a- The collective agreement must include a number of workers and employers deemed sufficient for representation by the competent Ministry or the authority not affiliated to the Ministry.

b- The request for inclusion within the scope of the agreement must be submitted by one or more workers or employers' association which is a party to this agreement.

2) The Department shall declare the request for expansion of the scope of the agreement and call upon the concerned parties to submit their remarks within 30 days as of the date of submittal.

3) The inclusion decision issued by virtue of this article must determine the scope of the agreement, in a given region or governorate, or the scope may be expanded to a national scope.

**Article 154:** 1) the collective labor agreement must specify the following:

- a- The names and domiciles of the parties to this agreement;
- b- The scope of the agreement;
- c- The date of entry into force;
- d- The period of the agreement, provided it is not less than one year.

2) The collective agreement shall include provisions governing the following:

- a- The wages to be paid by the employers and the mechanism of their determination;
- b- The working hours, paid holidays, overtime wages and any other rights;
- c- The probation period;
- d- The disciplinary rules and penalties;

- e- The organization of the practice and the professional training programs;
- f- The improvement of the working conditions and occupational safety and health;
- g- The procedures for reviewing, amending or terminating the collective agreement or any part thereof;
- h- Trade union's rights;
- i- Workers' representatives' rights
- j- The relationships between the employer(s) and the unions;
- k- The collective agreement's implementation mechanism;
- l- Dispute settlement procedures.

3) The collective agreement shall not include texts granting the workers' rights lower than the rights granted by virtue of the provisions of this law or any other law.

4) The individual employment contracts shall not include texts granting the workers' rights lower than the rights granted by virtue of the collective agreement.

5) The collective agreement shall not include texts contrary to the provisions of this law.

**Article 155:** The collective agreement shall 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.

2) The Department must notify in writing to the parties to the agreement any irregularities or discrepancies in the collective labor agreement with the provisions of this agreement, within (30) thirty days from the date it is deposited with the Department.

3) The employer must post the collective agreement related to his enterprise in an apparent location at the workplace.

**Article 156:** 1) the collective agreement shall be terminated in one of the following cases:

- a- by virtue of the parties mutual agreement;
- b- by the expiry of its term if it is for a determined period;
- c- 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;
- d- in the event the enterprise is closed if the agreement is on the enterprise level;

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

## **Chapter 16**

### **Individual or Collective Labor Disputes**

**Article 157:** 1) In case of a dispute on existing rights arising from the implementation of the provisions of this law and other applicable laws governing labor and workers, or a collective labor agreement in force or an arbitration award, any of the parties to the dispute, or both, may refer the dispute to the Department to settle it and issue the appropriate decision on the dispute submitted to it within (14) fourteen days from the date of receipt by the Department of a written notice in this respect, whether the dispute is an individual dispute between the worker and the employer, or a collective dispute between all of the workers or their associations on one hand, with one employer or more or their associations on the other hand, and the collective labor agreement did not include mechanisms to settle the dispute.

2) The Department's decision shall be binding upon the parties to the dispute.

3) If the parties fail to reach a settlement in accordance with the provisions of paragraph 1 of this article or if any of the parties is not convinced of the content of the Department's decision on the subject of the dispute, they/he may submit the dispute to the Labor Court for settlement.

4) The Labor Court shall settle the dispute within thirty (30) days as of the date of submission of the complaint, and the court's decision shall be binding upon the parties.

**Article 158:** 1) Any of the parties to the collective dispute, whether it is a dispute over existing rights or future interests, may submit to the Department a written notification of the existence of the dispute and the latter must submit a copy of said notification to the remaining parties to the dispute.

2) The notification specified in paragraph 1 of this article shall include the following data:

- a- names and addresses of the parties to the dispute;
- b- subject of the dispute and the facts and circumstances leading to it;
- c- any procedure taken for settling this dispute, if available.

