Throughout the 20th century Iranian workers have always been at the forefront of social and political change, from the 1905 Revolution through to 1979 and beyond.

But while Iran’s human rights record receives considerable international attention, far less scrutiny is applied to the plight of Iranian workers. Hard Labour: Workers’ Rights in Iran hopes to fill this gap by providing a detailed assessment of the challenges facing workers and labour activists in Iran today.

Specifically, Hard Labour: Workers’ Rights in Iran examines four aspects of labour rights in the Islamic Republic: women’s employment, Iran’s Labour Code, the role of labour associations, and the state of occupational health and safety.

This study reveals a range of issues within Iran’s existing labour protections, including the limitations of Iran’s Labour Code, intrusive government restrictions on organised labour, dangerous deficiencies in health and safety protections, and a yawning chasm of a gender gap across a range of sectors.

These challenges can be overcome, and we hope that this report might be able to galvanise increased support for Iran’s struggling labour activists, and provide insights into the kinds of assistance workers’ rights advocates need.

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Hard Labour: Workers' Rights in Iran

Iran’s Labour Code: A Complicated Affair

A Small Media Series
Vol I
Iran’s Labour Code: A Complicated Affair

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INTRODUCTION

The Iranian Labour Code (ILC), which demarcates the overall framework for labour relations, is one of the most important legal texts in Iran and one of the most divisive. State factions struggled against each other for a decade just to pass the code in 1989, and every subsequent government has attempted to amend, edit, or reform it in some way.

Devised to protect the rights of labourers, the ILC was the expression of the demands for social justice that helped to bring about the 1979 Iranian Revolution; it was spurred on by the social welfare leanings that characterised the leftist government of the 1980s.

The fact that it came into existence during a time of major political upheaval has been to its detriment. In 1989, the Islamic Republic of Iran was dramatically changing tack, and was already transitioning full-steam ahead into the post-war reconstruction period; a time characterised by rapid development and a pro-market economy.

Pro-market critiques of the Iranian Labour Code have always claimed that it burdens employers and makes the labour market inflexible. This view sees the ILC as a major obstacle to investment and economic growth, and a contributing factor to a higher unemployment rate. Pro-labour critiques on the other hand are especially concerned with shortcomings in the ILC’s implementation and enforcement, and the ambiguities and loopholes that have paved the way for employers to abuse the system. They argue that amendments to the code have stripped the workforce of many of their internationally recognised rights.

Today, more than half of the Iranian workforce is not covered by the ILC. Temporary contracts, exempting their subjects from many of the rights bestowed by the ILC, are on the rise, while workplace fatalities have also increased. Independent workers’ organisations are suppressed, and some who have attempted to speak out in support of workers’ rights have been imprisoned.

Given the controversial nature of the subject matter, the report begins with a short section explaining its methodological approach. Then, the reader journeys through a political history of the Iranian Labour Code since its inception. This overview equips the reader with the knowledge they need to understand the current proposals for reforming the ILC, and the basis for the resounding resistance against these proposals. Supported by diagrams, tables, and recommendations, this report assesses key aspects of the ILC, focusing specifically on job security and the welfare and human rights of workers across Iran.

Methodology

The aim of this report is to highlight the aspects of the Iranian Labour Code that are most significantly hindering the improvement of labour conditions in Iran. To help the reader, we have given political and economic context to our interpretation of the relevant articles from the ILC, and have also incorporated a historical narrative alongside our findings.
Our methodological approach comprises data drawn from the following areas:

- A careful study of relevant legislation including: the Iranian Labour Code, the Social Security Act, the National Employment Act, the Fourth and Fifth Development Plans, and the bylaws for ‘the Selection of Islamic Labour Associations’ and ‘Supreme Labour Council’
- Extensive interviews with a team of three in-country experts on workers’ rights
- The findings of the field team, an NGO based in the northern provinces of Iran, from whom more than a thousand workers have sought help and advice
- A content analysis and consultation of the websites of official and unofficial workers’ associations and employers’ associations
- Regular monitoring of the newswire from Iran’s Labour News Agency
- An analysis of official statistics provided by the National Census Organisation and the Social Security Organisation

The issues discussed in this report are of a highly contentious nature. Workers’ organisations, employers’ organisations and guilds, economists, and legal and oppositional political groups have, at times, diametrically opposite views on the subject. The political biases of different sources have been duly noted when data, statistics, assessments or statements on aspects of the ILC and its proposed reforms have been obtained from these sources.

**ILC: Past, Present And Future**

Iran has been striving towards industrialisation, economic development and political modernisation for more than a century, and the debates surrounding the Iranian Labour Code are firmly rooted in the convoluted, complicated and contradictory nature of this history. In this section, Iran’s economic history is divided into a handful of key periods, beginning with the first wave of industrialisation and modernisation in 1921.

**1921 – 1940: The First Wave**

This period represents the first wave of industrialisation and modernisation, which was imposed from above by the rulers of a politically repressive state. A 1923 decree issued by the Governor of Kerman in support of carpet weavers was the first recorded attempt at formalising legislation for workers’ rights. In 1928, Iran’s new Civil Code treated labour contracts as private bilateral contracts under the category “rent of persons”.

The first social security fund was established in 1930. It was implemented because of the increasing number of work-related accidents taking place in the booming rail construction industry. In 1931 the fund was extended to governmental construction workers. Then, in 1936, the “Factories and Industrial Institutions Code” was passed. It was the first attempt to

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1 The methodological obstacles in obtaining accurate statistics regarding labour issues have been discussed at length in our previous report: “The State of Occupational Health and Safety in Iran”.
partially regulate health and safety, labour relations, employers’ duties, labour inspection and social security.

Throughout this period, unions and syndicates were heavily repressed and the Central Council of Trade Unions was banned. In 1931 a decree forbidding any political association from supporting communism was used to put an end to workers unions and syndicates altogether, and in 1935 all collective workers’ activities, including strikes, were banned.

This period is characterised by a relatively free and open political atmosphere. Industrial work was experiencing a boom, and workers seized the opportunity for rapid unionisation. There were frequent strikes in the oil and heavy metal industries.

In 1946, the Iranian government responded to the increasing pressure levied against it by the strikes by ratifying a preliminary Labour Code, which offered a very wide range of protections to workers with immediate effect. This ratification was enacted in collaboration with the Central Council of Trade Unions, which had reformed. A draft of the Labour Code comprising 21 articles and 15 notes was passed in 1948 and even though it retracted some of the rights that had been included in the 1946 draft, it provided protections that covered: working days, weekends, annual leave, working conditions for women and children, wages, contracts, severance, syndicates, and the right to strike. Originally set for a one-year trial period, the Labour Code was renewed until 1957, when it was replaced.

1953 – 1979: Economic Reform Meets Reinvigorated Repression
In 1953 the United States and United Kingdom orchestrated a coup to overthrow the democratically elected Prime Minister of Iran, Mohammad Mosaddegh, and establish an absolute monarchy. From 1953 until the shah was overthrown in 1979, Iran endured a period of economic reformism combined with a repressive political environment. Trade unions were banned in 1953 and were not permitted again until 1961.

A new temporary Labour Code of 69 articles was published in 1957. The new code passed bylaws regarding dispute committees and foreign workers but stayed silent on minimum wage and syndicates. The government incorporated many of the ILO’s directives during its ratification, including four of the ILO’s fundamental conventions, the convention on governance, and six technical conventions.

After the 1979 Iranian Revolution, the organisation became known as the ‘House of Workers’. Many Iranian labour rights activists see the House of Workers as the main impediment hindering the independent organisation of workers for their own rights.

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2 The Factories and Industrial Institutions Code applied to any motorized workplaces with more than 5 workers, and any non-motorised workplaces with more than 10 workers.
Throughout this period, various attempts at reforming the ILC were met with trepidation, and a new code, which was long conceived of but finally brought before parliament in the months directly preceding the Iranian Revolution, was never passed. A newspaper article published in 1964 noted the draft of the code exempted small workshops, family workshops, and agricultural workers, issues that continue to concern workers to this day.\(^3\)

1979-1990: Social and Economic Justice?
The first decade of the Islamic Republic of Iran was framed around ‘social and economic justice’. In the years directly preceding the revolution, many unions were reorganised, and the 360 syndicates moved towards independence from the government.

The 1978 oil industry strikes played a significant role in the victory of the revolution. Many of the factories were nationalised after the fall of the shah and were managed by councils of workers known as ‘shura’. The new Iranian Constitution reflected this spirit in a number of articles including Article 28 (Right to Choose Work), Article 29 (Right to Free Social Welfare), and Article 43 (Fair Working Hours). The first draft of the new Iranian Labour Code was not so liberal however. The conservative faction of the new government, who were supported by traditional capitalism or the Bazaar, argued against any governmental binding of labour relations. In their opinion, labour contracts should be private affairs and should fall under the category of ‘rent of persons’ (resembling the 1937 Civil Law).

In the initial proposal, which was tabled in 1981, child labour was legal, and employers had full control over working hours, paid leave, and minimum wage. Even though the independent unions and secular opposition, which had been incredibly active during the build-up to the revolution, were being heavily repressed, the proposed bill was strongly opposed by the Prime Minister, the House of Workers, and the leftist Islamists.

The new Labour Code, drafted by the left-leaning government, was handed to parliament in 1985, but was vetoed many times by the conservatives of the Council of Guardians, a constitutional body verifying compatibility of all bills with the constitution and Sharia. In 1987 the Council of Guardians registered 74 objections, and in 1989 they registered more than 130 objections. The passing of the Iranian Labour Code required juridical intervention, and Ayatollah Khomeini established the Expediency Council to overcome the constitutional deadlock that had arisen. The Expediency Council passed the Iranian Labour Code in November 1990.

1990-1997: Reconstruction and a Rapid Return to Pro-Market Policies
In the years following the end of the Iran-Iraq War (1980-1989), the conservatives who had opposed the ILC gained political prominence. Iran was in the throes of post-war reconstruction, economic and human resource adjustment, mass privatisation, and a rapid

\(^3\) A copy of the 1964 newspaper article announcing the draft code that would exempt small workshops is available at http://goo.gl/pxLTvg
return to pro-market policies. The Islamists who had fought for the Iranian Labour Code were forced out of power, the ILC proved the thorn in the side of Rafsanjani’s technocratic government, and its plans to increase the pace of development and join the global market.

In 1992, President Rafsanjani demanded changes to the ILC. Resistance from the workers syndicates ensured this never officially happened, but the government started using a number of loopholes in order to retract the rights of workers.

During this period inflation rose by 50%, and the number of strikes and protests opposing privatisation and demanding higher wages sharply rose. Temporary contracts became legal in 1994 and HR contractors followed soon after. In 1996, small workshops of less than 5 people were partially exempted from the ILC.

1997-2005: Democratic Reforms
Despite this period being characterised as the period of liberal reform, workers’ rights activists argue that the reformists in power did very little to improve labour rights, especially when it came to their lack of movement regarding the legalisation of independent workers’ organisations. In 2002, workshops with fewer than 10 employees were exempted from 37 articles of the ILC.

In June 2002 Iran invited the Freedom of Association branch of the International Labour Organisation to assess the Iranian Labour Code and measure it against international standards. Iran was required to cooperate with the ILO in order to join the World Trade Organisation. The ILO recommended that Iran relaxed articles regarding the severance of contracts. It also found that Islamic Labour Associations contradicted Conventions 87 and 98. As a result, Iran considered reforming Chapter 6 of the ILC, which covers workers’ organisations.

The House of Workers and some of the workers unions opposed the changes, and the negotiations between the government, the high council of workers and the high council of employers rolled over to the next government.

2005-2013: A Return to Social Justice?
Despite his election campaign promise of social justice, Ahmadinejad’s presidency was fully shaped by a government that was formed entirely of those conservatives who had wholeheartedly objected to the Iranian Labour Code in the 1980s. Inevitably, ILC reforms were some of the first items tabled by the new conservative government.

The International Employers’ Organisation intervened and recommended changes to Chapter 6, increasing the freedom of employers to end contracts. In 2004 the Fourth Development Plan of the Iranian Government had commissioned a reform of the ILC. Among the most notable of proposals was that an employer reserved the right to sever a contract if economic conditions changed or his/her workshop required structural changes (such as implementation of new technology or infrastructure).
The ILO supported these reforms, but workers’ organisations and the House of Workers objected to them. They interpreted the reforms as giving absolute freedom to employers regarding the severance of contracts. Among other proposals was that minimum wage would be determined annually by the Ministry of Labour rather than the Supreme Labour Council.

The Fifth Development Plan in 2009 obliged the government to bring the ILC reform bill in front of the government once again. The negotiations ended in a deadlock and the government bypassed the recommendations and sent the bill directly to parliament.

**Conclusion**

Since 2013, the newly elected Rouhani government has tried to re-engage in negotiations and reform the ILC. Given the technocratic nature of the current government, it is likely that such attempts will continue in the coming years.

Over the past few years, sanctions and the worsening of the economy have forced many workplaces to fire workers on a grand scale. There are reports of scores of workers struggling to receive back pay, overdue by more than 18 months. The deadlock continues, as employers (and to some extent the government) continue to treat the ILC as one of the main obstacles to economic growth. On the flip side, workers organisations see the ILC as a red herring; considering Iran’s troubled economy, corruption, sanctions, and an outmoded administrative and bureaucratic structure, the ILC is the least of their concerns.

Meanwhile, bypassing the Iranian Labour Code altogether, by using loopholes and leveraging governmental negligence in its enforcement, all to the detriment of the workers, has become a well-established culture in Iran. In the next chapter we explore some of the key exemptions.
CHAPTER ONE

In this chapter we explore who is subject to the ILC and, perhaps more importantly (and dangerously), who is exempted from it. We then provide an analysis of the complex and crippling apparatus in charge of interpreting the ILC and issuing any affiliated bylaws and regulations. This chapter concludes by explaining the mechanisms for the implementation and enforcement of the ILC, and its bylaws and regulations.

Who Is Covered By The ILC?
The first article of the Iranian Labour Code declares that “all employers, workers, and workplaces” shall be bound to comply with the provisions of the code. In article two the definition of “worker” is sufficiently broad, encompassing “anyone who works in any capacity at the request of an employer in return for remuneration”. Despite this framing, more than half of Iran’s workforce (more than 10 million people) is not covered by the Iranian Labour Code today. The ILC curbs its all-inclusive jurisdiction in three significant ways:

1. Article 188 states that “any person subject to the Civil Employment Act or to other special laws and regulations” shall not be covered by the ILC.

The Civil Employment Act regulates the employment and working conditions for a majority of civil servants and covers up to 2.3 million workers. It is as comprehensive as the ILC and has an even longer history. Article 188’s use of the vague phrase “special laws and regulations” has provided the loophole needed to pass a plethora of laws and regulations that have been used to override the ILC during the past two decades, some of which fall short of protecting workers’ right to the standard that was provisioned in the ILC. Some of workers and employees subject to other “special laws and regulations”, and therefore not covered by the ILC include:

- Employees of the “Revolutionary Institutes”, including some of the wealthiest, largest, and the most powerful organisations in Iran today. Among these Revolutionary Institutes are the Martyrs’ Foundation, Mostazafan (Paupers’) Foundation, and the Imam Khomeini Relief Foundation;
- Employees of certain governmental organisations and companies like National Iranian Oil Company and National Iranian Drilling Company;
- Workers at workplaces situated in Special Economic or Free Trade Zones, such as those on Kish Island or in Chabahar;
- Employees of Islamic Azad University, which is the largest private university system in

4 A full translation into English of the Iranian Labour Code is available from NATLEX (http://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm)
Iran, as well as employees of a majority of state-run banks, and all municipalities across the country;

- Workers at sacred shrines;
- Personnel of all armed forces;
- Employees of arms industries and factories.

2. Article 188 also exempts all family-run workshops and their workers from provisions of this law, provided that the work in such workshops “is performed exclusively by the employer, his wife and his first-degree blood relatives”.

This is problematic because workers at family-run workshops are more prone to exploitation, with women and children usually the prime victims. According to one labour activist we interviewed, children younger than the ILC’s minimum working age (15 years) are often employed in family-run workshops and required to work for longer than 8 hours per day, which is in excess of the restrictions on working days outlined in the ILC. Domestic violence is reportedly rife in such workshops, and is used as a method for further exploitation.

The fact that these workshops are exempted from the ILC means that they have no recourse to justice through the Discernment Committee and the Dispute Resolution Committee. Employers or employees at family-run workshops must settle disputes through the General and Family Court, which is usually clogged up with other cases.

3. Foreign workers without legal permits are also exempted from the ILC. Articles 120 through 129 lay out the conditions for obtaining legal permits for foreign workers. The conditions are prohibitively strict. The majority of foreign workers in Iran are from Afghanistan. The total number of foreign workers is estimated to be between 1.5 to 3 million, up to a million of whom are registered. Only 190,000 foreign workers have been granted work permits.

A Complicated Affair: Labour Legislation, Laws And Bylaws

Iran’s economy and labour market is governed by many other sets of laws. These laws and regulations are vast, complicated, and, at times, conflicting or duplicated. The website of the Ministry of Cooperatives, Labour, and Social Security mentions 39 laws, 45 bylaws, 19 decrees, 33 sets of instructions, and 3 circulars that should be considered in addition to the Iranian Labour Code.

At times, workers in the same organisation are subject to two different sets of laws, and finding out which laws and which guidelines are applicable to a particular labourer is a complicated affair. This is further exacerbated by the fact there is a cultural emphasis on legal advice and advocacy for individual workers, and a notable absence of unions.
The following list of relevant organisations and sets of bylaws illustrates this complexity:

**Involved bodies:**
1. Ministry of Cooperatives, Labour, and Social Security
2. Social Security Organisation
3. Iran Technical and Vocational Training Organisation
4. Social Security Fund for Farmers, Villagers, and Nomads
5. Institute of Social Security and Welfare for Applied Scientific Higher Education
6. State Welfare Organisation of Iran
7. Mehr Imam Reza Fund
8. Tose’e Ta’avon Bank (Cooperatives Development Bank)
9. Central Union for Consumer Cooperatives of Iranian Workers (Emkan)
10. Centre for Research and Training on Occupational Safety and Health
11. Iran Health Insurance Organisation
12. Civil Servants Pension Fund
13. Labour and Social Security Institute
14. Cooperative Investment Guarantee Fund
15. Maharat Institute of Applied Science

**Laws and regulations:**
1. Islamic Republic of Iran’s Labour Code
2. Social Security Act
3. Welfare and Social Security Comprehensive Structure Act
4. Civil Employment Act
5. Guilds’ Regulation Act
6. Administrative Court of Justice Law
7. Administrative Court Procedure
8. Economic and Industrial Free Zones Act
9. Labour and Employment Regulations of Economic Free Zones
10. Charter of Women’s Rights and Responsibilities in Islamic Republic of Iran
11. Direct Taxation Code
12. Fifth Five-Year Development Plan Act
13. Protecting the Rights of Disabled People Act
14. Ratification Act of Worst Forms of Child Labour Act
15. Ratification Act of Islamic Republic’s Accession to Amendment of Article 8 of International Convention on the Elimination of All Forms of Racial Discrimination
16. Procedures for Establishment and Function of Arbitration Committees
17. Foreign Investment Encouragement Act
19. Bylaw on Retirement in Hard and Hazardous Jobs
20. Continuous Improvement of Work and Business Environment Act

**Enforcement: Supervision And Punishment**
The Iranian Labour Code is enforced through two main methods: supervision and
punishment. Discernment Committees and Dispute Resolution Committees are the preliminary instruments of implementation for the code. The decisions of these committees are binding, and departments of the judiciary, including the Bureau of Implementing Judicial Orders, are employed to guarantee the enforcement of their decisions. In addition to the aforementioned organisations, ‘Settlement Committees’, which were first established in 2008, are used in less serious cases to provide mediation. However, the raison d’être of these settlement committees is unclear, given that the Iranian Labour Code makes provisions for Islamic Labour Councils, which serve a very similar purpose.

Punishments denoted in the ILC are typically fines or imprisonment (in some cases both). Chapter 11 of the Iranian Labour Code, which is called “Crimes and Punishments,” outlines which violations of the code should be referred to the Justice Department of the Judiciary and Criminal Court. Chapter 11 violations are treated as criminal offenses. Chapter 4, Section 2, of the ILC states that labour inspections are to be used as a supervisory method, and will be exclusively dedicated to the enforcement of occupational health and safety measures.

Violations punishable by prison terms ranging from 91 days to a year include: repeated failure to provide medical check-ups to young workers and workers exposed to hazardous conditions; obstructing the establishment and work of permissible labour councils; collective forced labour; and the employment of unlicensed foreign workers.

Fines vary according to the type of crime and, in certain cases, the size of the workplace where the infringements took place. Typically, fines are calculated on the basis of the minimum daily wage, and are generally imposed on breaches of laws that are deemed to have less serious consequences.

Conclusion
The ease with which so many organisations are able to exempt themselves from the provisions of the ILC is deeply problematic for Iran’s workforce. In particular, some of the most vulnerable members of Iranian society are left without substantive legal protections, including women and children in family-run workshops, and foreign workers at risk of exploitation, harassment, and even deportation.

The overwhelming complexity of Iran’s labour legislation is another serious barrier to workers’ access to legal protections. The wide array of bylaws, and the vast number of organisations that can potentially involve themselves in labour disputes has resulted in a byzantine mess that can prove indecipherable to workers in Iran. Without strong unions and robust legal support mechanisms for workers, even employees theoretically covered by the provisions of the ILC can find themselves unable to access the protections to which they are entitled.
CHAPTER TWO

While our first report focused most of its attention on health and safety issues, this report devotes significant effort to a discussion of contracts, and the implications of temporary and blank contracts on the volatile and insecure Iranian job market. This report includes a comparison between the severance conditions dictated in the original ILC and the current conditions, which have been drastically overhauled through the implementation of many small amendments over the past two decades. The relative relaxation in conditions governing the severance of contracts has increased disputes between employers and their employees, and the process for arbitrating and settling such disputes is convoluted.

Definitions And Contradictions: Contracts In The ILC

The Iranian Labour Code was written in a different era, when contracts tended to be permanent, and labourers would work their entire careers in one workshop. The ILC regards the contract as being the ultimate agreement between an employer and his or her employee, regulated by the law and enforced by the state.

The second chapter of the ILC specifies the conditions of contracts, including their suspension, severance, and applicable benefits. Contracts can be verbal or written, temporary or permanent. The body of the contract shall specify the type of work, the term of the contract, the wage, working hours, benefits, leave, and place of work.

Article 7 of the ILC states that, “the expression ‘employment contract’ means a written or an oral agreement whereby a worker undertakes, in return for remuneration, to perform work for an employer for a definite or an indefinite period.”

An employment contract can be verbal or written and can be for a definite (temporary contract) or indefinite (permanent contract) period of time. The term “remuneration” is defined so as to include the benefits an employee may be entitled to under an employment contract (e.g. transport fees, child benefit, share of profits).

In an attempt to prevent the exploitation of workers, the ILC includes additional notes to this article to define a “maximum definite” period for temporary contracts and also to assert that in jobs of a continuous nature, a contract without a specified termination date should be considered a “permanent contract” by default.\(^5\)

To fully comply with the ILC, an employment agreement should also meet the following criteria:

- Lawfulness of the subject-matter of the contract;
- Clear and accurate specificity of the subject-matter of the contract;

\(^5\) In fact, these addendums to the ILC served to give rise to an overtly illegal practice called “blank contracts”, which is discussed in detail later in this report.
civil and religious legitimacy of both parties in performing the required job and/or taking possession of property (tools, workplace, etc.) in the process of performing the job.

In addition, Article 10 of the ILC stipulates that a contract shall specify the following:

• Type of work or occupation in which the worker will be engaged or the duties that he must discharge;
• Basic salary or wage and any supplements thereto;
• Working hours, holidays and leave;
• The workplace;
• The date of signing of the contract;
• Duration of the contract, if it is for a fixed term;
• Any other matters required by custom and common practice in relation to the job and the locality concerned.

In addition to the provisions of the ILC, contracts should also comply with the general terms and conditions of agreements, including, among other things, the freedom of both parties to enter into the contract voluntarily, and their possessing the necessary capabilities and expertise to complete the task in question.

Although a contract must meet these criteria to be considered legal, only labour authorities have the power to dismiss contracts as illegal. Unless declared so by the aforementioned authorities, a contract is regarded legal and binding for both parties.

Temporary Contracts
Before 1990, 90% of contracts were permanent; today, the situation is completely reversed, with many temporary contracts being as short as 60 or 90 days. These ‘temporary contracts’ can be rolled over for 10 or 20 years, meaning that most ‘permanent’ jobs in Iran today are simply consecutive temporary contracts.

It is safe to say that very few Iranians enjoy job security, and most workers are protected well below the international standards and ILO’s conventions. The unstable Iranian economy, worsened by heavy sanctions during the last eight years, has translated into heightened insecurity for workers at an alarming rate.

Temporary contracts were made legal in 1997 by two addendums to the ILC. The first note to Article 7 states that the maximum length for temporary jobs must be ratified by the Ministry of Cooperatives, Labour, and Social Security (MCLS) and the second note states that in jobs of a permanent nature, the contract should be considered permanent. Both of these measures were taken to minimise the use of temporary contracts.

Working under temporary contracts has had a significant impact on severance benefits, which the ILC dictates should be calculated as a proportion of the years of employment. For example, an employee who has worked for 5 years on a temporary contract renewed every three months will receive 5% of the severance benefits of a similar worker who has been
employed under the terms of a permanent contract. Temporary contracts exclude workers from practically every right bestowed by the ILC.

Proposals made to reform Article 7 have met with objections from workers’ organisations. They believe any form of protection given to temporary contracts, legitimise such contracts for jobs of a permanent nature. So, for example the proposal to shorten the maximum length of contracts to 30 days, will encourage employers to renew contracts every 30 days rather than discourage them from using temporary contracts, or worse, while the practice is still legal, employers may have even more reason to revert to using blank contracts.

Blank Contracts
According to the Iranian Labour Code, every contract should be signed in quadruplicate with a copy each handed to the employer, employee, Islamic Labour Council and MCLS. This was done so to protect the worker’s right in case of dismissal or dispute. However, blank contracts are common in practice. Today, more than 40% of labour disputes in Iran relate to blank contracts.

Blank contracts are temporary employment agreements that are signed by workers prior to their employers having defined the conditions and specifications of the work or its duration. These contracts provide employers with an extraordinary amount of power, and leave them entitled to change the nature and condition of work on a whim, or sack their workers whenever is convenient, with almost immediate effect. In some cases, employers even force workers to sign blank sheets that they later use to declare on their behalf that they forego some of their rights, like their annual gratuity, insurance, New Year’s bonuses, etc.

There are several factors contributing to the prevalence of this illegal practice including:

1. The relaxed attitude of the Judiciary and Ministry of Cooperatives, Labour, and Social Security (MCLS) regarding the correct implementation of the ILC

According to the ILC any contract should be signed in three or four copies, one of which should be deposited with the Labour Office. This is a safeguard that guarantees the government has direct access to at least one copy of the contract, which may reveal the cracks within its structure and liability. Nevertheless, despite being aware of the prevalence of this illegal practice for the past three to four years, the government did not take any steps to address the problem until January 2015. Recently the MCLS announced that new measures are being implemented that will put an end to the use of blank contracts. In a parallel move (within a bill intended to eradicate stagflation) the parliament passed a bill to bind employers to sign written contracts in a specific MCLS-designed and approved format. Because this bill does not specifically mention verbal contracts, labour activists and unions have claimed that the so-called ‘Blank Sheet Contracts’ will simply be replaced with verbal contracts.
2. Disproportionate supply and demand in the job market

The high unemployment rate of recent years has left workers with dwindling choices and opportunities of employment. This has afforded employers to impose their own requirements (stretched beyond the ILC) and seek their own interests without restriction.

3. Legal obstacles in the ILC that work as an incentive for employers to seek out loopholes

The ILC is inherently pro-labour and as such introduces a number of restrictions and obstacles to what some employers may deem as business/production management instruments. For example, if abiding by ILC, it is almost impossible for an employer to fire a worker in practice. Such conditions have made it worthwhile for employers to seek and exploit such loopholes within ILC, no matter the cost.

Exemptions

As mentioned above, ILC was initially intended to protect and defend the rights of workers rather than employers. However, to promote small production units and other small businesses in service sector, legislators incorporated an article (Article 191) within ILC that entrusted the Council of Ministers with the power to exempt small workshops with fewer than 10 workers from certain provisions of ILC for a specified period of time.

This capacity was left unexploited for over 12 years until February 2003, when through ratification of a bylaw, the reformist government of Mohammad Khatami excluded small workshops from 37 articles of ILC. The bylaw additionally introduced several substitutes for some (but not all) of the redundant provisions, which in pursuit of the spirit of Article 191 were more in favour and interest of employers. These changes, nonetheless, had little effect on contracts and more affected contractual benefits and working conditions instead. Some examples of such consequences include the elimination of unpaid educational leave, the reduction of paid leave (from one month to three weeks per year), and the removal of compulsory payment of doubled gratuity by the employer if the employee is no longer able to work as the result of mental or physical damages endured due to his or her employment.

Initially, the bylaw of exemptions for small workshops and enterprises was passed for a limited period of 3 years. However, at the end of each three-year period since then, it has been extended for another term by the vote of the Council of Ministers. There are unconfirmed reports that at its last extension, the Council of Ministers voted to remove Article 2 of this bylaw. Article 2 holds the declaration that the period of time shall be limited to 3 years, and removing it means the exemption shall become permanent, which is a clear contravention with the ILC. It will be upon the Administrational Court to rectify this through the annulment of the ratification if it shall come to pass.

Conclusion

There is a dramatic difference between the severance conditions dictated in the original ILC and the current conditions, which have been drastically overhauled through the implementation of many small amendments over the past two decades. The relative
relaxation in conditions governing the severance of contracts has increased disputes between employers and their employees, and the process for arbitrating and settling such disputes is convoluted. The ILC was written in a different era, but today, blank contracts and temporary contracts, however illegal or unethical, are contributing to the ever-increasing atmosphere of insecurity in the job market in Iran. In the next chapter we look at the conditions for terminating and suspending contracts, and the loopholes exploited by employers to the detriment of their employees.
CHAPTER THREE

In this chapter we explore the situations in which contracts can be suspended lawfully under the terms of the ILC. At the time the ILC was authored, suspension was deemed preferable to termination and severance. Given the importance of contract in ILC, several provisions are incorporated to safeguard and prevent its failure/annulment. “Suspension” of contract (Article 14) is a measure intended to introduce a certain degree of flexibility to avoid termination of a contract under specific circumstances (Articles 15-19) when one of the two parties is unable to remain committed to its contractual duties for a definite and specific period of time.

Suspension and Termination of Contracts

A contract can be suspended only if one of the following conditions is satisfied:

• Where an entire workplace or parts of it cease operating because of force majeure or the occurrence of an unforeseeable event beyond the control of either party;

• When a worker, in accordance with provisions of ILC, qualifies for study leave or any other form of unpaid leave for a period of up to two years. For study leave, this period can be extended for a further two years (total 4 years);

• Where a worker is arrested and held in detention but is not eventually convicted, his or her absence shall be regarded as suspension. If the detention was the result of the employer lodging an unsuccessful complaint against the worker, then it shall be treated as a fully paid suspension;

• During a male worker’s period of military service, provided that he shall return to his previous job no later than two months after the termination of his military service.

There are some exemptions. In cases of detention of the worker for a period longer than 15 days (regardless of whether or not it leads to a conviction) and military service, it is up to the employer whether to accept the employee or terminate the contract and pay their standard annual gratuity.

In a cruel twist, in cases where the worker has been detained as the result of a complaint lodged by their own employer, the Administrational Court has overruled the Council of Ministers’ decision to provide for a higher annual gratuity where an employer refuses to take back a worker that is found not guilty. In other words, this rule means there is no penalty for employers who lodge unfounded complaints against their workers and subsequently fire them.

The termination of a contract is only permitted in cases of resignation, retirement, death, or a total disability that prevents the worker from fulfilling their contractual duties. For each of these cases the ILC specifies a set of benefits to the worker or, in the case of their death, to their family.
Dismissal of workers is dealt with by Article 27. An employer can only sack an employee after several written warnings have been issued and they have presented evidence of repeated breaches of conduct or negligence to either the Islamic Labour Council, or a relevant professional Guild Society. If the employee wishes to contest the employer’s decision, the matter is taken to the Discernment Committee and Dispute Resolution Committee.

The intention of the authors of the ILC has been to protect workers, but they could not have predicted the drastic economic and social changes that Iran would encounter and foresee the pursuant problems that would arise. The prevalent abuse of loopholes in the ILC over the last two decades proves that its provisions concerning contracts have not been sufficiently transparent nor specific.

One of the most important points of contention has been the attempts to relax the regulations around dismissal. In 2006 an addendum to the ILC was proposed, which would permit the employer to dismiss an employee if the conditions of the workplace had changed due to technological or economic necessities. Even though this note has not yet been annexed to the ILC, it has been passed by the Expediency Council and is active in practice, if not the law. There are also legal rulings made by other bodies of law and policy, such as the Code for Renovation, which permits employers to enforce early retirement for their workers.

Employers, their representatives, free market economists, and three consecutive governments have viewed the legislation around contracts as an obstacle to privatisation, economic development, and workforce flexibility. The protective nature of the ILC has been eroded, mutilated or abolished altogether by employers taking advantage of the lack of clarity in its text, exploiting loopholes, the government’s lack of enforcement, the drastic changes in the general culture of the worker-employer relationship, and official governmental amendments.

Governments have proposed amendments and bylaws that would introduce regulations into the current state of the labour relations in order to withdraw some of the rights given in ILC and relax the conditions for severance. Workers’ organisations have strongly resisted the reform of existing contract law around contracts, claiming that any of the proposed amendments will strip workers of their rights.

**Criteria for Ending Contracts**

There are five specific criteria for the termination of a contract, and, according to the Iranian Labour Code, no contract shall be terminated so long as it holds validity, unless one of these five criteria is explicitly met. The five criteria are as follows:

**1. Resignation**

Employees are entitled to terminate their contracts unilaterally, provided that they inform the employer, by a written notice (resignation), one month in advance (Article 21). The ILC also permits workers a 15-day cooling off window in which they may cancel their
resignation if they wish to do so. A copy of this written notice should be submitted to the Islamic Council of the workplace, to the Guild Society or to the workers’ representative. A worker who resigns is entitled to receive their full annual gratuity.

2. Dismissal
If both parties fully abide by the ILC provisions, it is very difficult to fire a worker. An employer can only sack an employee after he or she presents evidence of repeated breaches of an agreed code of conduct or demonstrates gross negligence as defined by the disciplinary rules of the workplace. Even then, sufficient written notice must be given and the employer must gain the consent of the Islamic Labour Council, or a relevant professional Guild Society (in absence of the first). Employees have recourse to challenge a decision of dismissal through the Discernment Committee and Dispute Resolution Committee.

A worker who is dismissed is still entitled to the standard and full annual gratuity and if the Discernment and Dispute Resolution Committee decides the dismissal was unlawful, the worker shall return to work, with the suspended period considered to be part of his or her employment. If employers refuse to take the worker back, they will be fined (20 to 200 days of minimum wage). If the worker decides to terminate the contract after authorities ruled in his or her favour, then he or she will be entitled to an annual gratuity 50% higher than the standard rate. (Article 27).

3. Disability
If due to an accident or illness, whether at the workshop or outside, a worker’s mental or physical abilities to perform his or her contractual duties are affected and a special Medical Commission approved by Social Security Organisation, confirms that he or she has lost 66 percent of their physical or mental abilities, then this worker is deemed a “totally disabled” worker by ILC and his or her contract is then regarded as null and void. The disabled worker is entitled to standard annual gratuity, regardless of whether the accident or illness resulting in their disability was related to their employment or not. Apart from the gratuity, however, they receive disability benefits from the Social Security Organisation if they were insured. Although the Iranian Labour Code obliges employers to secure an insurance policy for all workers, some use loopholes to avoid the extra costs this incurs. (Article 31).

4. Retirement
In terms of the rights and benefits the employee is entitled to, retirement is similar to truncation of employment by disability. Once a worker is eligible for retirement, they are entitled to standard annual gratuity, compensation for unused leave and other benefits or unpaid wages. Their pension is regulated and paid by Social Security Organisation and is subject to the Social Security Act rather than the ILC. That is also the case for the age of retirement. According to the Social Security Act, workers of 65 years of age OR workers with 30 years of Social Security Insurance payment record are eligible to retire. For workers in difficult or hazardous jobs as defined by the ILC, the retirement age is lowered proportionally according to the length of the hazardous work to a minimum of 20 years of Social Security Insurance payment records.
5. Death
When a worker dies, his or her legal heirs are entitled to receive their back payment of wage and other benefits, compensation of unused leave, as well as their standard annual gratuity. If fitting the definition of people under custodianship of the deceased workers, their heirs may also receive benefits from Social Security Organisation, the condition and amount of which is regulated by Social Security Act and its pertaining bylaws and procedures.

When it comes to temporary contracts, the termination regulations are somewhat different. There are two types of temporary contracts: time-specific (termination date or the period of activity stated in the contract) and work-specific (upon completion of a specific purpose or delivering a project). If upon expiry, a fixed-term contract is not renewed, the employee-employer relationship will be severed as the contract is terminated, and if an employee has worked for duration of one year or more for that employer, whether continuously or intermittently, he or she will be entitled to standard annual gratuity according to Article 24 of ILC. Labour activists and unions argue that these provisions have given way to prevalence of temporary contracts for periods under one year that enable employers to dismiss workers at the end contract without committing to any obligations, including payment of annual gratuity.

Contract Dispute Resolution Processes and Procedures
Given the absence of independent unions, the laxation of dismissals, the regular closure of workshops due to economic conditions and the increase in blank or temporary contracts, disputes have become more common for simple demands such as receiving severance benefits or unpaid wages prior to dismissal or closure of workshop. According to ILC, the ultimate authoritative source to settle disputes arising from an employment contract are:

A. Discernment Committee: Consisted of three members; a representative of workers, a representative of employers, and a representative appointed by Labour Office. This committee acts as a preliminary court in ILC dispute settlement, and its decisions, if not formally objected by any of the parties, are binding after 15 days.

B. Dispute Resolution Committee: This acts as a higher court. If either of claimant or defendant is not satisfied with the decision of the Discernment Committee, should they raise it officially within 15 days, their case will be taken to Dispute Resolution Committee, where a committee of nine people, representing workers, employers, and Labour Office will decide upon the case.

Decisions of the Dispute Resolution Committee are binding upon announcement. This committee can also rule over disputes between unions and on “collective agreements” instead of individual cases, but in such cases, according to Article 143 of ILC, its decisions are not considered binding.
In addition to Discernment and Dispute Resolution Committees, a range of other councils and committees are also provisioned within the ILC and through pursuant bylaws that provide non-binding dispute settlement intermediation over contractual disputes. Islamic Labour Councils and Settlement Committees are among such non-binding references. Given that many of the labour disputes in recent years have appealed to the higher authority of the Administrative Justice Court, the verdicts of this court have recently become more important. A loophole in the law, allows for appeals to be repeated endlessly.
Dispute Resolution Flowchart

Employer and Worker have a dispute that concerns application of Labour Code

Can both parties resolve the issue among themselves?

Yes → Dispute is settled

No → Complaining party should seek settlement through:

- Islamic Labour Council
- Professional Guilds

Is the issue resolved?

Yes → Complaining party should lodge a complaint at the local Labour Office for the case being considered by Arbitration Committee

No → The case is sent to the following committees for ruling:

- Arbitration Committees
- Discernment Committee

Is the issue resolved?

Yes → Dispute Resolution Committee

No → Any party objected to Discernment Committee’s decision within 15 days?