**Article 159:** 1) Upon the receipt of the dispute notification, the Department shall appoint a mediator, who has an experience in labor issues, to act as an intermediary between the conflicting parties to bring together the points of view of the parties to reach an agreement in order to settle the dispute. He shall make the necessary contacts with the parties to hold a meeting and hear them, not more than five days as of the date of the notification of the Department of the dispute, if the dispute is over future interests related to a proposal to change the conditions of employment or to adopt new conditions of employment.

2) The mediator, referred to in paragraph 1 of this article, must have an experience in the subject of the dispute and should not have an interest in it nor already participated in any way in the examination of the dispute or in any attempt to settle it.

3) The mediator has all the necessary powers to examine the different aspects of the dispute, the relevant documents of the parties and the aspects and causes of the dispute, and to request the data and information related to the subject of the dispute from both parties.

4) The mediator must hear the litigants and provide them with assistance in order to settle the dispute. In the event of settlement of the dispute, the terms of said settlement shall be included in the meeting's minutes and shall be deemed final and binding towards all parties.

5) If the mediator is unable to bring together the points of view, he shall submit in writing to the parties to the dispute his recommendations to settle the dispute.

6) If the parties to the dispute approve the recommendations provided by the mediator, he must confirm it in a written agreement signed by both parties.

7) If one of the parties accepts the mediator's recommendations and the other party rejects them, the party who rejected the recommendations must specify the reasons for such rejection; in this case, the mediator may give the rejecting party a time limit of not more than 3 days to change his position. If the rejecting party changes his position and accepts these recommendations, this must be confirmed in a written agreement signed by the parties and the mediator, and the agreement shall be final and binding towards the parties to the dispute.

8) If the parties agree to accept only some of the mediator's recommendations, then what is agreed on is confirmed in a written agreement signed by the parties and the mediator, while the provisions of this law regarding voluntary arbitration shall apply to what was not agreed on.

9) If the mediation does not lead to a solution totally or partially accepted by both parties, the mediator shall submit a report in this regard to the Department including a summary of the dispute, the proposed recommendations, and the position of both parties, within (14) fourteen days as of the date of the first session.

10) In case of failure of the mediation procedures between the parties to the dispute, the mediator shall suggest to the parties to submit a written request to the Department in order to settle the dispute through voluntary arbitration.

Article 160: 1) An arbitration court is formed by virtue of a decision of the Minister to examine the disputes over future interests.

2) The arbitration court shall settle the dispute within two months as of the date of its first session.

- 3) After agreeing with the parties to the dispute, the arbitration court may extend the period for the settlement of the dispute for not more than two additional months if the dispute is not settled within the period specified in paragraph (2) of this article.
- 4) The arbitration court may decide to hear witnesses and experts in the subject matter of the dispute, visit the enterprise, examine all the documents related to the dispute and take the necessary measures to settle the dispute.
- 5) The arbitration award is issued on three copies, each party receiving a copy and the third copy is sent to the Department along with the file of the dispute within a maximum of three days as of the date of issue of the decision.
- 6) The Department is in charge of registering the award within a maximum of (30) thirty days as of the date of receipt of the arbitration award. Either parties or their representatives may obtain a copy of this award, including the date of its registration.
- 7) Any of the parties to the dispute may challenge the decision of the arbitration court before the Labor Court within (14) fourteen days as of the date of receipt of the written notification of the award in case of a gross error in the award or in the proceedings that affect the validity of the award, or if the award has been issued without a written proof or was based on a null and void agreement or if the award falls outside the scope of the agreement.
- 8) The decision of the arbitration court shall be binding upon both parties after its registration with the Department, and shall be enforced after becoming final.
- 9) The provisions of the Iraqi Procedure Code shall apply on the formation, operation and decision-making process of the arbitration courts.