Yes → Decisions of Dispute Resolution Committee are binding and immediately effective

No →
Conclusion

Iran’s contract law and the widespread use of temporary contracts has had a terrible impact on both job security and workers’ rights. As a result of contract abuses, disputes are increasing in number, and the system in place to deal with them is convoluted and ineffective. The ILC was designed to protect workers, but given that the majority of workers live below the poverty line, it appears not to be working in practice. In the next chapter we explore the plethora of regulations working conditions, benefits and welfare entitlements contained within the ILC. These existing workers protections have been threatened in recent years, with numerous aspects of the original ILC affected by recent amendments made to the original code.
CHAPTER FOUR

The ILC contains a plethora of regulations working conditions, benefits and welfare entitlements. These existing workers protections have been threatened in recent years, with numerous aspects of the original ILC affected by recent amendments made to the original code.

Given that the majority of workers live below the poverty line, seemingly technical issues regarding benefits and additional welfare entitlements have consistently been a source of contention for workers, creating widespread discontent and on occasion sparking strike action.

Further complications arise as the ILC is not the sole piece of legislation dealing with welfare and benefits; it does so in conjunction with the Social Security Act (SSA). The SSA is a complicated text accompanied by as many as 14,000 bylaws and regulations.

In this chapter we will tease out the worker protections and welfare provisions offered by the ILC and SSA, and assess whether or not they provide adequate support for Iranian workers.

**ILC Regulation of Working Conditions**

In this section, we outline the ILC’s regulation of labour conditions. We will begin by identifying and defining various workers’ protections delineated by the ILC, including regulations around pay, working hours, holidays, and hazardous work.

**Working conditions**

The ILC clearly defines the working day (maximum 8 hours a day), working week (maximum 44 hours), paid overtime and night shift. All workers are entitled to a fully-paid weekend (Fridays) and national holidays as well as one extra day on Labour Day. Workers are also entitled to one month of paid leave. Rates of extra payment for overtime, night shifts and weekend work have also been specified.

Despite the ILC’s efforts, working conditions in many workshops are not in line with international standards. The general decline of Iranian workers’ bargaining power in the last two decades has negatively affected working conditions. For instance, many of those working in hard and hazardous jobs have been excluded from the ILC and subjected to a parallel set of laws, some of which are silent or vague about working conditions.

**Exemptions and deregulation**

Free-trade zones are exempt from a number of key workers’ protections, including those guaranteeing an 8 hour working day. In sections of the petrochemical and oil industry some employees work between 12-16 hours a day, without weekends or holidays.

Workers on blank or temporary contracts are more vulnerable to exploitation, and are frequently asked to work overtime and additional shifts without being able to claim the
benefits to which the ILC entitles them.

Finally, a partial exemption of the small workshops from the ILC has opened the way for the deregulation of working conditions for a large segment of the workforce. In these small workshops, overtime and weekend overtime has been practically abolished. The exemptions also significantly reduce supplementary night pay (from 35% to 10% of standard wages); annual leave is reduced from one month to 21 days (from 35 days to 24 days for hard and hazardous jobs); and emergency leave is reduced from 3 days to 1 day. The small workshops exemption has also affected women and young workers; pregnant women are no longer entitled to transferral from jobs considered dangerous by Social Security assessors to equally paid jobs considered more suitable (article 77). Young workers have also lost the privilege of shorter working days and annual medical check ups.

**Special Conditions and Protections**

In addition to the previous rights, the ILC has provisioned additional privileges and measures for young workers, those with hard and hazardous job conditions, and for women during pregnancy.

Young workers of 15 to 18 years of age, apart from receiving additional medical check-ups at the outset of employment and annually thereafter (small workshops are exempt), are also entitled to half an hour shorter working hours as compared to other workers (but again not in small workshops). Working during night shifts (22:00 to 06:00) is forbidden for young workers, and their employment at jobs categorized as hard and hazardous is also prohibited.

The ILC has similarly prohibited the employment of female workers at “hard and hazardous jobs” and exempted them from carrying heavy weights in excess of the maximum allowed threshold (subject to the decision of the Ministry of Health Care) without machine assistance. Women are also entitled to maternity leave during and after pregnancy. ILC provisioned 90 days of leave for pregnant women in total, and only recommended that at least half of this period is kept for after childbirth. Women who give birth to twins are entitled to extend their maternity paid leave by 14 days. Note 2 of article 76 also stipulates that, during maternity leave, wages shall be paid in accordance with the provisions of the Social Security Organisations Act.” Although this guarantees paid maternity leave on paper, in practice what the Social Security Organisation pays as maternity leave compensation is usually a fraction of the worker’s normal wage.

According to the ILC, workers whose jobs fall in the category of “hard and hazardous jobs” (as defined by relevant bylaws) are entitled to the following: extra leave, shorter working hours, restrictions on overtime working hours, and an earlier retirement. Those working hard and hazardous jobs are also entitled to 5 weeks of paid leave, recommended to be taken at six-month intervals. Maximum working hours for these workers is six hours a day and 36 hours per week; assigning extra work or overtime to these employees is completely prohibited.
Minimum Wage

The minimum wage is the lowest amount that can legally be paid to a worker as remuneration in return for their work or service. According to the ILC, no employer shall pay less than the minimum wage to a worker under any circumstances. The minimum wage must also be a monetary payment; other forms of compensation such as goods, shares, or food supplements should be paid as a bonus on top of the minimum wage - never a substitute for any part of it.

Furthermore, under no circumstances is an employer allowed to subtract an amount indebted to him or her by a worker, so that what is left of the worker’s wage is less than the legal minimum.

The minimum wage is fixed annually for different regions of the country, according to the decision of the Supreme Labour Council and after being signed by the Minister of Cooperatives, Labour, and Social Security. In calculating the minimum wage, Supreme Labour Council is bound to consider two criteria according to article 41 of the ILC:

1. The minimum wage of workers shall be fixed taking account of the rate of inflation announced by the Central Bank of the Islamic Republic of Iran;
2. Regardless of the physical and intellectual abilities of workers and the characteristics of the work assigned, the minimum wage shall be sufficient to meet the living expenses of a family, whose average number of members shall be specified by the appropriate authorities.

These may sound like fair and robust provisions to guarantee basic financial security for workers and their families. Yet labour activists have been arguing for years that the amount set annually as the minimum wage is not based on a realistic assessment of the financial situation of many Iranian workers, and it thus usually falls short of its intended purpose to provide an adequate standard of living for workers.

Consequently, the minimum wage is one of the major points of dissatisfaction for workers, leading to protests and strikes as well as deadlocks in the trilateral negotiations between the MCLS, workers, and employers. Disputes stem primarily from ambiguities in the ILC’s designated procedures for calculating the minimum wage. The High Council of Labour is the body responsible for carrying out these calculations, which are based on three criteria: the previous year’s inflation rate, the poverty line\(^6\), and economic conditions.

In practice the minimum wage has not grown proportionately to the rise in the cost of living. As [Table I] indicates, the minimum wage has been devalued over the last few years. Between 2011-2014, wage increases were below the official inflation rate, largely as a result

\(^6\) According to ILNA, the government has refused to announce the official poverty line since 2007, with estimates provided only by workers’ organisations: http://goo.gl/Bal4lc
of the international sanctions imposed on Iran. Worse still, many economists claim that the official inflation rate was manipulated by the Ahmadinejad government and was not reflective of reality.7

In March 2015, prior to the Iranian new year, workers’ organisations demanded a 25% percent increase in the minimum wage, but after intense negotiations they only received 17%. The MCLS boasted that this increase was 2% higher than last year’s rise in the official minimum wage, and that it applied across all different classes of workers. Yet workers’ organisations pointed out that the new minimum wage was still only 30.2% of the official minimum livelihood threshold for a family of four.8

Many workers blame the High Council for this massive discrepancy, pointing to changes in the composition of the Council in recent years which have disadvantaged workers’ representatives. However, it seems that the generally unfavourable economic conditions and lack of a workers’ organisation independent from government (Iran’s biggest employer), are the primary factors behind the decline in the minimum wage. Marginalised workers do not gain much even from the modest minimum wage in existence; in practice, wages for immigrant, young, and female workers, and other groups excluded from the ILC protections can receive as little as half of the official minimum wage.

Table I: Wages and Inflation, 2007-14

<table>
<thead>
<tr>
<th>Year</th>
<th>Wage Increase by HCL</th>
<th>Inflation Rate</th>
<th>Wage to Livelihood Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>%18</td>
<td>11.9</td>
<td>%41</td>
</tr>
<tr>
<td>2008</td>
<td>%22</td>
<td>%18.4</td>
<td>%42.3</td>
</tr>
<tr>
<td>2009</td>
<td>%17</td>
<td>25.4</td>
<td>40.5</td>
</tr>
<tr>
<td>2010</td>
<td>%17</td>
<td>10.8</td>
<td>44</td>
</tr>
<tr>
<td>2011</td>
<td>%13</td>
<td>12.4</td>
<td>45</td>
</tr>
<tr>
<td>2012</td>
<td>%9</td>
<td>21.5</td>
<td>40.2</td>
</tr>
<tr>
<td>2013</td>
<td>%18</td>
<td>30.7</td>
<td>36.4</td>
</tr>
<tr>
<td>2014</td>
<td>%25</td>
<td>34.7</td>
<td>33.9</td>
</tr>
</tbody>
</table>

7 See for example the 2014 working paper by Nader Habibi called “The Economic Legacy of Mahmoud Ahmadinejad”, which is available from http://www.brandeis.edu/crown/publications/wp/wp5.html#sthash.rbi4OVJI.dpuf
8 See http://www.nazarnews.com/16350
Insurance: Health Care, Benefits and Pensions

According to Article 148 of the ILC, “Employers whose workplaces are subject to this code shall insure their workers under the Social Security Act (SSA)”. The ILC is very vague and brief on insurance and benefits, and doesn’t provide much detail about the rights offered under the SSA. Both workers & their employers contribute monthly to the Social Security Fund (SSF) and receive medical insurance, unemployment benefits and pensions in return. The size of contributions to the SSF is calculated in relation to the minimum wage, and is announced annually by HCB.

In the 2015 fiscal year, the workers’ contribution was set to around 7% and the employers to 23%. Despite the ILC’s designated fines for employers who fail to meet this requirement, many attempt to avoid insuring their employees entirely, or either insure them on a lesser salary.

The way responsibility for contributions is divided between employers and employees is an acute problem for those not subject to the ILC’s protections. The two million workers in Iran’s construction industry (which has the highest rate of workplace accidents and fatalities—1,800 deaths in 2013) have been particularly hard-hit. The promise to insure every construction worker ground to a halt after just 800,000 were insured when a proposal was made to raise the share of employers’ contributions from 4 to 20 percent.

According to article 148 of the ILC, “[e]mployers whose workplaces are subject to this code shall insure their workers under the Social Security Act (SSA)”. The SSA provides much wider coverage than the ILC; in addition to managing the SSF, the SSA also governs several other funds providing similar services to people who do not fall under ILC provisions (e.g. Civil Servants and Military Personnel Retirement Fund, Villagers and Nomads Insurance Funds).

Anyone who contributes to the SSF is covered by the SSA, and his or her family members also enjoy the coverage of medical insurance, which includes: outgoing patients, hospitalisation, medication, medical tests, or even transport costs if a patient needs to travel to receive care.

Given the overall trend towards job insecurity in the last two decades, unemployment benefits have become a crucial issue. The ILC required the government to establish the Unemployment Insurance Fund. According to the SSA, anyone losing their job who has contributed to the SSF for more than 6 months, and is willing and looking for work is eligible to receive unemployment benefits for up to 36 months (50 months for married workers). Workers suspended from work, or who lose jobs due to a “change in circumstances” at workshops are also covered. However, seasonal workers or those on

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10 The exact figures were published in a Mehr News article available from http://goo.gl/QGLDnS
temporary contracts are only eligible if they have lost their job during their work period. In practice, this means that a large number of workers are offered no safety net.

Article 23 of the ILC states: “with regard to the payment of benefits or of pensions arising from death, sickness, retirement, unemployment, layoff, total or partial disability, or protective regulations and conditions pertaining thereto, workers shall be subject to the SSA.”

The SSA offers much wider coverage than the ILC and is theoretically designed to cover every worker who contributes to the SSF or parallel insurance and pensions schemes, including the Civil Servants and Military Personnel Retirement Fund, and the Villagers and Nomads Insurance Fund. As shown in [Table II], the SSA calculates pension and benefit eligibility using complicated formulas based on age, period of service, degree of disability, length of contribution to the SSF, and being custodians or first degree relatives.

The age requirements for pensions are a little complex, and warrant some further explanation:

- Pension eligibility begins at 60 for men and 55 for women if they contributed to the SSF for 20-30 years;
- Pension eligibility begins at 50 for men and 45 for women if they contributed to the SSF for 30-35 years;
- There is no age limit for those who have paid into the SSF for more than 35 years;
- Women can apply for retirement at the age of 42 after 20 years of making SSF contributions, but their pension will be calculated at 2/3 of the standard rate;
- As explained earlier, workers at hard and hazardous jobs are eligible to apply for retirement after 20 years (if they were employed at hard and hazardous jobs without interruption) or 25 years (if they were employed at hard and hazardous jobs intermittently).

Table II: Disability Benefit Entitlements:

<table>
<thead>
<tr>
<th>Disability evaluation according to Social Security Medical Commission</th>
<th>Benefit Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>%66 More than</td>
<td>Full benefit entitlement</td>
</tr>
<tr>
<td>%66 to %33 Between</td>
<td>Evaluated percentage of disability multiplied by the full benefit entitlement is payable as monthly benefit</td>
</tr>
<tr>
<td>%33 Less than</td>
<td>No entitlement to benefits</td>
</tr>
</tbody>
</table>

Note: Workers whose disability is not the result of their employment should have contributed to the SSF for at least 10 years in order to qualify for disability benefits.

Table III: Retirement and Pension Eligibility:

<table>
<thead>
<tr>
<th>Sex</th>
<th>Years of Employment</th>
<th>Age</th>
<th>Entitlement to full pension</th>
<th>Entitlement of full 3/2 to pension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>20</td>
<td>60</td>
<td>✓</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>50</td>
<td>✓</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>35</td>
<td>No age limit</td>
<td>✓</td>
<td>–</td>
</tr>
<tr>
<td>Women</td>
<td>20</td>
<td>55</td>
<td>✓</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>45</td>
<td>✓</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>42</td>
<td>–</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>35</td>
<td>No age limit</td>
<td>✓</td>
<td>–</td>
</tr>
</tbody>
</table>

Note 1: Workers in hard and hazardous jobs are entitled to retire with a full pension if they have worked continuously for 20 years (regardless of age).

Note 2: The table above is a simplification, and cannot reflect all of the different conditions that affect pension eligibility for different groups.
Conclusion

Iran’s ILC and SSA ostensibly work together to provide far-reaching protections for workers in and out of employment. While the protections outlined in these pieces of legislation sound substantial enough, their implementation by state organisations are often insufficient to ensure the achievement of their intended outcomes. The failure of the MCLS to secure adequate increases in the national minimum wage is a clear demonstration of the institutional failures that have undermined the intentions of Iranian labour legislation.

Large-scale exclusions and exemptions from ILC and SSA protections constitute another major point of contention for workers. Migrant workers, women, and young people are among the groups excluded from the already anaemic protections offered by the ILC and SSA. Other marginalised groups such as disabled people face significant barriers to claiming necessary benefits, as disability benefit entitlements discriminate in favour of those who have been handicapped as a direct result of their work, and who have been able to pay into the SSF.

The current provisions of the ILC and SSA offer a solid enough foundation for workers rights and the core elements of a functioning social safety net. In practice, institutional failures, legal ambiguity, and economic uncertainty have worked to undermine the progressive language of the ILC and SSA, resulting in poor working conditions, limited access to welfare, and consistent rises in the cost of living.
CHAPTER FIVE

This chapter looks into the ILC’s treatment of Labour associations and collective bargaining. This is the most politically controversial and also regressive aspect of the ILC, which has grave implications both for the working conditions and the century-long struggle for democracy in Iran. In short, the labour organisations the ILC permits workers to join are all subservient to the government, and attempts to form independent labour organisations have been repressed.

We begin by discussing the various labour organisations the ILC authorises, and then proceed to measure the protections offered by these organisations against international standards. We conclude by outlining the prospects of reforming the ILC’s restrictive regulation of labour organisations.

History of Independent Workers’ Organisations and Permitted Associations

Chapter 6 of the ILC grants the right to establish Islamic Labour Associations (ILAs) to all industrial, agricultural, service, and guild workers. Coordinating centres at the provincial level and a high centre for co-ordination at the national level have been considered for ILAs. (Article 130).

ILAs were established after the revolution as a vehicle for the new conservative Islamic authorities to compete against and then destroy self-organised councils (Shuras), independent syndicates and unions. In 1981, all syndicates and unions were dissolved into ILAs, which in the 80s also served as institutions to control and monitor dissident workers. The dependent nature of ILAs was reflected in ILC since legislating bylaws relating ILA is on the shoulder of Ministry of Interior, MCLS and Islamic Organisation Propaganda.

In addition to ILAs, guild associations for workers and employers have been considered. (Article 131). These associations are less restricted. Their laws have only to be submitted to MCLS and the general assembly - but this is still incompatible with Convention 87 of the ILO, which prohibits any requirement of prior government authorisation. The situation is further exacerbated by Note 4 addended to Article 131 of the ILC, which only permits one form of representation, i.e., either ILA or guild association or worker’s representative. Workers’ representative do not require employers’ consent but need to announce their candidacy to the MCLS, which is then responsible to assess the qualification of candidates and hold elections.

Less significant forms of workers’ collectives have been considered in Chapter 6 such as workers’ housing cooperatives, workers’ consumer cooperatives and retired workers centre. Article 138 gives the Supreme Leader the right to assign a government representative to any worker or employer organisation.

International Standards

Put another way, all of the labour organisations that the ILC authorises Iranian workers
to join are not independent from government control. This restrictive attitude towards independent workers organisations is in direct contradiction to Article 26 and 27 of Iran’s constitution, which allow freedom of association and demonstrations. It also violates Conventions 87 and 97 of the ILO, both of which have been signed by Iran but not yet ratified. Convention 87: protects the freedom of all workers to join a labour organisation of their choice; requires that workers association should bear unequivocally no discrimination; and prohibits any requirement of government authorisation for their establishment. Hence, none of the abovementioned organisations permitted by the ILC are compatible with ILO’s conventions regarding freedom of association (which Iran has signed). Given this incompatibility, Iran cannot be accepted as a member of the ILO.

Conclusion

In its 2003 review of the ILC, which Iran’s reformist government at the time welcomed, the ILO recommended the establishment of independent labour organisations in Iran. The ILO also pointed out that absent fundamental reforms in the laws governing their activities, ILAs cannot represent workers independently and freely. Furthermore, workers interviewed by the ILO explained that they believe the influence and power of the House of Labour is not generally beneficial to workers, and that this organization does not truly represent workers’ interests. The ILO’s team recommended editing Note 4 of Article 131 as the easiest way towards free and independent associations in Iran.

After 7 months of examining the ILC and negotiating with Iran, Bernard Jernigan, Director General of the ILO’s liberalization department, announced in Tehran that guild associations and syndicates would operate without government intervention, and that ILAs would only act as consultants. However the legislation required to codify these reforms was not passed during Khatami’s presidency. The shift in the political environment ushered in by Ahmadinejad’s 2005 election make reforming the regulations governing labour organisations considerably more difficult.

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13 For more information see http://www.payvand.com/news/03/may/1084.html
Labour Associations & Cooperatives in Iran: Experiences and Challenges

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INTRODUCTION

Activism in support of labour rights in the Islamic Republic of Iran has faced a variety of challenges ranging from unfair labour practices, to limited legal protections and economic liberalisation. Independent union activity is not permitted. Iran has witnessed dozens of strikes in major industries over the past two decades, where workers have protested unpaid wages, work conditions, temporary contracts and employer disregard for the Labour Law. The government response to such activism has at times been heavy handed resulting in violence and suppression of labour strikes, sit-ins and coordinated labour activity. To date, intolerance to labour activism has resulted in imprisonment of several labour activists.

Iran’s labour movement and working class have been pivotal political actors with one of the longest records of activism in the Middle East. Dating back to the early twentieth century, labour related engagement has been intimately tied to domestic politics. Through the course of the century, workers sought, albeit unsuccessfully, to collectively promote and protect their rights. Workers were instrumental during the Iranian Revolution and its aftermath. However, labour rights enshrined in the Iranian Constitution and Labour Law do not adequately protect workers nor uphold internationally recognised standards including the right to form independent trade unions. The Islamic Republic allows only state-controlled trade syndicates and Islamic labour associations. The Workers’ House is the only labour confederation in Iran, but it is controlled by the state. The Workers’ House, which is supposedly independent, is tasked to address issues such as layoffs, non-payment of wages, pension cuts, and illegal use of temporary contract labour. However, their track record in lobbying for greater labour protection has been limited at best. The Islamic Republic is a member of the International Labour Organisation (ILO) but it has not ratified either the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Ratifying these conventions requires substantial changes to Chapter VI of the Labour Code and official recognition of independent unions—moves that have yet to be supported by political leaders in the Islamic Republic.¹

Iran’s labour force is composed of formal and informal sectors. Formal sector jobs—notably in industries such as steel, automobiles, and oil and gas as well as in education and the civil service—are government regulated and subject to wage and benefit contracts. Informal sector jobs are unregulated. They have no labour contracts, and they are often associated with the underground economy, even though their activities are legal. Informal employment tends to be found in construction, agriculture, transportation, retail, and the textile industry. Many informal workers are considered “self-employed,” since they make their living through piecework in multiple jobs with little security. A combination of

failed economic policies, limited worker protection, factional and ideological tensions and sanctions has come together to affect the welfare of labourers in Iran. It is against this backdrop that labour activism has been struggling.

This paper is the fourth in a series that addresses labour issues and challenges in the Islamic Republic of Iran. Specifically, this paper will focus on the history and evolution of labour associations in Iran. Chapter one will lay out the constitutional and legal provisions related to labour issues and unions. Chapter 2 will provide a historical overview of the government position on union activities as well as address the current political climate. Chapter 3 discusses the history and importance of cooperatives that unlike labour associations have independence from state control. Chapter 4 will highlight the contemporary realities and challenges associated with increased labour activity. A final concluding chapter will present a number of recommendations.
CHAPTER ONE
Legal Barriers to Unionism

The basic sources of the Iranian labour law related to unions and associations are the Constitution, civil laws and the Labour Code.

The Constitution theoretically guarantees individuals the right to employment, the right to organise, and the right to free assembly. However, these rights are limited by the requirement to adhere to Islamic norms. Under article 4 of the Constitution, all legislation must conform to “Islamic criteria” as interpreted by Iran’s Guardian Council. Below, the relevant Constitutional provisions listed reveal a number of discrepancies.

Constitution
Article 26: Political parties, societies, political and craft associations, and Islamic or recognised minority religious associations may be freely brought into being, provided that no violations of the principles of independence, freedom, national unity, Islamic standards, and the foundations of the Islamic Republic are involved. No person may be prevented from joining, or be compelled to join, any of the above.

Article 27: Unarmed assemblies and marches may be freely organised, provided that no violation of the foundations of Islam is involved.

Article 28: Every person is entitled to choose the employment he wishes, so long as it is not contrary to Islam or the public interest or the rights of others. The Government is bound, with due regard for the needs of society for a variety of employment for all men, to create the possibility of employment, and equal opportunities for obtaining it.  

Labour Code
The Iranian Labour Code expands upon the rights enshrined in the Constitution by specifying the nature, composition, organisation and management of worker organisations. Important to note is the Islamic focus of worker organisations and the clear lack of independence for any such associations.

Article 130 and 131 allow for workers to organise 1) an Islamic labour council, 2) a trade association, and 3) nominate workers’ representatives. Indeed, it is clear that the government oversees and monitors these societies at the executive, municipal and Supreme Leader level. In fact, Article 131 states that members of these organisations must “believe in and adhere in practice to Islam and the velayat-e faqih and be loyal to the Constitution; not be affiliated to illegal and opposition groups and parties…” Furthermore, government oversight allows for the Ministries of Labour and Interior to approve the

composition and bylaws related to these organisations with Article 138 specifically allowing the Supreme Leader’s office to have a supervisory role and representative present in the councils as well. The law forbids the formation of these councils in large industries without a special cabinet directive.

The government has been careful to avoid using the term “trade unions.” The Labour Code also avoids the use of the word “strike”, but recognises “work slowdown” or “stoppage” while workers are present in the workshop (Article 142).

Article 134 grants retired workers the opportunity to organise to protect their retirement benefits. Here too, various government ministries ranging from Labour and Social Affairs to Health are obligated to work with these organisations. Article 132 and 133 enable the creation of housing and cooperative units respectively. These units are permitted to exist with government approval at the provincial level.

The government has taken care to establish centralised control mechanisms over each category of workers’ organisation. The Labour Code (Article 136 and 137) provides for more developed control mechanisms for each of those categories of organisations: Supreme Association of ILCs, Supreme Association of Trade Associations of Workers, and High Assembly of Representatives of Workers as the case may be. These supreme bodies are formed and organised by the government and oversee the local organisations and take all the important decisions on the national level as well as “appoint the official representatives of the Islamic Republic of Iran to [various bodies including] the ILO” reaffirming the consistent government presence and oversight in these organisations.

Lastly, Article 191 empowers the Supreme Labour Council to propose Labour-related legislation to the cabinet thereby bypassing the parliament. This loophole exempts workplaces with under five employees from the provisions of the Labour Law and leaves workers without protection.

**Worker Organisations**

As stipulated by the Labour Code, workers are permitted to have professional representation, through their individual representatives, Islamic Councils or Trade Associations. None of these are completely independent nor are they effective arbiters of workers rights, mainly because of their association with the government and the limitations to their government-approved mandate.

**Khaneh Kargar — Workers’ House**

The Workers’ House, first established before the revolution, was once secular and labour protectionist. After the revolution, however, the Workers’ House was dissolved and reopened under an Islamic orientation. After a struggle for power between Marxist groups and members of the Islamic Republic Party (IRP), the Workers’ House became an independent non-governmental entity backed by the IRP, which itself was later dissolved. Ali Reza Mahjoob has been the long time head of the Workers’ House for over two decades, also serving in parliament. Mahjoob was one of the founding members of the Islamic
According to Professor Asef Bayat, “the Workers’ House became a self-appointed federating ‘union,’ which gradually formed a ‘labour empire.’ The Workers’ House has relied on the financial and logistical help of the government, even though it receives membership dues and benefits from overseeing two lucrative cooperatives, one for the distribution of consumer goods (EMKAN) and the other for housing (ESKAN).”³ The Workers’ House supervises labour councils and lobbies - albeit limitedly - for better worker rights and conditions.⁴ In recent years, activists have accused the Workers’ House of collaborating with the government to repress labour activists.⁵ A lack of independence threatens to compromise the organisation’s policy agenda by leaving the Workers’ House beholden to government policies.

Along with Islamic Associations, the Workers’ House is more of a political entity and while independent activity by any group of workers is not tolerated, the Workers’ House enjoys a unique status in Iran. It is neither a political party nor a trade union as recognised or mentioned by Labour Law, but functions as both under the auspices of the law of parties and organisations.

**Islamic Labour Councils**

Islamic Labour Councils can exist in workplaces that employ at least 36 permanent workers. The exact number of these councils in the country is unknown. The law explicitly encourages workers to associate with Islamic Councils, which are effectively controlled by management, as their main objective is to support work flow and harmony in the workplace. As mentioned above, in any workplace an Islamic Labour Council, a Trade Association or a workers’ representative can exist. These legal restrictions on membership and limitations on the types of workers’ organisations are in direct violation of international standards and the Iranian Constitution. One of the qualifications for candidates to be successfully vetted is commitment to Islam and the doctrine of the Supreme Jurisprudence, i.e Velayat-e-Faqih⁶. In addition, Islamic Labour Councils, the most common type of labour organisation, are explicitly defined in Iran’s Labour Law as ideologically centred entities. They are not focused on promoting workers rights and are incompatible with the concept of independent unions. Furthermore, worker membership in these councils is subject to a vetting process, controlled by the Ministry of Labour. These

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⁶ Members of other religions need commitment to the Constitution.
Council duties include:
1. Creating and promoting cooperation among workers;
2. Increasing worker awareness in cultural, social, and political areas, in collaboration with Islamic associations;
3. Increasing knowledge in economic and technical fields;
4. Monitoring work at the unit and making recommendations to relevant supervisors;
5. Assessing and processing workers’ complaints;
6. Supporting the rights of workers and lobbying for more facilities;
7. Identifying shortcomings and problems at the unit and providing details to the manager or board of managers.⁷

Councils are formed by taking the following steps:
1. Approval of conditions by the Ministry of Labour representative;
2. Establishment of a discernment committee charged with vetting candidates (including: a representative from the Ministry of Labour, a representative from a relevant ministry, and a representative from the workers.);
3. Election of council members held by the General Assembly;
4. Official registration of the council.⁸

**Trade Associations**

According to the Secretary General of the Higher Council of Trade Associations, there are more than 1,000 associations throughout Iran.⁹ The regulations for the establishment of trade associations for workers and employers were approved in 1993 with the latest version approved by the government in October 2010.¹⁰ As stated in Article 21, trade associations are responsible for fulfilling the legitimate and legal rights of members, cooperating with the Ministry of Labour to identify problems and implement the Labour Code, preventing politicisation of the group, and concluding collective agreements.¹¹

To establish a trade association, an application by at least 10 workers in a workplace or 50 in the trade needs to be submitted to the Ministry of Labour for approval. It is important to note that if an Islamic Council is already present in the workplace, the law forbids the

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¹⁰ Report by Tasnim News Agency
¹¹ Rules of procedure of Trade Associations, approved by the Council of Ministers, 25 December 1992 available at www.imro.ir
¹² Ibid.
establishment of a trade association there; the Islamic Council always takes precedence. The Higher Council of Trade Associations of Iranian Workers (established in 2010) acts as an umbrella body for all associations. However, the Council’s role has caused controversy because it has denied some workers the right to set up their own associations. These include workers who cannot provide pay slips or contracts and those who fall under Article 188 of the Labour law.⁷³

**Workers Representatives**

Workers in every workplace have the right to appoint a representative, in which case an Islamic Labour Council or trade association cannot exist. More than 5,000 workshops are represented in this manner. The representatives join in provincial assemblies, which in turn join the national assembly. Assemblies of Worker’s Representatives provide organisational associations for businesses with fewer than 35 employees.⁷⁴ These bodies also need external approval, registration and are required to hold elections. The rules governing applications to this body were approved in 1993 and later amended in 2008. Similar to the above, candidates cannot have any illegal political affiliations and must be vetted by the board of representatives of the Ministry of Labour.⁷⁵

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⁷³ Article 188: Workers covered by the National Employment Law or other special laws or provisions, as well as workers in family workplaces whose completion of their job is entirely done by the proprietor, the spouse, or a relative of first degree and first class thereof shall not be included in the provisions of this law.


⁷⁵ Ibid.
CHAPTER TWO
Historical Overview

Iran’s labour movement has a long, active history dating back to the early twentieth century. From the movement's early days, workers have struggled (often unsuccessfully) for independent labour unions, improved working conditions, and social protections. Economic mismanagement, lacklustre economic policies, bans on independent labour activity and limited worker protections continue to overshadow the labour movement in Iran.

Tehran printing workers formed the country’s first trade union in 1906 during the Constitutional Revolution, and leather factory workers carried out Iran’s first industrial strike. In 1946, Tehran-based workers demonstrated in favour of higher wages. The socialist Tudeh Party built on this momentum by organising a three-day oil workers strike demanding better housing and working conditions. This strike was the largest labour strike in the Middle East and set in motion domestic tensions against British oil interests in Iran. These tensions would come to a head in 1951 as the pro-worker Tudeh party supported the nationalisation of Iran’s oil industry and also backed anti-monarchical protests that led to the temporary ousting of Mohammad Reza Shah. The 1953 CIA/MI6 orchestrated coup, which restored Mohammad Reza Shah to the throne, led to the repression of the Tudeh party and labour organisations.

In the subsequent years until the 1979 Iranian revolution, the Shah imposed tight controls on labour activities through his secret police and state affiliated syndicates. Labour laws continued to deny workers the right to form independent unions. The rapid drive towards industrialisation and modernisation placed undue pressure on the economic arena. As a result, labour activism increased in the 1970s. During this period, over 800 workers went on strike in a Tabriz machinery factory and clashes took place between security forces and workers in a Karaj textile factory. State-controlled labour unions sought to manage workers grievances often through coercive means rendering the demands to establish independent unions moot.

The Revolution and its Impact
As revolutionary momentum built up in 1978 through 1979, workers began to join the demonstrations. Their impact was pivotal to the success of the revolution as major industries were shut down, reducing efficiency and productivity particularly in the oil and public sectors. After the revolution, workers’ freedom to collectively organise was short-lived. A struggle for power between Islamist and left-leaning groups resulted in a victory for the former. During the Iran-Iraq War (1980-88), as opponents were purged, independent
labour councils and left-leaning worker organisations were disbanded—often violently—and replaced with the above-mentioned state-controlled Islamic labour councils. “These organisations policed dissent and directed worker grievances into more manageable forms”.

The Workers’ House was reopened and although nominally independent, was affiliated with the government.

A number of factors help explain the Islamic Republic’s position towards organised labour. First and foremost is Ayatollah Khomeini’s viewpoint of the ideal Islamic economy based on the concept of social justice. For a government to promote such justice it should represent the needs of the people through an Islamic paradigm. Specifically, Khomeini argued that in Islam, the economy and labour are not the specific ends, but they are instruments to help people become morally developed and spiritually refined. Moreover, the Islamic economy is a school to promote moderation in many respects, namely that of ownership, income, and welfare, differentiating an Islamic economy from a capitalist or socialist model. The role of labour in Islam is to assist the worker and society to develop morally and spiritually. Khomeini also regarded “an Islamic system as an independent and moderate system which falls between the two Western systems of communism and capitalism, both with regards to its fundamental values and the way it operates,” revealing his fundamental suspicion of the two alternate models. Fearful of labour unions, their legacy and their historical links with the left, Khomeini sought to couch support for labour within an Islamic context.

It was Ayatollah Mahmoud Taleghani who introduced the importance of councils. From his perspective, councils could facilitate and realize the needs of individuals, various groups and ethnicities, and ensure their participation in the processes of governance and decision-making in society. While Taleghani’s view was more idealistic, his approach was implemented with regards to labour councils under government supervision. It is for this reason that the government approach towards labour came in the form of Islamic labour councils whose main focus was to promote cultural awareness and supervision rather than protect worker’s rights.

Rafsanjani’s tenure as president brought with it political changes that impacted labour and its organisation efforts. After eight years of war and economic isolation, Rafsanjani implemented gradual privatisation policies seeking to liberalise the state controlled economic system. The impact of such policies began a gradual trickle down effect on workers. Cheaper imports amidst the decline of the manufacturing sector led to layoffs, unpaid wages and limited worker protection. The economic impact of this shift continued

19 Harris, 2011.
21 Ibid.
through the Presidency of Mohammad Khatami, thereby exacerbating worker’s grievances and accelerating their demands for much needed labour protections.

During this period, parliament passed a worker-friendly labour law that made layoffs in large enterprises more difficult, reduced the workweek, and stipulated equal pay for men and women. Many provisions were selectively enforced and applied only to formal sector workers. Over the years, economic liberalisers have pressed for more business-friendly regulations. As such, the law has gradually been watered down over the past two decades, including under President Ahmadinejad. Iranian economist Mahmood Majloo has argued that limited labour law protections and labour council dependence on the government has rendered the latter incapable of supporting workers. This has become worse during the last two decades, especially due to the adoption of new rules, laws and provisions which have placed further restrictions on official unions.

The 1997 election of Mohammad Khatami was important not for shifts with regards to labour reform, but rather because Khatami sought to empower Iranian civil society. A cultural liberalisation coupled with government support of non-governmental organisations (NGOs) and the flourishing of the press opened the public space to greater activism and discussion. Student, gender and labour-based activism increased during this period. Although political conservatives threatened by Khatami’s political platform ultimately stymied the president and his supporters, it was during this period that labour activists pushed more directly for mobilisation. Workers in public and private industries protested, demanding payment of their unpaid wages, opposing the widespread use of “blank signed” and temporary contracts, and demanding that the government and employers respect the application of current labour law. Some of the most confrontational labour protests have been in cases of laid-off workers demanding to be reemployed. The reaction of the conservative judiciary to labour mobilisation was harsh and often violent. Jamco clothing workers, Shadanpoor shoe factories, teachers in Isfahan, and construction workers in Khatounabad were among the many groups that protested and were violently suppressed during these years. In Khatounabad, four people were killed and 300 injured catalyzing a larger reaction from activists. Indeed, on May 1, 2004, large worker demonstrations were held throughout the country.

In May 2005, workers in the Tehran and Suburban Bus Company formed the Tehran and

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25 Ibid.
Municipality Vahed Bus Workers Syndicate as an independent trade union. The formation of the Vahed Bus Workers Syndicate was followed by the creation of the Haft Tapeh Sugar Refinery Workers Syndicate and the reactivation of the Kermanshah Electrical and Metal Workers Trade Society. Several committees and boards were formed to organise the nascent labour syndicates or associations and re-inaugurate previously active ones. Among these are the Free Assembly of Iranian Workers, the Board for Re-inauguration of the Metal and Mechanical Syndicate, and the Board for Re-inauguration of the Painting Workers Syndicate. In addition, numerous committees were formed by labour activists with the objective of providing support for the creation of independent unions.

Efforts to contain labour organisations continued more directly under the tenure of President Mahmoud Ahmadinejad. Ahmadinejad’s 2005 election brought a shift in governmental policy towards civil society. Specifically, the more open environment encouraged by Khatami was immediately reversed and a confrontational approach towards activism became the standard response. A shift in economic policies coupled with the growing impact of international sanctions due to Iran’s nuclear programme contributed to increasing tensions in the labour environment. Economic programmes, which included cutting subsidies and privatising state owned industries, had a major effect on workers during this period. Privatisation was skewed towards favoured (but not necessarily capable) groups in the private sector. Labourers faced salary cuts and mass layoffs at the same time as the government slashed the social safety net by reducing subsidies. Sanctions had an inflationary effect leading to a reduction in purchasing power on the ground. Moreover, as the business environment also contracted, worker layoffs increased, as did non-payment of wages.

It is against this backdrop that Ahmadinejad’s administration increased surveillance of associations and interfered in their elections. Specifically, in August 2006, the Trade Union of Journalists was prevented from holding elections. Officially unrecognised labour groups, ranging from bus drivers to sugar cane workers, became more vocal, staging protests in front of the Iranian Parliament. Iranian oil workers have also organised protests sparked by unpaid wages, such as the February 2011 sit-in at the Abadan Refinery, Iran’s largest oil refinery. With growing labour agitation, a crackdown against labour leaders ensued resulting in the arrest and lengthy detention of many prominent labour rights activists.

\[\text{\ldots\ldots\ldots\ldots}\]

activists."

President Hassan Rouhani’s 2013 election has only marginally changed the dynamic for Iranian workers. Rouhani has sought to improve the Iranian economy by resolving Iran’s outstanding nuclear issues with the international community. Such resolution and nuclear compliance on Iran’s behalf would be rewarded with sanctions relief and foreign investment. Equally important has been a shift in economic policy away from Ahmadinejad’s inflationary programmes. Indeed, Rouhani has reduced Iranian inflation from the 40% seen during Ahmadinejad’s presidency to 15% in 2015.22 While worker sit-ins and protests continue, on 1 May, 2014, Rouhani voiced his support for independent worker associations. Rouhani stated "[w]orkers should be able to get their message across to officials by forming their own free associations….. the government should not interfere in these unions and associations."23 Despite such claims, the president has yet to address or challenge the political norm on labour issues leaving workers and activists disillusioned by the prospect of labour reform and unionisation.

31 Nader and Mahnad, 2013.
33 Ramin Mostaghim, “Iranian President Rouhani supports more worker’s rights in speech,” Los Angeles Times, May 1, 2014.
CHAPTER THREE
Cooperatives and their Impact

Cooperatives in post-revolutionary Iran consist of special economic groups that directly or indirectly contribute to the gross national product and job creation through the organised production of goods. Cooperatives share the following characteristics: Voluntary participation of a group of people to promote commercial activity, registration as a legal entity, having social and financial capital, and having independent management, unlike trade and commercial corporations. Most important to this paper is that cooperatives operate independently and serve to empower socially and economically marginalised groups such as women by allowing them to organise on a micro level.