**Article 161:** 1) the collective dispute regarding future interests shall be settled by arbitration in the following cases:

- a- If all parties to the dispute agree on referring the dispute to arbitration
  - b- Upon the request of the Trade union or one of the parties to the dispute, if the dispute is about negotiations or the drafting of the first collective agreement of the workers represented by such union.
  - c- If the dispute is about a service, whose suspension is threatening to the life, public safety or health of the entire population or to a part thereof.
- 2) The ministry must consult with the most representative labor associations and employers' associations to determine the main services referred to in paragraph (c) of paragraph (1) of this article.
  - 3) If the parties to the dispute fail to reach an agreement on the basic services referred to in subparagraph (c) of paragraph (1) of this article, the Ministry may refer the dispute to the Labor



Court for settlement, and the court shall set a date to examine the dispute within (48) forty-eight hours as of the date of receipt of the request.

4) The Labor Court shall settle the dispute within 7 days as of the date of the expiry of the period specified in paragraph 3 of this article.

5) The decision rendered by the Labor Court may be challenged before the Court of Cassation within 15 days as of the day its notification and the day in which it is deemed notified.

6) The Court of Cassation shall settle the challenge within 15 days as of the date on which it was lodged before it and its decision shall be final.

**Article 162:** 1) If 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 may, 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 ends without an agreement being reached.

2) In the absence of a trade union at the enterprise, the trade union, or the elected representatives of the workers intending to go on a strike must send a written notification to the Ministry and to the other party at least seven days before the date of said strike.

3) The notification must include the reasons for the strike and the time period specified for it.

4) A strike may not be declared for the purpose of reviewing or amending the conditions of a collective agreement.

5) A strike must be peaceful.

6) The trade union involved in the dispute may not declare strike as long as the settlement proceeding have not ended yet in accordance with the provisions of this law.

7) The workers and their trade unions may not 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.

8) The workers on strike may not 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.

**Article 163:** 1) Work relationships between the employer and the workers or their representatives are not interrupted during the period of the strike.

2) The employer may not 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.

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

**Article 164:** 1) During the strike, the Ministry may hold a meeting in the presence of the parties in order to settle the dispute; the absent parties shall be subject to a penalty of not less than (Dinars 100, 000) one hundred thousand Dinars and not more than (Dinars 500, 000) five hundred thousand Dinars.

2) The meeting or the call for the meeting does not prevent the workers and their trade unions from continuing their strike.

### ***Chapter 17*** ***Labor Jurisdiction***

**Article 165:** One or more labor courts shall be set up in each governorate, constituted as follows:

- 1) A judge nominated by the Head of the Supreme Judicial Council on the recommendation of the presiding judge of the Court of Appeal.
- 2) A representative of the General Federation of Workers that represents the workers most.
- 3) A representative of the Employers Federation that represents the employers the most

**Article 166:** 1) Labor Courts shall have jurisdiction over the following:

- a- The civil and penal actions, matters and disputes specified in this Law, the law on pensions and social security for workers and other legislations;
- b- The temporary decisions in actions falling within the scope of the jurisdiction of the Labor Courts; and in the absence of a Labor Court, the First Instance Court shall have said jurisdiction;
- c- The actions and any other matters which, in accordance with the applicable laws, fall within the jurisdiction of the Labor Court.

2) The worker, who is the plaintiff or his trade union, shall be exempted from the fees of instituting the action in all the litigation stages.

3) Labor actions are deemed urgent actions.

4) The fines ordered by the Labor Courts against employers in accordance with the provisions of this law shall revert to workers pensions and social security fund.

**Article 167:** By virtue of a decision of the Supreme Judicial Council, a tripartite body is formed in the Court of Cassation, called the Labor Court in charge of examining the recourses specified in this Law.

**Article 168:** 1) A judgment rendered by the Labor Court may be challenged by means of recourse against the judgment rendered in absentia, appealed before the Court of Cassation and made subject to a re-trial.

2) A judgment rendered by the Labor Court may be challenged before the Court of Cassation within 30 days as of the day following its notification.

3) The Court of Cassation may confirm or rescind the challenged judgment and may settle the subject matter of the action in accordance with the provisions of this Law.

4) Any person against whom a judgment was rendered may challenge the judgment rendered by the Labor Court against him in absentia, within 10 days as of the day following its notification.