Cooperatives have had a role in developing the Iranian economy since the 1920s when Iran implemented the Trade Law of 1924. The first registered cooperatives became productive in 1935. These first cooperatives were active in the field of agriculture. After 1941, the government began to promote the idea of having more cooperatives, and also to attract commercial support for these initiatives. The outbreak of World War II however resulted in limited progress. In the post war period, the government and international organisations restarted cooperative initiatives throughout the country.

In 1962, the first Iranian law on cooperatives was ratified laying the groundwork for government-backed cooperatives to emerge. During this period, more than eight thousand rural cooperatives were established. These were then merged together and formed about three thousand cooperatives. In 1967, the Central Organisation for Rural Cooperatives of Iran (CORC), the National Central Cooperative Organisation, and the Ministry of Cooperatives & Land Reforms were established. These institutions were tasked to “promote cooperative principles and formulate relevant legislation.”

Four types of cooperative existed during this period:

- The Central Cooperation Organisation, which had 1,340 cooperatives with a membership exceeding 803,893, and 20 non-employee urban cooperative unions with a membership of 369 cooperatives;
- The Central Rural Cooperation Organisation, which had 153 groups with a cooperative membership of 2,923;
- Employee Cooperatives consisting of 1,673 groups and a membership of 423,840; and
- Rural Cooperative Corporations made up of 39 rural producer cooperatives including 258 villages and farms with 11,200 landowners.

36 Ibid.
The post-revolutionary Iranian government continued to support cooperatives. “Revolutionary forces believed that revolution by itself is a manifestation of cooperation,” and sought to reinforce the collaborative spirit through joint economic productivity. Article 44 of the Constitution stipulates that the national economy falls into three sectors: the public, cooperative and private explicitly highlighting the importance of the cooperative sector.

In 2001, Ayatollah Khamenei made a general declaration under the title of General Policies of Principle 44 of the Constitution of the Islamic Republic of Iran. Seeking to promote and deepen the role of the private sector in the Iranian economy, Khamenei sought to expand the role of cooperatives. The main objectives of ‘the General Policies of Principle 44’ were:

- To increase the cooperation sector’s contribution and involvement in the country’s economy to 25%;
- To set up and improve cooperatives to support unemployed people in order to create more job opportunities;
- To eliminate all restrictions on the involvement of cooperatives in the economic and financial affairs of society;
- To eliminate poverty and discrimination by creating more jobs;
- To increase healthy competition between small and large economic and labour units.

Today there are more than 190,000 cooperatives registered with the Ministry of Labour, over 100,000 are active, and 10,000 of them are female-run cooperatives. They have created jobs for more than 1.6m people and in 2013 exported more than USD 1 billion of goods.

Women have been particular beneficiaries of cooperatives, which afford them opportunities to engage in economic enterprise. This has led to an increase in female labour participation and an upsurge in higher education. A study of social empowerment of rural women in the province of Tehran found that working agricultural cooperatives played a positive role in empowering women. Most of the women belonging to these cooperatives were successful in improving their education and social participation, and in

37 Ibid
39 For more information, see http://www.ipo.ir/index.aspx?siteid=1&pageid=891
40 Speech by Labor Minister
41 http://www.radiopayam.ir/news/detail/29406/
increasing their income.⁴³

Unlike labour associations, cooperatives have provided better opportunities for organisation, empowerment and economic improvements.

CHAPTER FOUR

Politicisation of Labour Issues

The growth of labour demands over the subsequent three decades of the Islamic Republic of Iran can be attributed to changes to the labour law accompanied by the impact of economic liberalisation and privatisation. Specifically, labour law revisions and the use of blank contracts amidst the lack of independent worker representation have exacerbated worker unrest. Economic policies of privatisation have led to growing unemployment and unpaid wages. These issues too have fanned the flames of worker discontent. The influence of international sanctions has also had a trickle down effect on Iranian workers. Taken together, these issues have fuelled greater labour activism and increased demands for labour independence. This chapter will address these issues.

Worker Grievances in the Labour law

A number of labour issues are inherently biased against workers offering them unbalanced or no legal protection.

- Article 7 of the Labour Code allows for the use of a “written or oral” contract of employment. In practice and in recent years, employees often have to sign short-term (temporary) contracts certifying that they have no claims against the employers, which also deny them many of the benefits envisaged in the law for permanent employment such as unemployment benefits. As such, the employer is entitled to fire employees without providing benefits or paying wages—more than 55% of contracts are of this nature. In the absence of proper protection from the law, ‘blank contracts’ are growing in number. With blank contracts, a temporary contract with blank spaces for dates is signed and the only copies are kept by the employer and in case of any issues, they can backdate the contract. Some studies state that over 70% of women are obligated to sign this type of contract.

- Article 191 of the Labour Code allows factories that employ fewer than 10 employees to be exempt from conditions of the Labour Code. In 2003, the Council of Ministers granted such companies the right to be exempt from 37 provisions, including: severance pay, job classification, educational leave, length of the working day, overtime pay, and paid leave to name a few.

- Companies employing five or fewer workers are not obliged to insure their employees. There are reportedly two million small, unrepresented workshops in Iran.

44 “Increase of blank-signed contracts in small production units”, Aftab News, 10 May 2012.
45 Farvin Mohammadi, “Goal-oriented subsidies have promoted ‘blank-signed contracts”, May 20 2012, BBC Persian Service.
47 Law for exempting companies with 5 employees or less Parliament’s Research Centre, 7 March 1983, http://
Article 142 of the Labour Code stipulates the right to collective bargaining and contracts. Should workers be unable to reconcile their differences with employers then they are entitled to engage in a “work stoppage.” While in theory a work stoppage is akin to a strike, the government does not in practice recognise the right to strike.

Coupled with the aforementioned restrictions on forming independent labour unions, the legal deck is stacked against Iranian workers. With limited means to protect or advance their interests, workers remain marginalised and without options.

**Economic Grievances**

Mounting economic pressure resulting from government mismanagement and privatisation policies has left Iranian workers vulnerable. Slow growth, high unemployment, double-digit inflation, and continued fiscal deficits have been long term economic trends. Most relevant to workers has been the impact of Iran’s privatisation policies that have been implemented over a two-decade period. While theoretically such reforms were designed to improve productivity and growth, in practice they have resulted in lacklustre private sector performance. Workers have been hit by increased unemployment as companies have been forced to reduce their work staff. The private sector has also gained from changes to the Labour Code allowing them to make use of blank contracts with limited job protection. Additionally, due to financial pressures and sanctions, employers in many cases have not paid worker salaries. Double-digit inflationary trends seen under President Ahmadinejad also greatly reduced worker purchasing power. A reduction in government subsidies has added pressure to the Iranian working class. As the cost of living has been growing sharply, minimum wage remains a source of grievance for workers. Representatives of workers have called on the government, with little success, to provide a 40% adjustment in wages, but the government and representatives of employers have been arguing that amidst continued recession and workshops struggling to survive, any such increase will result in their closure and more workers losing their jobs.

The impact of international sanctions has increased pressure on the economy and Iranian workers. Private enterprises have had limited trade, investment and commercial activity from 2011 onwards. Indeed, the impact of reduced business has trickled down to the worker level where layoffs and unpaid wages have become common trends.

Workers remain unhappy with President Rouhani’s response to their grievances.48 Having supported Rouhani’s 2013 presidential election, workers expected Rouhani to meet his campaign promises of raising the minimum wage. Thus far, such increases have not been implemented according to the law. Article 41 of the Labour Code states that the minimum wage should be set “according to the rate of inflation in the country and the cost of living

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48 Appendix A provides a sample list of worker protests from 2012-2014.
for a family of four."\textsuperscript{49} Taken together, workers have limited options at their disposal for job protection and economic survival. Without a wholesale reform of worker rights and protections amidst slow economic growth, the government will have to contend with sustained labour unrest for many years to come.

\textsuperscript{49} Ramenzani, Al Monitor, March 18, 2014.
CHAPTER FIVE
Recommendations

This paper has reviewed the history, government policy, legal barriers and current drivers surrounding labour associations in Iran. It is clear from this study that the Iranian government has imposed laws and policies that obstruct labour associations from operating independently and fairly. Combined with continued macroeconomic pressures impacting upon Iranian workers, the issue of labour activism and calls for greater union independence have exacerbated worker discontent.

While there is no denying the political nature of these pertinent worker grievances, the politicisation of labour issues has come at the expense of Iranian workers. Indeed, it is important to stress that to date there is no widespread Iranian labour movement. Historically, both before and after the 1979 revolution, labor activism has almost been viewed through a political and ideologically-charged prism as political groups ranging from the Tudeh Party to the Islamic Republican Party have deftly leveraged worker issues. Amidst factional political struggles and plans for post war economic liberalisation, it is workers who have lost out because of the government’s historical and ideologically-fuelled fears of labour-related activism.

The state’s approach towards workers allows limited organisation through Islamic Associations and Labour Councils but tempers all political and labour-related activism fearing that it will come at the expense of national security. This prism poses serious obstacles for workers. To protect against independent activity, the state has a legal mandate to approve and vet all labour related activity, not just in the Ministry of Labour but also in the Interior Ministry, again highlighting larger government fears of politically motivated activism. With any and all organised independent activity viewed in this politicised way, the challenge of addressing labour issues seems insurmountable.

However, labour activists do have alternatives. In the face of ongoing economic challenges and further politicisation, thousands of trade associations and workers’ representatives continue to operate and lobby for improved working conditions. These groups work without large national coordination and remain primarily focused on internal labour issues rather than wider national ones.

In this vein, labour activists must shift their focus away from independence-related activism and lobbying for the right to strike and unionisation, and instead focus on practical issues affecting workers. Responding to the impacts of large-scale privatisation, including outsourcing and insecurity of employment conditions is of critical importance. Workers must be prepared and properly educated to face these changes and challenges.

Education and awareness campaigns are important first steps in helping workers redress the imbalances of economic marginalisation, payment of wages and arrears, contract negotiation and legal rights. Labour activists and organisations should give greater focus and attention to:
1. Empowering workers to be aware of the changing economic conditions and growing sectors and skills needed;
2. Providing professional and technical training to adjust skills and competencies;
3. Developing an understanding of the private sector, and the impacts of privatisation;
4. Becoming aware of their legal, social and pension rights;
5. Understanding health and safety requirements; and
6. Reporting on economic indicators such as inflation so that workers can lobby to be compensated adequately.

Moreover, labour organisations should endeavor to provide financial and human resources to assist workers in knowledge building and negotiating capacity.

Finally, further education about the benefits of cooperatives as an alternative employment model is also important to promote self-reliance and independence in the face of economic uncertainty. Through workshops, public education and case studies, greater focus and attention should be used to nurture the growth of this sphere as a means to encourage small business entrepreneurship within various sectors of the economy.
APPENDIX A:
Job Losses and Unpaid Wages: 2012-14

The author used the following sources to compile this list:

Tabnak (TB)
Rahesabz (RS)
RadioFarda (RF)
Kalameh (KL)
Ayenehrooz (AR)
Mellimazhabi (MM)

**Job Losses**

- 100 workers of Chasht Passand Dairy Co. lost jobs (ILNA, February 23, 2014)
- 110 workers of Pishroo Constructing Co. lost jobs with more than 2 months of unpaid wages (Peikiran, February 20, 2014)
- 250 workers of Iran Tire lost their jobs (Ayenehrooz, February 2, 2014)
- 150 workers of contractual companies of Pars Oil and Gas Company lost their jobs with 2 months of unpaid wages (Ayenehrooz, January 8, 2014)
- 200 workers of Runiran (Manufacturer of Volvo Buses in Iran) laid off due to economic sanctions (ILNA, January 7, 2014)
- 150 workers of Samand Tile Co. lost jobs with 6 months of unpaid wages (Radio Zamaneh, January 6, 2014)
- 150 workers of Kaamyaab Sugar Co. lost their jobs with 4 to 11 months of unpaid wages (Ayenehrooz, December 30, 2013)
- 84 workers of Mahtab Khorasan Industrial Co. lost their jobs with more than 4 months of unpaid wages (Ayenehrooz, December 29, 2013)
- 150 workers of Samand Tile Co. lost jobs with 8 months of unpaid wages (Peikiran, December 22, 2013)
- 100 workers of Sazehaye Abi Co. lost jobs with 4 months of unpaid wages (ILNA, December 19, 2013)
- 30 workers of Abadan Municipality laid off (Ayenehrooz, December 19, 2013)
- 1,500 workers of Mehr Housing Project lost jobs due to project termination (ILNA, December 16, 2013)
- 250 workers of Assadabad Iron Melting Co. lost jobs due to company’s increasing financial problems (Ayenehrooz, December 15, 2013)
- 600 construction workers lost jobs in Tabas due to termination of Maskan Mehr Project (ILNA, December 11, 2013)
- 200 contract workers of Abadan Oil Refinery lost jobs (ILNA, December 3, 2013)
- 40 workers of Giboor Auto Parts Co. laid off due to company liquidity problems (Ayenehrooz, November 5, 2013)
- 4,500 workers of auto industries in Qazvin lost jobs due to inflation and skyrocketing prices of raw materials (Ayenehrooz, November 4, 2013)
- 80 workers of Punnel Wood industry lost jobs due to company shutdown (Ayenehrooz, October 14, 2013)
• 1,500 contract workers of Sadra Marine Industrial Co. laid off (ILNA, September 22, 2013)
• 76 workers of Lushan Cement Co. lost jobs to cut company costs (Ayenehrooz, September 11, 2013)
• 50 workers of Khoorshid Brick Making Co. lost jobs (Ayenehrooz, September 8, 2013)
• 400 workers of National Iranian Lead and Zinc Co. lost jobs (Ayenehrooz, August 18, 2013)
• 400 workers of Akhshan Auto Parts Co. lost jobs (Ayenehrooz, August 16, 2013)
• 400 workers of Saman Tile Co. lost jobs due to lack of financial resources and raw materials (Ayenehrooz, August 5, 2013)
• 120 workers of Kasra Rug Manufacturing Co. lost jobs due to company shutdown (Ayenehrooz, July 29, 2013)
• 85 workers of Safa Rolling and Pipe Mills co. lost jobs (Ayenehrooz, July 28, 2013)
• 122,000 workers of part manufacturing companies lost jobs due to economic fluctuations in the past year (Ayenehrooz, July 21, 2013)
• 235 workers Zagros Steel Co. lost jobs due to company financial problems (ILNA, July 10, 2013)
• 40 workers of Sadra Marine Industrial Co. lost jobs (Ayenehrooz, July 3, 2013)
• 32 workers of Bastan Rug Manufacturing co. lost jobs (Ayenehrooz, June 12, 2013)
• 340 workers of Oghab Afshan Industrial and Manufacturing Company were laid off due to the company's financial problems (MM, August 18, 2012).
• 300 workers of Oghab Afshan Industrial and Manufacturing Company lost their jobs (RF, August 22, 2012).
• 1,300 workers of Pouya Khodro Company lost their jobs due to company shut down (MM, September 8, 2012).
• 360 workers of Malard Mushroom Company were laid off (MM, September 8 2012).
• 300 workers of auto parts manufacturing plants in Qazvin were fired (MM, September 19, 2012).
• 50 workers of Duran Aluminum Company were laid off to compensate for production cost (MM, September 30, 2012).
• 387 contract workers of Ahvaz Metro Construction Project were laid off (MM, October 6, 2012).
• 200 workers of Azmayesh Factory in Marvdasht were laid off due to factory shutdown (RF, October 24, 2012).
• 62 workers of Zagros Steel Company lost their jobs (MM, October 25, 2012).
• 100 workers of Punel Wood Industry were laid off (MM, October 28, 2012).
• 61,000 workers in Asaloyeh region have lost their jobs according to Parviz Kazemi, former Minister of Welfare and Social Security (KL, October 29, 2012).
• 32 workers who were working in Hamadan-Sanadaj railroad construction project were fired (AR, November 27, 2012).
• 3,120 workers in Parand Industrial City were laid off this year (AR, November, 29 2012).
• 70 workers of Marlksun Manufacturing Company lost their jobs due to drop in company's productivity (MM, December 2, 2012).
• 3 members of Bus Drivers' Union were fired due to following up their legal rights (MM, December 4, 2012).
• 30 workers of Iran’s Metal industries have been laid off (MM, December 9, 2012).
400 workers of Zagros Automobile Factory in Borujerd are laid off due to factory shut down without being paid for 3 months (KL, December 15, 2012).

55 workers of Ahvaz Metro construction project lost their jobs (AR, December 16, 2012).

200 workers of Gharb Steel Co. were laid off due to lack of manufacturing materials (Emrooz, April 4, 2012).

650 workers of Shahab Khodro were laid off (Emrooz, April 8, 2012).

40% of fishermen lost their jobs last year as a result of government Targeted Subsidy Plan (Emrooz, April 29, 2012).

60 workers of Shirin Tam Co. in Larestan, Fars Province, were laid off (Emrooz, May 13, 2012).

200 workers of Zagros Auto Co. lost jobs due to lack of manufacturing materials (Emrooz, May 15, 2012).

67 workers of Pars Cast Iron Factory in Saveh lost their jobs because of lack of liquidity and manufacturing materials (Emrooz, May 26, 2012).

80 workers of Iran Tire were laid off due to lack of manufacturing materials (Emrooz, May 28, 2012).

70 workers of Rafsanjan Techno Pokht lost jobs as a result of company financial difficulties (Emrooz, June 13, 2012).

130 workers of Iran Tire were laid off due to lack of raw materials for tire production (Aftabnews, June 14, 2012).

667 workers of Shahab Khodro Co. lost jobs due to company difficulties (Emrooz, June 24, 2012).

350 workers of Sharh-e-Rey Iranit lost jobs due to company shut down (Emrooz, June 26, 2012).

400 workers of Hadid Mobtakeran Co. were laid off as a result of company financial difficulties (Emrooz, June 26, 2012).

80 workers of a Tuna Company in Hormozgan Province lost their jobs due to company shut down (Emrooz, June 27, 2012).

All contract workers of Tehran Iranit Co. were laid off with several months of unpaid wages (Rahekargar news, July 6, 2012).

4,000 workers of brick making factories in Pakdasht, near Tehran, lost jobs because of factories shut down (Rahekargar news, July 6, 2012).

30 workers of Mah-Machine Co. lost their jobs due to company dissolution (Emrooz, July 7, 2012).

400 workers of Zagross Khodro in Borujerd, western Iran, with 3 months of unpaid wages, lost jobs due to company shut down (Radio Farda, July 15, 2012).

200 workers of South Pars Oil and Gas Company who were on strike were fired (Ayenehrooz, September 17, 2012).

300 workers of auto parts manufacturing plants in Qazvin lost jobs (Mellimazhabi, September 19, 2012).

50 workers of Duran Aluminum Company were laid off to compensate for production cost (Mellimazhabi, September 30, 2012).

387 workers working on Ahvaz Metro Construction Project were laid off (Mellimazhabi, October 6, 2012).

200 workers of Azmayesh Factory in Marvdasht lost jobs due to factory shut down.
• 62 workers of Zagros Steel Company were laid off (Mellimazhabi, October 25, 2012).
• 100 workers of Punel Wood Industry were laid off (Mellimazhabi, October 28, 2012).
• 32 workers working in Hamadan-Sanadaj railroad construction project were fired (Ayenehrooz, November 27, 2012).
• 3,120 workers in Parand Industrial City lost their jobs this year (Ayenehrooz, November, 29 2012).
• 242 workers of Bozhan Refrigerator Making Co. in Khoramabad lost jobs due to rise in rate of currency exchange (Ayenehrooz, December 6, 2012)
• 30 workers of Iran’s Metal industries have been laid off (Mellimazhabi, December 9, 2012).
• 3,000 carpet weavers lost their jobs in Khorasan Razavi province (Deutsche Welle, December 14, 2012)
• 400 workers of Zagros Automobile Factory in Borujerd, with 3 months of unpaid wages, lost jobs due to factory shut down (Kalameh, December 15, 2012).
• 55 workers of Ahvaz Metro construction project lost their jobs (Ayenehrooz, December 16, 2012).
• 50 workers of Mobin Petrochemical Co. were laid off (Ayenehrooz, December 19, 2012)
• 120 workers of Yasuj Flour Starch And Glucose Co lost jobs as a result of company dissolution in Yasuj, the capital city of Kohgiluyeh and Boyer-Ahamad Province (Kargar News, December 23, 2012)
• 1,000 workers of Giti Pasand in Esfahan lost jobs due to lack of manufacturing materials (Ayenehrooz, December 23, 2012)

Unpaid Wages
• 400 workers of Karoon Industrial Agriculture in south of Iran not paid for 4 months (ILNA, February 3, 2014)
• 1,400 of Alborz Mining co. not paid for 2 months (ILNA, February 3, 2014)
• 200 workers of Zagros Steel co. not paid for 7 months (ILNA, January 29, 2014)
• 250 workers of Iran Tractor Industrial Group not paid for 8 months (Ayenehrooz, January 8, 2014)
• 410 workers of Electricity Meter Manufacturing Company not paid for more than 2 months (Ayenehrooz, January 8, 2014)
• 60 workers of Arvand Technicians not paid for 7 months (Ayenehrooz, January 4, 2014)
• 200 workers of Shah-Kooh Mine not paid for 3 months (Ayenehrooz, December 29, 2013)
• 180 workers of Alumtek Corporation not paid for 3 months due to reduction in production (Ayenehrooz, December 26, 2013)
• 140 workers of Fakhr and Zafar contract co. not paid for 4 months (Ayenehrooz, December 26, 2013)
• 50 workers of Penguin Rug Manufacturing co. not paid for 3 months (ILNA, December 24, 2013)
• 54 workers of Aftab Urmia Co. not paid for 5 months (ILNA, December 17, 2013)
• 450 workers of Deep Offshore Technology not paid for 2 months due to economic conditions and recession (ILNA, December 12, 2013)
• 60 workers of Shahdab Juice Concentrate Co. not paid for 5 months (ILNA, December 11, 2013)
• 300 of Ministry of Agricultural Jihad not paid for 10 months due to shortage of financial resources (Ayenehrooz, November 12, 2013)
• 120 workers of Spoota Food Industry Complex not paid for 9 months (ILNA, November 10, 2013)
• 390 workers of Iran Casting Industries not paid due to shortage of raw materials and financial resources (Ayenehrooz, October 27, 2013)
• 150 workers of Iran PVC Industries not paid for 6 months (Ayenehrooz, October 23, 2013)
• 120 workers of Nakhil Soap Making Co. not paid for 5 months (Ayenehrooz, October 22, 2013)
• 55 workers of Ab-Kameh Company not paid for 6 months due to fluctuation in foreign exchange market (Ayenehrooz, October 20, 2013)
• 100 workers of Azmayesh Company in Marvdasht not paid for 15 months (Ayenehrooz, October 6, 2013)
• 300 workers of Yasuj Municipality not paid for 7 to 11 months (Ayenehrooz, September 28, 2013)
• 50 workers of Ahwaz Sugar Refinery not paid for 33 months (Ayenehrooz, September 28, 2013)
• 67 workers of Chirook Foundry Sand Co. not paid for 3 months (Ayenehrooz, September 22, 2013)
• 1,000 workers of Borujerd Municipality not paid for 2 months (Ayenehrooz, September 19, 2013)
• 1,200 workers of Saveh Rolling and Profile Mills Co. not paid for 3 months (Ayenehrooz, September 15, 2013)
• 150 workers of Azar Khak Contract Company in Pars Oil and Gas Company not paid for 4 months (Ayenehrooz, September 3, 2013)
• 250 workers of Jahan Electric not paid for 3 months (Ayenehrooz, August 16, 2013)
• 100 workers of Sazan contract company not paid for 7 months (Ayenehrooz, August 13, 2013)
• 300 workers of Malayer Alloy Steel Plan not paid for 4 months (Ayenehrooz, August 7, 2013)
• 1,000 workers of Safa Rolling and Pipe Mills co. not paid for 2 months (Ayenehrooz, July 28, 2013)
• 400 workers of Farsit not paid for 6 months due to company financial problems (Ayenehrooz, July 28, 2013)
• 250 workers of Rasht Iran Barak Textile co. not paid for 5 months (Ayenehrooz, July 22, 2013)
• 300 workers of Solar contract company in Ahwaz not paid for 4 months (Ayenehrooz, July 21, 2013)
• 82,000 workers of steel companies not paid for 3 months (Ayenehrooz, July 14, 2013)
• 1,500 workers of Sadra Marine Industrial Co. not paid for 3 months (Ayenehrooz, July 7, 2013)
• 100 workers of Azmayesh Co. not paid for 9 months (Ayenehrooz, June 18, 2013)
• 40 workers of Taban Textile co. not paid for 3 months due to company financial problems (Ayenehrooz, June 13, 2013)
• 700 workers of Mazandaran Textile Company not paid for more than 2 years (KL, September 14, 2012).
• 80 workers of Alda Factory in Damghan not paid for 3 months (KL, October 3, 2012).
• 40 employees of Takht-e Soleiman Cultural Heritage Center in Takab, northeast of Iran, not paid for 7 months (KL, September 15, 2012).
• 600 workers of Iran’s Metal industries not paid for 3 months (MM, September 15, 2012).
• 210 workers of Parlo Company in Saveh, southwest of Tehran, not paid for 4 months (MM, October 1, 2012).
• 600 workers of Iran’s Metal Industries gathered in front of Governor’s General Office in Tehran in protest to 5 months of unpaid wages (RF, October 15, 2012).
• 5,000 workers of Giti Pasand Factory in Isfahan not paid for 5 months (RF, October 24, 2012).
• 60 contract workers of a dairy product company in Kurdistan not paid for two months (KL, November 3, 2012).
• 200 workers of Samand Tile Factory in Semnan not paid for over 4 months (KL, November 11, 2012).
• 30 thousand retired workers of Esfahan Steel Company not paid for several months (AR, November 27, 2012).
• Ahvaz Sugar Refinery Workers gathered with their families in front of Khuzestan Governor’s General Office in protest to 22 months of unpaid wages (AR, December 5, 2012).
• Workers and employees of Azadi Sports Complex in Tehran not paid for 3 months (AR, December 12, 2012).
• 36 workers of a livestock farm in Mahabad (West Azarbeyjan Province) not paid for 7 months this year (KL, December 15 2012).
• 800 workers of Iran Metal Industries Co. gathered in front of President’s office to protest 4 months unpaid wages and benefits (Emrooz, April 8, 2012)
• 40 workers of Khuzestan Pipe Making Co. gathered to protest 25 months of unpaid wages and benefits (Emrooz, April 24, 2012)
• 1,000 workers of Seimareh Dam in Ilam, not paid for 6 months (Emrooz, May 24, 2012)
• 250 workers of Palud Dairy Product Co. in Neishabur, eastern Iran, not paid for 5 months (Emrooz, June 3, 2012)
• 200 workers of Bouzhan Refrigerator Manufaturing Co., not paid for 4 months (Aftabnews, June 21, 2012).
• More than 1000 workers of Borujerd’s Municipality, not paid for 2 months (Emrooz, July 16, 2012)
• 43 workers of Sari Khoshnoush Co., not paid for 3 months (Emrooz, July 26, 2012)
• 50 workers of Bushehr Paint Manufacturing Co., not paid for 5 months (Emrooz, August 9, 2012)
• 150 workers of Mazandaran Textil Co. gathered in front of Ghaemshahr Governor’s Office building to protest 26 months of unpaid wages and benefits (Emrooz, August 12, 2012).
• 400 workers of Gharb Steel Co in Semnan, not paid for 3 months (Emrooz, August 15,
• 700 workers of Mazandaran Textile Company, not paid for more than 2 years (KL, September 14, 2012).
• 80 workers of Alda Factory in Damghan, not paid for 3 months (KL, October 3, 2012).
• 600 workers of Metal Industries gathered in front of Ministry of Cooperative, Labour & Social Welfare to protest 5 months of unpaid wages and benefits (Radio Zamaneh, October 13, 2012)
• 40 employees of Takht-e Soleiman Cultural Heritage Center in Takab, northeast of Iran, not paid for 7 months (Kalameh, September 15, 2012).
• 600 workers of Iran’s Metal Industries, not paid for 3 months (Mellimazhabi, September 15, 2012).
• 210 workers of Parlo Company in Saveh, not paid for 4 months (Mellimazhabi, October 1, 2012).
• 600 workers of Iran’s Metal Industries gathered in front of Governor’s General Office in Tehran in protest to 5 months of unpaid wages (Radio Farda, October 15, 2012).
• 5,000 workers of Giti Pasand Factory in Esfahan not paid for 5 months (Radio Farda, October 24, 2012).
• 60 contract workers of a dairy product company in Kurdestan, not paid for two months (Kalameh, November 3, 2012).
• 200 workers of Samand Tile Factory in Semnan, not paid for over 4 months (Kalameh, November 11, 2012).
• 100 workers of Mazandaran Textile Co. gathered in front of Iran Parliament’s building to protest 27 months of unpaid wages (Radio Zamaneh, November 14, 2012)
• 50 employers of Telecommunication Company gathered in front of Parliament’s building to protest 7 months of unpaid wages and benefits (Radio Zamaneh, November 18, 2012)
• 30,000 retired workers of Esfahan Steel Company, not paid for several months (Ayenehrooz, November 27, 2012).
• 2,400 workers of Saveh Rolling & Profile Mills Co. and Navard Safa Pipe Co. launched a strike in protest to 6 months of unpaid wages (Radio Zamaneh, November 28, 2012)
• 30 employees of Tehran’s Museums gathered in front of Cultural Heritage Organization to protest their unpaid wages and benefits (Radio Zamane, December 4, 2012)
• Ahvaz Sugar Refinery Workers gathered with their families in front of Khuzestan Governor’s General Office in protest to 22 months of unpaid wages (Ayenehrooz, December 5, 2012).
• Workers and employees of Azadi Sports Complex in Tehran, not paid for 3 months (Ayenehrooz, December 12, 2012).
• 100 retired workers of Esfahan Steel Company gathered in front of Islamic Republic Parliament to protest 2 months of unpaid wages (Aftab News, December 12, 2012)
• 36 workers of a livestock farm in Mahabad, West Azarbayjan Province, not paid for 7 months this year (KL, December 15 2012).
• 4,000 workers of Giti Pasand in Esfahan, not paid for 4 months (Ayenehrooz, December 23, 2012)
• 80 workers of Pars Company in Yazd, central Iran, not paid for 5 months (Kargar News,
December 23, 2012)

- 200 unemployed workers of Gharb Steel Company gathered to protest 8 months of unpaid unemployment benefits (Kargar News, December 26, 2012)
Hard Labour: Workers' Rights in Iran

Female Employment in the Islamic Republic of Iran
Female Employment in the Islamic Republic of Iran

A Small Media Series
Vol III
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INTRODUCTION

Three and a half decades after the 1979 Iranian Revolution, the topic of female labour participation in the Islamic Republic of Iran remains a contentious and complex one. By international standards, Iran’s female labour force participation rate remains decidedly low estimated to be 15% compared to the world average of 45%.1 Official statistics go further, stating that only 3.5 million Iranian women are salaried workers, compared with 23.5 million men. According to the Global Gender Gap Index for 2014 of the World Economic Forum, the Islamic Republic of Iran ranked number 137 out of 142 countries. Furthermore, men earn 4.8 times more than women.2 Notwithstanding, one of the positive indicators in Iran’s socioeconomic developments has been the growing presence of female students in higher education. In fact, over the past five years, an average of 60% of university students were women.3 However, success in attracting women to higher education has not translated into a growing role of women in entrepreneurship and economic activity. Essentially, the Iranian government has been effective in removing educational obstacles for women but has not converted these gains into a larger opportunity for female employment. According to an article published in the March 2014 issue of Iran Economics, the latest official statistics for women’s unemployment stands at 15.6%, though unofficial unemployment figures for this group is 38.3%.4 Furthermore, only 9.2% of the entrepreneurs in Iran are women. These grim statistics point to a reality of contradictory government policy towards women in general and extend to their role in the labour market.

Scholars have debated the extent of women’s post-revolutionary marginalization emphasizing either the impact of ideology or economic policy to explain the low levels of female labour participation (FLP). For some, Islamization led to women’s labour marginalization,5 while others have argued that Islamization — the consequence of which included sex segregation — actually benefited women, in that conservative families allowed their daughters to be educated and to seek work.6 The reality of this debate is neither here nor there. Rather a wide array of converging factors including demographic, political, economic and social policies, cultural norms, Islamization, and internal and

external shocks must be brought together to explain the growth, evolution and stagnation of FLP in Iran.

This paper seeks to provide a holistic review of female labour participation since 1979. The following chapters will revisit the patterns of women’s economic activity, provide recent data and statistical trends evidenced in female employment, review the Islamic government’s approach to women and employment, and identify social, political, economic and legal barriers to female labour participation. Chapter 1 offers a historical and strategic perspective of the Islamic Republic’s approach to women highlighting historical trends that have led to the growth and empowerment of women. Chapter 2 examines the practical implications of these policies looking at the pragmatic, political, institutional and legal factors impeding female labour participation. Chapter 3 provides data and contemporary statistical employment trends. The conclusion will offer recommendations based on the data and patterns observed.
CHAPTER ONE
Without A Strategy: The Approach Of The Islamic Republic Of Iran Towards Women’s Labour

The growth and development of female labour participation is closely tied to Iran’s post revolutionary history. This brief review of the important developments and presidential strategies implemented during this period highlights government inconsistencies towards female employment. Ultimately, the Islamic Republic of Iran has not pursued a coherent or consistent gender employment policy. Female labour participation has emerged as a reaction rather than as a result of any government action. Consequently, limited government protection and patriarchal norms in combination with a strict interpretation of Islamic laws have continued to impede progress relating to female employment.

The Revolution
Women were prominent participants in the 1979 revolution. Attracted to the prospects of a change in government, a myriad of female groups from diverse political, economic, and religious backgrounds participated and were absorbed by the revolution and its momentum. The Pahlavi monarchy had supported many legal and social efforts that favoured the advancement of women, including the education and literacy campaigns, the long sought after right to vote obtained in 1963 as one of the many changes brought about under the shah’s White Revolution, and the implementation of the Family Protection Law expanding women’s legal rights to divorce and custody. Despite the slight gains attained during this period, public attitudes toward women changed very little during the monarchical days. Education had yet to alter the perception of women’s traditional roles. Women were, nevertheless, anxious for greater opportunity.

Women of all walks of life—religious, secular, urban, rural, middle and lower class, young and old—supported and participated in the Iranian revolution. During the post-revolution consolidation period, women also voted in the government referendum in favour of an Islamic government. The state acknowledged that female support was critical to the success of the revolution and the durability of the Islamic Republic. To placate this important constituency, women retained the right to vote and to participate in political and social life of the Islamic Republic. At the same time however, the new Islamic government imposed Shariah law and Islamization policies that defined women as the wives and mothers of a new, just society. These initial policies set in motion contradictory gender based plans that have been used to both empower and contain women’s participation in society.

Professionally, women were gradually pushed into traditional female fields, such as teaching and nursing. Women were banned from becoming judges. Government–run child day care centres were closed, making it difficult for women to stay in jobs.\(^7\) Economic

changes resulting from the decline in agriculture also impacted female employment. During this period, rural women, in particular, were predominant in agricultural and manufacturing but production shifts led to a decline impacting their participation in this sector.8

**Constitutional Provisions**

Legal provisions affecting women’s rights were codified in the legal documents of the government. The Constitution of the Islamic Republic reflected the government ambiguity with regards to women’s issues. Primarily the Islamic link between the nation and women was organized under the control of the clerical leadership. Gender issues and equality, while delineated and enshrined in the Constitution, were left to the interpretation of experts, thereby avoiding concrete clarification. In writing the constitution, the revolutionary leadership promoted motherhood and domesticity, stressing in the preamble the importance of the family as “the fundamental unity of society” and emphasizing a woman’s “important duty” as a “wife and mother.”

Indeed, women and the family were prominent in the Constitution that established the foundation for the ideal Islamic society. As seen in Article 3, women were treated equally with rights granted for education, employment, and equality. Although Article 20 of the constitution provided for “equal protection before the law,” it also states that “all human, political, economic, social, and cultural rights will be based upon Islamic precepts,” thus enshrining women’s unequal position with regard to polygamy, divorce, and child custody. Article 21 further enshrined women’s rights as mothers and future mothers and as protectors of the sacred Islamic family.9 At the same time, the state was given the responsibility to ensure that the rights of women were “in conformity with Islamic standards.”10 Numerous examples of contradictory articles ascribing rights would protect the paradoxical and conflicting government response to women’s issues moving forward. These will be further examined in Chapter 2.

**The Iran-Iraq War**

While these contradictions laid the foundation for the government’s inconsistent gender policies, in the immediate aftermath of the revolution, the outbreak of the Iran-Iraq war resulted in a shift in strategy towards female employment. During this period, women were called to support the war effort. Women were drawn into the workforce as nurses, doctors and support for soldiers on the war front. Despite this effort, female labour participation declined from about 13 percent to 8.6 percent during this period.11 Millions of women worked as volunteers to help build the country’s economy bringing them into

http://iranprimer.usip.org/resource/womens-movement

10 Ibid.
the public arena. In many families, they became the primary breadwinners while their husbands were at war.

At the same time, the government promoted a campaign of national literacy and self-sufficiency, which furthered female inclusion both formally and informally in the national economy. Iranian women adopted strategies to economize, lessen waste, and provide food for everyone. Many raised money and set up local charity funds bringing neighbourhood resources together to help the community. This massive presence and participation of women set in motion demands for greater integration in the years to come.

The economic benefits of including women in the labor force were easily evidenced in the post-war period. The economic crisis of the post-war era coupled with the immense cost of the welfare state led to the decline in real incomes of urban households, the majority of which relied on a single source of income. Women, whose financial contribution proved essential, were thus compelled to participate in the labour force. As a result, the representation of women in the economic arena began to expand. In addition to the increasing importance of the technocrats, the implementation of reconstruction policies also resulted in the return of female professionals who had been dismissed from their posts during the revolutionary period.

With the death of Ayatollah Khomeini in 1989, the country moved away from welfare-based policies. Free education, free health care, low-income and cooperative housing, and food subsidies, along with other programs, placed an enormous financial burden on the government. The election of President Hashemi Rafsanjani ushered in a new economic era away from the protectionist and welfare policies of the revolution and towards greater liberalization.

**Economic Liberalization Under Rafsanjani Presidency**

Hashemi Rafsanjani’s presidency is marked by efforts of reintegrating Iran into the international economy after a decade of war and isolation. Under his tenure, Iran began a gradual economic liberalization process including the opening the state-dominated economy to domestic and foreign private sector investment and cutting back on social services. He sought to appease women, the young and the middle class by easing social and cultural controls and amending government policies to placate women.

Rafsanjani ushered in a controversial five-year development plan that envisaged foreign borrowing and greater private sector involvement. The government condensed the multiple exchange rates to three, reduced import and foreign currency restrictions, lifted price controls, and cut the number of state-subsidized goods. Hundreds of state-owned enterprises were also scheduled for privatization. Privatization brought with it gradual employment opportunities for women in the private and semi-private sector. However, because of limitations and exclusions to the Labour Law approved during this period women were more than often unprotected and subject to unfair and unequal employment contracts.
Population Growth

Iran’s dramatic demographic explosion was one of the drivers behind these new economic policies. At the outset of the Iranian revolution, Ayatollah Khomeini had encouraged women to go forth and multiply. This pronatalist policy, designed to strengthen the Islamic and moral foundations of Iranian society, proved untenable for the government, as Iran’s population increased substantially in a ten-year period. Iran’s 1986 national census, the first taken since the revolution, revealed a population growth of about 15 million. By 1990, the population had reached 59.5 million growing at an average annual rate of 3.9 percent.  