**Article 169:** The employer shall rectify the consequences of the violation he is sanctioned for, 60 days as of the day in which the judgment becomes final. In the event the violation is repeated, the penalties shall be doubled by virtue of the provisions of this law.

## ***Chapter 18*** ***General and final provisions***

**Article 170:** 1) The work departments in the regions and governorates not incorporated into a region, in coordination with the employers and trade unions, shall provide each worker with a work card for free according to a general specimen prepared by the Ministry, based on a national database in which all the basic information contained in his record is registered. The work card must include a recent photo of the worker and the social security number for workers covered by the pension and social security law or any other applicable law replacing it, and must bear the stamp and signature of the Head of the department.

2) The worker shall return the work card issued under this law to the work department when he is appointed as an employee in the permanent staff of the government administrations or public sector or mixed sector. He shall notify his department in this respect for the calculation of his labor service unless he is appointed for the first time; in this case, he shall submit a pledge in which he certifies that he has not already worked for any other party.

**Article 171:** The following laws and decisions are repealed:

- 1) Law No. 30 of 1998, cancellation of the work card in the private sector No. 64 of 1983.
- 2) The Revolutionary Command Council resolution 368 dated 09/09/1990 that allows the employment of minors who are not under the age of twelve in the private, mixed and cooperative sector.
- 3) The Revolutionary Command Council Resolution No. 600 dated 27/04/1980 on the non-calculation of the period of practice of the profession for the purposes of retirement.
- 4) Resolution 1057 of 05/07/1980 on the calculation of the period of practice of the profession that may be calculated by virtue of the laws in force for the determination of the salary of the Arab citizen who has acquired citizenship.
- 5) The coalition authority order no 89 of 30/05/2004
- 6) Resolution 480 for the year 1989

Article 172: The Labor Law No. 71 of 1970 is repealed and the regulations, instructions, and internal regulations issued by virtue of said law shall remain in force to the extent they do not contradict with the provision of this law, until replaced by new provisions or repealed.

Article 173: The Minister shall draw up instructions and internal regulations to facilitate the implementation of the provisions of this law.

Article 174: This Law shall enter into force (90) days as of the date of its publication in the Official Gazette.

### **The mandating reasons**

In confirmation of the principles specified by the Constitution, indicating that work is a right for all Iraqi nationals in a way guaranteeing a decent life, and since the State seeks to provide broader social guarantees and to create a law that regulates the relationship between workers and employers on economic bases, and since the State also guarantees the right to form and join trade unions and professional federations, and since Iraq has ratified several Arab and international labor conventions, since in order to create a law in line with the provisions of these conventions and to introduce new principles and provisions to this law, since the validity period of Labor Law No. (71) of 1987 has expired a long time ago, and since most of its provisions are inconsistent with the nature of the current stage and contradict the international labor standards ratified by the Government of the Republic of Iraq, since efforts are made to expand the work culture and ethics to ensure harmony and integration between rights and duties as a base for decent work, since in order to find a legal cover for workers in the State's services and the public sector recruited on the basis of a contract and to guarantee their service for the purposes of giving them their contractual rights, in order to ensure the respect for the workers' basic principles and rights stipulated by international conventions and treaties i.e. the freedom of association and protection of the trade union right and collective bargaining, the elimination of all forms of forced labor, child labor, the right to equal pay and the minimum age for employment and preventing discrimination in employment and occupation and vocational training and in order to organize the process of professional pre-employment training and re-training, in order to take the principle of collective agreement into account for determining the rights and obligations of workers and employers with regard to professional training, in order to regulate the employment of female workers, minors and foreigners in Iraq, in order to determine the working schedules, the workers' wages and their leaves, in accordance with the recent legislations, in order to encourage the use of negotiation, arbitration and amicable settlement of disputes before resorting to peaceful strikes authorized by the law, in order to determine the manner of settlement of collective and individual disputes arising between a trade union or more and the employers, and in order to establish a Labor Court in all of the governorates and determine its competences and the applicable means of recourse against its judgment,

Therefore, this law was promulgated.