Table 1: Population Growth, 1978–2008

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Growth Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978</td>
<td>36.5 million</td>
<td>3.23%</td>
</tr>
<tr>
<td>1988</td>
<td>51.8 million</td>
<td>2.88%</td>
</tr>
<tr>
<td>2008</td>
<td>71.9 million</td>
<td>1.31%</td>
</tr>
</tbody>
</table>

Responding to the economic, social, and political effects of this demographic crisis, the government reversed its pronatalist agenda in favour of what was referred to as a pro-family one. In response the government implemented one of the most successful family planning campaigns seen in the developing world. State assistance provided access to birth control; subsidies were reduced for families with more than three children, as was maternity leave. Vasectomies were subtly encouraged and in 1992, the abortion law was amended to allow for abortions in the case of fetal defects or risk to the mother’s life under the guidance of a doctor in the first trimester. The impact of this program successfully reduced Iran’s population growth from 2.88% in 1988 to 1.31% in 2008. The consequences were seen in the labour market, which did not provide ample protection for pregnant women or those seeking maternity leave. With fewer children, women began to seek greater employment opportunities.

Impact On Women

The impact of liberalization affected women who in many cases could no longer afford to work as volunteers. Furthermore, with the barriers lowered for women entering the labour force, many volunteers demanded compensation to deal with the rising cost of living. At the same time, many revolutionary institutions had become part of the government and many women had become part of the new bureaucracy.

President Rafsanjani believed that women should play a larger role in Iranian arts,

sports, politics, and religion, going so far as calling for “a women’s labour force.” Islam sanctioned women’s economic activities, as women were active during the time of the Prophet Muhammad. While these changes and new policies marginally increased female employment, they did not translate into more economic power and legal protection for women. Deeply entrenched cultural norms made it difficult for women to enter and integrate into the workforce in large numbers.

Table 2: Female Labour as a Percentage of the Female Population

<table>
<thead>
<tr>
<th>Years</th>
<th>Female Labour (as a % of the total population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>17.9</td>
</tr>
<tr>
<td>1970</td>
<td>19</td>
</tr>
<tr>
<td>1980</td>
<td>20.4</td>
</tr>
<tr>
<td>1990</td>
<td>21.2</td>
</tr>
<tr>
<td>1995</td>
<td>24.2</td>
</tr>
</tbody>
</table>

The 1990s saw a marginal increase in female employment levels as reflected in Table 2. Educational attainment resulting from free access to education and a national literacy campaign, contributed to this increase. Gender segregation facilitated educational opportunities particularly for women from religious families. The success of these policies is evidenced in the statistics seen in Table 3 where a marked increase in female education is clear.15

Additionally, while the 1976 census showed that only 10 percent of rural women aged 20 to 24 were literate, this rate increased to 37 percent in 1986, 78 percent in 1996, and 91 percent in 2006. The same success can be applied to university education where in 1975 some 462,000 women aged 20 to 29 had secondary or higher education; by 2005, this number increased more than tenfold to 4.8 million. In 2010, an estimated 70 percent of university students were women.16

Table 3: Percentage of female students at different educational levels, 1978–2006

<table>
<thead>
<tr>
<th>Year</th>
<th>Primary</th>
<th>High-school</th>
<th>University</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978</td>
<td>39.72%</td>
<td>36.36%</td>
<td>31.77%</td>
</tr>
<tr>
<td>1988</td>
<td>44.34%</td>
<td>42.38%</td>
<td>31.10%</td>
</tr>
<tr>
<td>2006</td>
<td>48.19%</td>
<td>49.16%</td>
<td>63.7%</td>
</tr>
</tbody>
</table>

15 Statistical Center of Iran, National Census 2006.
Translating these policies to the labour market, women were encouraged to become skilled workers in exclusively female oriented domains. Economists have shown that increased education leads to higher FLP and better employment opportunities. Moreover, women with a secondary education comprise over 60% of the total number of employed women.\textsuperscript{17} Informal labour participation including beauty services, language and computer lessons, tailoring, catering, and design could account for the greater female visibility in the workforce. This informal sector including volunteering is not often counted in the employment figures. Moreover, while labor participation remained particularly limited, educated women expanded their occupational profiles, entering male dominated professions such as industry, engineering, political, and entertainment sectors. These gains however remained limited. According to Iran’s National Statistics Organization, women’s participation rate in 1996, seven years into Rafsanjani’s presidency only increased by one percent from 1986, to 9.1%.\textsuperscript{18}

During this period, after an intense lobbying campaign, women also gained the right to be compensated for housework. The Ojrat-ol mesl campaign (wages for housework law) passed in 1993 allowed women to gain compensation for household activities using a reinterpretation of Islamic law. Also included was a revision of the divorce law to account for this provision. The new law stated that if the marriage contract failed to include the wealth-sharing provision, then the husband must pay his wife wages for household work performed during the marriage.

Despite this concession, the government continued to promote a maternal socio-economic vision of women. Ayatollah Ali Khamenei, argued: “Islam authorizes women to work outside the household. Their work might even be necessary but it should not interfere with their main responsibility that is child rearing, childbearing and housework. No country can do without women’s workforce but this should not contradict women’s moral and human values.”\textsuperscript{19}

The Khatami Years

Women overwhelmingly supported the 1997 election of reformist president Muhammad Khatami. Khatami campaigned on a platform of social, political and cultural reform promising greater freedoms, respect for the rule of law and special attention to the needs of women. Khatami won 70% of the vote and was reelected four years later by a similar margin.

The Khatami era ushered in unprecedented political openings as part of his reformist

\textsuperscript{17} Bahramitash, 2011, p. 145.
\textsuperscript{18} Amir Hossein Montazerhojat, “A Look at Female Labor Participation in Iran,” Accessed August 12, 2015, http://www.ensani.ir/storage/Files/20120514181209-9083-57.pdf While women’s percentage rose by only one percent, men’s decreased by almost eight percent.
vision. His ministries granted licenses allowing the emergence of a dynamic press and
professional, civic and political associations. Elections for local councils were conducted
for the first time. Economically, the sharp drop in oil prices that coincided with Khatami’s
election restricted government spending and investment opportunities. Differences in
opinion over liberalization policies stymied initial privatization efforts but were ultimately
resolved by Khatami’s second term.

In 2000, voters gave reformist parties a working majority in parliamentary elections. But
the vote proved threatening to conservatives. Reformists called for changes hardliners
found threatening: a liberal press law, an independent judiciary, a ban on Revolutionary
Guards’ involvement in the economy, parliamentary oversight of the intelligence ministry
and national broadcasting and limits on the supreme leader’s wide powers. These
challenges ultimately resulted in a backlash from conservatives within the political elite
including a curtailment of Khatami’s political reforms, restrictions on parliamentary
oversight, banning of new laws, and a crackdown on civil society.

It was in this atmosphere of hope and despair that women’s agency and activism gained
momentum. Khatami appointed a handful of women to prominent posts. In 2004, 13
women were elected to parliament—the largest number since the revolution.

During Khatami’s tenure, women gained from legal and legislative changes. Pressure
from women led the government to reintroduce modified parts of the suspended Family
Protection Law. Women judges became special advisors to presiding clerics on special
family courts. In 2002, parliament raised the age of marriage for girls from nine to 13. The
ban on unaccompanied single women studying abroad on government scholarships was
also lifted. Khatami’s presidency also saw the growth of non-government organizations
that laid the foundation for a more vibrant civil society, many of which were founded
around women’s issues.

Khatami provided a gender approach to policymaking, particularly evident in third and
fourth development plans to be discussed in the next section; the establishment of the
“Centre for Women’s Participation Affairs” and in his ambitious plan to revise the Civil Code
to remove some legal obstacles to women’s employment. There was significant growth
in FLP during Khatami’s presidential term, with women’s participation rate increasing to
17%.20

Khatami’s presidency proved frustrating for women though. Seeking larger economic,
political and social gains, women saw themselves stymied by factional politics and
unfulfilling piecemeal government concessions that did not translate into large-scale
changes to women’s rights and their opportunities.

geViewer.aspx
The Ahmadinejad Backlash
The election of Ahmadinejad in June 2005 shifted the political landscape to the right. Ahmadinejad, a conservative, sought to return populist programs and policies to protect Iran’s lower and middle classes. Elected to office at a time of high oil prices, oil revenue helped him implement inflationary and unproductive economic policies many of which came at the expense of women.

Growing demands for female equality and conservative pressure resulted in contradictory approaches towards women. Indeed, Ahmadinejad’s government systematically worked towards curtailing and controlling women’s presence in the labour market. Legislation was introduced to restrict female employment by limiting women’s working hours. The Centre for Women’s Participation was renamed to the Centre for Women and Family Affairs, and directed to return to strengthening the role of women as housewives and mothers. Government supported family planning programs were reversed and women were encouraged and incentivized to have more children. The government closed down female NGOs and women’s journals as civil society was constrained.

Ahmadinejad’s government went further by introducing restrictions on women entering 241 fields of university study and banning them altogether from entering some 14 other fields of studies in 2012, justifying these moves because of labour market demands. The government also introduced laws such as extension of maternity leave to nine months and flexible working hours for women. However this façade of a protective approach towards women, in absence of encouraging policies or any quota system that promotes women’s employment, worked to women’s disfavour. In fact, the female participation rate fell from 17% at the end of Khatami’s presidency to 11.2% at the end of Ahmadinejad’s government.

In the aftermath of the contested 2009 elections, government policies worsened after peaceful protests were repressed. A whole scale government crackdown reflected the post election tensions. While Ahmadinejad attempted to repair relations with women by reversing a three decade ban on women attending sports stadiums and by appointing three women to his cabinet, only one nominee, Marzieh-Vahid Dastjerd as minister of health, was approved by parliament because of objections by a number of leading clerics and conservative politicians reflecting the continued government back and forth regarding women’s issues.

Conclusion
This historical review of government policy towards women presents the built-in contradictions that have inhibited women’s inclusion in the Iranian labour force. Theoretically, the Islamic Republic has sought to promote women as the wives and mothers

of Iranian society. These values are enshrined in the Constitution. No overarching gender employment vision has been incorporated into a coherent government strategy. However, in a practical reaction to the impact of the revolution, the effects of Islamization, the Iran-Iraq war, the demographic explosion, and increase in education, the Islamic Republic has formulated a gradual response to women’s employment. This response though is contingent on the political leaning—reformist, pragmatist or conservative—of individual presidents and is far from consistent.

While liberalization policies have ushered in new opportunities in the private sector, limited labour protection coupled with incoherent government policies have resulted in only measured growth in the female employment market.

Despite the development of greater female activism seen during President Khatami’s administrations, political tensions between reformists and hardliners coupled with a revival of Islamic oriented maternal policies under President Ahmadinejad have led to restrictions in FLP. Currently, female labour participation has become a political issue with centrists and reformists willing to support better labour policies and practices while conservatives seek to protect traditional, patriarchal and Islamic norms with regards to women. These dynamics have continued under the Presidency of Hassan Rouhani perpetuating a vicious circle of impediments towards female employment.
CHAPTER TWO:
Factors Affecting Women’s Employment

This chapter will outline and examine the structural, legal, political, social and cultural factors impacting female employment in Iran. The first section provides an institutional perspective on the various drivers of gender employment policy.

Drivers Of Female Labour Policy—An Institutional Perspective

Various institutional sources including the parliament, individual presidents, the Supreme Council of the Cultural Revolution (SCCR), and the Supreme Leader have been the drivers of female labour participation and employment policies and practices within the Islamic Republic. Important to note is that the SCCR although dominated by conservatives is chaired by the president. While these institutions are not in conflict per se, the lack of a centralized authority for institutionalizing female labour issues and policies reveals a convoluted picture of policymaking. Ultimately, without a unified government vision regarding female employment, policy is subject to the vision of each president which then comes under pressure from conflicting political factions.

The Majles

- Iran’s parliament has passed legislation relating to gender issues and has approved government development plans focusing on economic and labour policies and programs. The parliament also has ratified\(^23\) the labour code, the social security act and civil code. Other important legislation includes:
  - Law of the Third Economic, Social, and Cultural Development Plan, ratified 2000;
  - The Annual Budget: all bills regarding the annual budget since 1998 include clauses on the exemption of women’s cooperatives from certain taxes, prioritise female breadwinners in enjoying financial facilities of Occupational Opportunities Fund (such as 0% small business loans, etc.), and provide insurance coverage for housewives.
  - The Law of Accession [of Iran] to Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified October 2001. The ratification contains some sub-clauses that particularly put emphasis on the situation of child labour.
  - Amendment of Laws Regarding Retirement and Pension, Employed Women, Fami-

\(^{23}\) There are also other sets of regulations and policies that concern women’s employment and are not ratified by parliament such as: Bylaw on exemption of Small Workshops with Less than Ten Workers from Certain Provisions of Labour Code (ratified by Council of Ministers), Instructions on Election, Appointment, and Change of Directors and Managers, (ratified by Supreme Administrative Council; contains section on planning and taking necessary action to identify and improve women’s capacities in management), Charter of women’s rights and duties under Islamic Republic of Iran (ratified by Supreme Council of Cultural Revolution), Policies of women’s employment (ratified by Supreme Council of Cultural Revolution).
lies, and Other Workers, ratified May 2000. This bill of law does not introduce new legislation and none of its amendments directly applies to women’s employment. (For example it only extends women’s entitlement to their late husband’s retirement and benefit even after re-marrying.

- Law of Obligatory Technical and Professional Trainings for Employment ratified June 1997. The National Organisation of Technical and Professional Training is charged to “use the available resources” to address “possible problems” that women who look for a job may face.

- Law of Promotion of Breastfeeding and Supporting Mothers During Breastfeeding, ratified March 1996; This law, as it has been referred to previously, for the first time raised maternity leave from the stipulated three months in the Labour Code, to four months (for the first three children only). It also stresses that the women should have job security during their maternity leave and breastfeeding period, which under this law was extended to 20 months.

- Law on Unified Pay Scale Across Government ratified May 1991. This law entitled female civil servants and employees in the public sector who are breadwinners of their families, to child and other family-related benefits.

- Law on Amendment of Retirement and Service Regulations of Civil Service Act, ratified March 1990; this law allows women to retire with 20 years of pension contribution record.

- Early Retirement Law for Insureds of Social Security Service, ratified May 1988; reduces women’s minimum retirement age by ten years.

- Law on Medical and Paramedical Services, ratified April 1988; provide some facilities for female physicians, nurses, etc.

- Law Regarding Unpaid Leave for Female Civil Servants Whose Husbands are Sent on Long-Term Postings Abroad, ratified November 1987. This bill of law allows married women employed in the public sector to keep their jobs under an indefinite unpaid leave when their husbands are posted on a long-term mission abroad. This law only applied to women whose husband was an employee of IR government and they were also employed full time and under permanent contract.


- Bill of Law to Exempt Married Female Physicians, Dentists, and Pharmacists from Spending Time Outside Tehran for Service to Obtain Permanent License to Practice, ratified February 1980.

- Bill of Laws on Medical, Hygiene, and Human Services ratified December 1979.

The Supreme Council Of The Cultural Revolution

- Since 1989, the SCCR is the only policymaking authority outside the government that has introduced long-term policies specifically aimed at women’s employment. Specifically the SCCR has ratified two sets of policies regarding women’s employment drafted and passed under Rafsanjani’s and Khatami’s chairmanship respectively both of which will be discussed below.
The Supreme Leader

- The Supreme Leader has influenced policies on women’s employment by endorsing official guidelines and making unofficial speeches that promote his vision. Most recently, Khamenei has made two important speeches on issues impacting FLP. The first took place in October 2012 when he apologized for population control policies that he had previously endorsed. Instead, he called for population growth to reverse Iran’s declining birth rate. This provided an opportunity for conservatives to promote women’s maternal role and seek to increase their maternity leave and reduce their working hours. A second example came in April 2014 when Khamenei addressed women’s employment specifically stating that he sees no problem in discrimination against women in the labour market as long as in his words, these are “fair discriminations.” In this speech Khamenei also stressed that women’s employment is secondary to their role as wife and mother implying that a woman’s presence in the job market is tolerated and promoted as long as it is within certain approved fields and under control. 

Finally, Khamenei has also called for the formation of an independent council to be the main policymaking authority dedicated to women’s policies (“Markaz-e-Fara Qove’ie Zanan”). This body has yet to be formed, but could be useful in providing a uniform government response towards women’s issues.

Individual Presidents

Presidents have addressed labour issues and gender policies in their respective economic development plans and through personal policies and programs. The individual policies promoted by each president discussed in the previous chapter reveal the incongruous governmental strategies with regards to women’s employment. The development plans highlight the factional and conflicting programs put forth by each administration without a larger guiding vision. While there has been incremental growth and responsiveness in the executive branch towards women’s issues, none of Iran’s presidents have yet to provide adequate protections in the form of quotas or legal safeguards for women in the labour market.

Rafsanjani

- The first five-year development plan put forward by Rafsanjani’s government drafted and implemented from 1990 to 1994 was devoid of any specific gender approach. However, in two sections it promoted women’s participation in economic activities. The only reference to encouraging women’s participation in the labour market was made under the section that was dedicated to birth control, as a measure to “avoid one million unwanted births” during this period. In other words, women’s em-
ployment was not the principle issue rather the government focus was to promote population control. The other reference to women’s economic participation in this plan was under a section dedicated to the expansion and improvement of public culture and education. Here, women’s increased participation in social, cultural, and economic activities was advocated as long as the “values of family and the Islamic character of a woman” were preserved.26

• The second development plan that Rafsanjani’s government submitted to parliament in 1995 did not advance women’s employment and sought to reverse any provisions on the promotion of women’s employment as a birth control tool.27

• Before submission of the second development plan, the SCCR ratified the “Women’s Employment Policies in Islamic Republic of Iran” under the chairmanship of Rafsanjani and with the cooperation of several of his cabinet ministers in 1992.28 This document prioritized the family and traditional roles assigned to women seen in Article 1. At the same time, it indicated the indispensability of women’s workforce as half of the potential workforce of the country (Article 5) and even went further suggesting a division of housework between men and women that allows “better fulfillment of social duties.” The article encouraged educated women to hold managerial posts, and urged the public media to lay the ground for women’s participation in economic activities by correcting public views on women’s employment.29

Khatami

• The third and fourth development plans, both drafted by Khatami’s reformist government, were among the first set of policies with a clear gender approach to women’s employment. The third development plan30 (2000 - 2005) established the “Centre for Women’s Participation Affairs” in (article 151) which was tasked to come up with plans “to increase opportunities for women’s employment” and “improve their occupational status” among many other things (clause B, article 158). Female breadwinners and single parents were also prioritized according to the third plan to benefit from an interest-free loan to establish them as self-employed.

• The fourth development plan31 (2005-2009), drafted by Khatami’s government but implemented by Ahmadinejad’s administration, even improved from the third plan with regard to women’s employment. Article 111 of the fourth development plan, was dedicated to the empowerment of women in society and the development of opportunities for their economic (and socio-political) participation, put the govern-

26 Ibid.
29 This document also contained provisions that later were used by hardline government of Ahmadinejad to introduce detrimental measures to women’s employment, such as advocating coordination between university educations offered to women with jobs available to them in the labour market and encouraging working flexible hours for women who mother young child(ren).
ment in charge to introduce comprehensive plans that addressed legal obstacles to women’s employment (including revision of the Civil Code), sought to identify and entice investment with the purpose of generating employment opportunities for women, and change the public perception of women’s capabilities (clause A, article 111). The fourth development plan also contained provisions on equal pay and equal employment opportunities for women as well as an implicit notion of a gender quota by stressing women’s empowerment through allocating appropriate job opportunities (article 101 clauses A and J), and an extra emphasis on women’s right to benefit from “On the Job Trainings” (OJT) as a means to improve their occupational status (article 54, clause A-1).

• Less than a year before leaving presidential office, Khatami also chaired the SCCR that drafted and voted a “Charter of Rights and Duties of Women in the Islamic Republic of Iran” in September 2004. Among its 148 articles, 13 were dedicated to issues related to women’s employment. Article 101 clearly states that women are entitled to choose a job after they reach a legal age. The only restricting clause says that they have to be bound by Islamic laws in earning and spending their income. The right to job security, safety and the duty to observe rules of chastity at work, the right to regulations and laws that are compatible with “women’s family duties as wives and mothers”, the right to participation in economic policy-making process, and the right to wages equal to men, are some of the other “rights and duties” that are stipulated in this charter. Outside this section, article 135 also states a woman’s right to hold jobs in legal and judicial capacities “according to laws”. None of these changes were realized because Ahmadinejad’s government refused to implement these provisions.

Ahmadinejad

• In 2010, Ahmadinejad’s government drafted the fifth five-year development plan, which was widely criticized for the general absence of policies and regulations that promoted women’s employment and for its lack of clarity of implementation details on the scarce regulations on women’s issues other than their employment. The only reference to women’s employment in the fifth development plan is in article 230, where in order to support and protect families, the government is tasked to lay the ground for women to establish work/economic activities that women can pursue from home. Female breadwinners and women under the custody of an unfit person were to be prioritized.

The Legal Factors

A variety of legal rights and obstructions reveals a convoluted picture for women’s employment in Iran. A review of the rights enshrined in the Iranian Constitution and

33 Ibid.
Labour Law provide a theoretical overview of the worker and gender protections revealing conflicts between the constitution, labour code and civil code in addressing women’s labour rights.

The Constitution
- The Iranian Constitution in the spirit of social justice and workers rights offers employees the “right to choose their work” in Article 28, the right to “social welfare” in Article 29 and the “right to fair working hours” in Article 43. Per the constitution, women have the right to equal employment under the law.\(^\text{36}\)

The Labour Law
- The Iranian Labour Law passed in 1990 covers all labour relations. The Labour Law provides a very broad and inclusive definition of the individuals it covers, and written, oral, temporary and indefinite employment contracts are all recognized. Employing personnel on consecutive six-month contracts is illegal, as is dismissing staff without proof of a serious offense. A special labour council settles labour disputes. The Labour Law provides the minimum standards an employer must adhere to when forming an employment relationship. The minimum age for workers in Iran is 15 years, but large sectors of the economy (including small businesses, agricultural cooperatives, and family-owned enterprises) are exempted.\(^\text{37}\)
  - Article 75 prohibits women from performing dangerous work. Article 76 grants women ninety days of maternity leave. Upon return to work, women should have job protection upon approval of the Social Security Organization.
  - Article 78: In workshops with female workers, the employer shall be obligated to allow half an hour to the mother for nursing the baby after every three hours up to the end of the child’s second year. Such a period shall be considered part of the women’s working hours. Also the employer shall be duty bound to set up centres related to childcare.

The Civil Code
- According to Article 1117 of the Civil Code, a husband may prevent his wife from occupations or technical work deemed incompatible with family interests or his own dignity or that of his wife. The law may even prevent women from pursuing artistic activities.\(^\text{38}\)

Social And Cultural Factors
A number of social and cultural factors continue to impede and influence female labour participation. Principally, a traditional Islamic interpretation of Sharia law has guided state supported Islamization policies where women have been the guardian of the revolution in...
their role as wives and mothers. This function has been protected in the Constitution and Civil Code and is a consistent trend in government policy. The return to pronatalist policies coupled with efforts at increasing maternity leave to nine months are poignant examples of this consistent government effort.

At the same time, Iranian culture must be recognized as patriarchal. Legally and culturally, males have more rights and privileges than females. Traditionally, men have been the head of Iranian households and families. Greater legal protection offered to men and unequal rights granted to women uphold these imbalances and dependencies that extend out of the home and into the workplace. For many, women are considered suitable only for female oriented positions either assisting men as secretaries and nurses or providing services to only women. These views are echoed in the press, media and even educational textbooks. A study conducted on educational textbooks at all levels reveal stereotypes and clichés about female employment. According to the research, in 77% of relevant pictures, duties around the household are shown to be a woman’s job while in only 23% of pictures; men are depicted doing house work.39

These opinions also extend into the labour force where discriminatory practices impact women. Iranian women receive lower income than men with equal education and similar jobs. A report from the Women’s Studies Journal reveals that in equal working hours and in similar jobs in urban areas, men earn on average 63% more than women. Discrimination against women is also rife when it comes to professional promotions and job opportunities both of which are far more limited for women.40 In the article, respondents reveal that 40% of women have been subjected to sexual harassment at work. 60% of respondents stated they have witnessed a friend or a colleague suffering from such harassments and are thus quite familiar with the phenomenon. The research also reveals that women with lower income and inferior jobs are more likely to be the targets of harassment, often by an employee in a superior position.41

**Conclusion**

Taken together, these political, legal, institutional, social and cultural factors provide a clearer picture of the numerous obstructions limiting female labour participation. Most basically, the Iranian government must decide if it will or will not promote female employment as a state sponsored policy. Without a clear government vision and strategy the road to increased female employment will continue to be bumpy and inconsistent resulting in uneven gains and protections for women.


CHAPTER THREE: Understanding The Status Quo

The Market Conditions
Market realities have been important drivers of female employment conditions and patterns. Since Iran began its economic liberalization process in the 1990s, the private sector has grown albeit gradually. Government monopolies, lack of transparency, distorted market structures, the absence of competition, and legal barriers are among some of the obstacles that have limited privatization. While these issues are beyond the scope of this paper, the impact of this process has affected women.

The expanding private sector offers women less employment than men however. As seen in Table 4 below, the private sector employs only 29% of women compared to the public sector that employs 79%. The protective laws that grant women “benefits” such as extended maternity leave and reduced working hours can explain this distortion in employment. It is likely that the private sector is less interested in hiring female workers who are considered “unreliable.” As such private sector employment leaves women more vulnerable.

Private sector employment of women often comes under the auspices of blank and temporary contracts that provide employers with loopholes to avoid the labour code and grant employees short-term employment with limited protection. Women are over twice as likely to be forced into signing blank contracts. Roughly 70% of cases of blank contracts are those involving female employees.42

Sectoral shifts resulting from urbanization, the move away from agriculture and manufacturing and towards services has equally impacted women’s employment. The departure of men from rural areas has facilitated female employment in the agricultural sector. This is seen in the statistics in section 5 where 18% of women are employed in agriculture. Such women are often considered vulnerable and working without protection under the labour law especially if they work in factories or cooperatives with less than 10 employees or family run workshops.

The data also reveals that women with higher education and specialists are inclined to work in the public sector. This builds on the aforementioned trends, in which increased education has enabled greater FLP. The public sector, especially in the Ministries of Education and Health are arenas for greater female employment.43


Methodology
Gathering statistical data from the Islamic Republic of Iran is no easy task. The data and trends observed below have been assembled from online desk research using Iran’s Statistical Information Center, Iran’s Statistical Yearbook, the Female Business Council, and online news sites.

Data And Trends In Women’s Employment
The following statistics and trends provide an overview of the current state of labour market data and conditions impacting women.

1. Official statistics released in 2011, state that only 3.5 million Iranian women are salaried workers, compared with 19.5 million men. Despite a large growth in population and level of education during the past five decades, women’s employment rate has only increased marginally. 

2. Despite having a smaller share (slightly less than one sixth of that of men’s) of the job market, the unemployment rate among women is 2.3 times higher than among men.

The unemployment rate for women aged 10 and above is 20.3% according to the latest statistics published in August 2014 while the participation rate of the same age-sex group is 12%. Those figures among men are 8.7% (unemployment) and 63% (participation). Earlier statistics from winter 2014 suggested 18.9% unemployment within 10.3% of economically active women (10 years and older), which indicates an increased level of unemployment among women in less than a year despite growing demands for jobs.

3. In the public and private sector, male colleagues overwhelmingly outnumber women. The wide discrepancy between male and female employment is expressed in the graph below.

44 These statistics do not include the informal economy which is largely dominated by women.
Table 4: Employment by Sector and Gender above 10 years old, 1st Qtr 2015 (%)\textsuperscript{47}

<table>
<thead>
<tr>
<th>Category</th>
<th>Male</th>
<th>Female</th>
<th>Public</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation Rate within Gender</td>
<td>62.3</td>
<td>12.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economically Active Population</td>
<td>83.4</td>
<td>16.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employed</td>
<td>85.2</td>
<td>14.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td>77.1</td>
<td>22.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private</td>
<td>86.8</td>
<td>13.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td></td>
<td>15.3</td>
<td>84.7</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td></td>
<td>26.6</td>
<td>73.4</td>
</tr>
</tbody>
</table>

4. A majority of well-educated women are employed in the public sector, whereas less educated women are more likely to find a job in the private sector:

In 2011, 81.9% of women employed in public sector had a university education whereas in the private sector only 29.7% of women were educated beyond high school. Despite a smaller size of public sector participation, the number of university-educated women in the public sector was/is actually even higher than that in private sector: 781,000 versus 473,000 (of 2.712 million working women that year).

On the other hand, illiterate women and women with only primary education constitute 41.4% of the working population of women in the private sector whilst in the public sector a similar gender group makes up 4.2% of women working in that sector\textsuperscript{48}. Women with secondary education or some college education account for 13.0% and 25.3% in the public and private sector respectively.

5. The largest number of women are employed in the service sector\textsuperscript{49}:

\textsuperscript{49} Figures provided in this paragraph are the latest and the most update statistics available, from autumn and winter 2014, but they lack fine breakdown.
Across the country (rural and urban combined) 55.6% of women are employed in service sector, 26.1% in Industry, and 18.3% in agriculture. This pattern, with considerable change in weight of service and agriculture sector is preserved in urban areas where 74.6% of women aged above 15 and working, are employed in service sector, 24.0% in industry and 1.4% in agriculture. In rural areas, however, 56.7% of working women aged 15 and above are in agriculture, 28.8% in industry, and 14.6% in services.

6. “Specialists” is the only category where women have come close to equality with men in holding jobs.

Based on statistics from 2011, women are more likely to obtain a job requiring higher education and a specialized skill and work in a specialized industry such as education, healthcare or social services. Out of 10 categories of major occupational groups, the ratio of “Specialist” women to men was 81.4% (in other words for every 100 men working in this group, 81.4 women are employed). This is a large departure from average women to men ratio all across different occupational groups, which was 15.2%.

Of every 100 women working, 29.9% work in this group making it the highest occupational group. Women secured 44.9% of all jobs in this category for women.

Administration staff, technicians and assistants, and lawmakers and senior officials and managers are other occupational groups that follow respectively in terms of enjoying highest female to male ratio.

On the other end of spectrum, among “Unskilled Workers”, there are only 4.3 women for every 100 men. Women only hold 4.1% of jobs for unskilled workers as compared to 16.9% of men’s workforce that holds 95.9% of this job market.

The category of “Operators of Machineries and Equipment, Assemblers, and Drivers” stands even further below “Unskilled Workers” in terms of women’s participation.

52 These “major occupational groups” are: 1- Lawmakers, Senior Officials and Managers 2- Specialists 3- Technicians and Assistants 4- Administration Staff 5- Service, Retail, and Wholesale Staff 6- Agricultural Skilled Workers (incl. Fishing, Foresting, etc.) 7- Industrial Workers and Workers in Relevant Jobs 8- Operators of Machineries and Equipment, Assemblers, and Drivers 9- Unskilled Workers 10- Other
### Table 5: Categories of Employment

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Women to Men Ratio% (for every 100 men ... women are employed in this group)</th>
<th>Women’s share of the Occupational Group%</th>
<th>% of Working Women Employed in this Group</th>
<th>% of Working men Employed in this Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialists</td>
<td>81.4</td>
<td>44.9</td>
<td>29.9</td>
<td>5.6</td>
</tr>
<tr>
<td>Administration Staff</td>
<td>40.1</td>
<td>28.6</td>
<td>9.2</td>
<td>3.5</td>
</tr>
<tr>
<td>Technicians and Assistants</td>
<td>26.6</td>
<td>21.0</td>
<td>8.6</td>
<td>4.9</td>
</tr>
<tr>
<td>Lawmakers, Senior Officials and Managers</td>
<td>20.3</td>
<td>16.9</td>
<td>4.6</td>
<td>3.5</td>
</tr>
<tr>
<td>Agricultural Skilled Workers (incl. Fishing, etc.)</td>
<td>16.1</td>
<td>13.8</td>
<td>18.3</td>
<td>173</td>
</tr>
<tr>
<td><strong>Total (norm line/average)</strong></td>
<td><strong>15.2</strong></td>
<td><strong>13.2</strong></td>
<td><strong>100</strong></td>
<td><strong>NA</strong></td>
</tr>
<tr>
<td>Service, Retail, and Wholesale Staff</td>
<td>11.0</td>
<td>9.9</td>
<td>8.5</td>
<td>11.7</td>
</tr>
<tr>
<td>Industries and Workers in Relevant Jobs</td>
<td>8.7</td>
<td>8.0</td>
<td>10.3</td>
<td>18.0</td>
</tr>
<tr>
<td>Unskilled Workers</td>
<td>4.3</td>
<td>4.1</td>
<td>4.8</td>
<td>16.9</td>
</tr>
<tr>
<td>Operators of Machineries and Equipment, Drivers, Assem-</td>
<td>1.7</td>
<td>1.6</td>
<td>1.4</td>
<td>12.4</td>
</tr>
<tr>
<td>blers, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td>10.6</td>
<td>9.6</td>
<td>4.4</td>
<td>6.2</td>
</tr>
</tbody>
</table>

7. Education, agriculture, industrial production, health and social care, and administration are the main subfields/groups where women are largely employed:

Of the 2.7 million women working in 2011, 23% were employed in the field of education (as teachers\(^5^4\)), 19.7% in agriculture and forestry (unsurprisingly three quarter

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53 All figures are calculated based on data provided in Statistics Yearbook, National, 1391, chapter 3, table 3-12, PP 185.
of that coming from rural areas), 13.8% in industrial production (share of urban areas in this field is more than twice larger than rural areas), 10.2% as Health and Social Workers, and 7.7% in administration (civil and military).  

8. The employment status of over 45% of working women falls within categories defined as vulnerable or unstable;

Based on statistics available from 2011, 20% of active Iranian women are categorised as “own-account workers”, and 25.2% as “unpaid family workers”, both of which are considered as vulnerable/unstable employment status under ILO’s International Classification by Status in Employment (ICSE). Employees from the public and private sectors accounted for 27.3% and 26.5% of working women respectively, and with only 1% of women listed as employers and entrepreneurs. The total percentage of women enjoying stable employment is total of 54.8%.

9. 100,000 job opportunities are lost to women every year:

In 2005, over 3.961 million women were employed in different sectors across Iran, whereas in 2013 this number was decreased to 3.145 million women, indicating an average loss of 100,000 jobs to women every year, for a period of eight years.

In May 2015, Soheila Jelodarzadeh, Chairman of Women’s National Union, confirmed that an average of 100,000 jobs are lost to women annually during the six-year period ending in 2015, showing that the same trend still continues.


56 Narges Khosrowshahi, “The Status of Women’s Employment in Iran” Yek Shahr, August 25, 2014, Accessed August 2, 2015. http://yekshahr.net/2014/08/1.html comparison between these statistics and figures from five years earlier (2006) in this article indicate a decline by over 10% in the total share of socially and economically insecure employment status among women. Lack of more recent data made it impossible to see whether this trend is maintained or not (Amar.org website has no more update breakdown of data similar to the one presented in the table in this link; these figures usually appear in Annual Statistics Journals (هیجدهمین جامعه), latest version of which available online dates back to 1391/2012, but the table containing similar breakdown of data (P 195) still contain stats from the previous year).


10. Nearly 1/3 of women risk losing their jobs when they go on a six/nine-month maternity leave:

11. According to Shahindokht Molaverdi, Vice President of Women and Family Affairs, women taking maternity leave risk losing their employment. Of 145,000 women who took maternity leave over an 18-month period, 47,000 were denied the right return to their jobs at the end of the six-month leave.\(^59\)

12. Women’s participation rate is highest in Ardabil and East Azerbaijan among 31 provinces of Iran. Tehran province ranks among the worst in the country for women’s employment.

The participation rate for women aged 15 and above is 18.6% and 15.8% in Ardabil and East Azerbaijan provinces respectively and is the highest employment levels seen in all other provinces.

Sistan and Baluchistan has the lowest participation rate with 6.9%, as does Kohgiluyeh and Boyer Ahmad with 7.1%, and Hamedan with 7.9% Tehran province has only 8.8% participation and a high unemployment rate of 17.9% ranking among the worst in the country when it comes to women’s employment\(^60\).

13. Of 392 cities and towns across Iran, 77 face women’s “unemployment crisis”.

According to a report published in Autumn 2013, of 392 cities and towns studied, 77 faced a women’s unemployment crisis while in only 22 other cities women’s unemployment rate was within an acceptable range.

In towns such as Masjid Suleiman and Andimeshk (both in Khuzestan province), Hir-

\(^{59}\) "A third of women after maternity leave are dismissed," Khabar Online, March 23, 2014. Accessed August 10, 2015. http://khabaronline.ir/detail/349109/society/family Maternity leave provisioned in Labour Code, was originally for three months (90 days) that could be extended by 14 days in case of giving birth to twins. It was later increased to 4-month leave for women who breast-feed their babies (according to the "Promotion of Baby’s Breastfeed by Mothers Act" (http://rc.majlis.ir/fa/law/show/92645) 1996). This act was later amended in August 2007 to extend maternity leave to six months http://bit.ly/1TVF6ly. In 2013, a few days before leaving the office, Ahmadinejad promulgated a Majles ratification that authorized government to increase maternity leave up to 9 months (http://www.farsnews.com/newstext.php?nn=13920414000197). The decision however raised concerns as it may have adverse effect on women’s job security, especially at private sector. It is also widely reported that this prolonged maternity leave (9 months) is not applied to female workers subject to Labour Code in practice. Administrative Justice Court has already issued a "Precedence Rule" (یارتدحوهیور) in favour of women whose employer refused to grant them 9-month maternity leave, but that only applies to women employed under Civil Service Act (http://www.khabaronline.ir/detail/417500/society/family). All accessed August 10, 2015.

mand (Sistan and Baluchistan province), Gachsaran (Kohgiluyeh and Boyer Ahmad province), and Ardakan (Yazd province) women’s unemployment rate was above 50%.

All major cities and towns in some provinces such as Alborz and Illam suffered from a high unemployment rate among women (20.4 to 30.1% in Alborz and 27.6 to 42.0% in Illam)

14. As many as 600,000 women might be employed at small workshops with less than 10 workers, and are not protected by provisions of the Labour Code.

There is no official or reliable data available on the number of small workshops with less than 10 workers operating in Iran. It is speculated that these small workshops, subject to a government bylaw that exempts them from several provisions of Labour Code affecting female workers’ welfare, constitute over 85% of Iran’s economic units. Public statements from government officials and activists indicate that workshops account for 90% of job opportunities in Iran. It is suggested that nearly 600,000 workers are actually working in small workshops with less than 10 workers.


62 Small workshops with less than 10 workers are not included in Amar.org statistics.


64 Based on statistics from 2011, approximately 1.6 million women are working in private sector, of who over 718,000 are “employees” (26.5% of all women working). If from this figure we deduct 124,704 paid female workers who work in large industrial workshops with over 10 workers, we are left with 596,000 women who are employed (not employer or family worker), in private sector, who do not work in large industrial workshops. “New priorities for social housing scheme,” Donya-e-Eqtesad, August 19, 2014, Accessed August 12, 2015. http://www.donya-e-eqtesad.com/news/865518/
Conclusion
The above statistics highlight the adverse female employment trends and conditions that have developed in Iran. Indeed, the numbers indicate a crisis. Clearly, women have benefitted from increasing access to education but have suffered from unequal access to the job market. This stems from government reluctance to employ women. Female public sector employment however, suggests that increased education benefits women in this arena. Less skilled and educated women are likely to find more work in the private sector where labour codes are more flexible and where women can work on temporary contracts or without legal protection. Ultimately, the Islamic government of Iran offers women little protection leaving them vulnerable in the face of variable employment conditions.
CONCLUSION AND RECOMMENDATIONS

This paper has provided an assessment of the historical and current labour market conditions impacting Iranian women. As evidenced, political, economic, legal and social and cultural barriers are the primary drivers limiting female employment. Most important among these limitations is the lack of government support for female labour participation. Without an overarching agreement and vision to include and embrace women in the Iranian labour market, supportive policies and the protection of women will be limited.

While a number of nongovernmental organizations have addressed the issue of women’s entrepreneurship and participation in the economy, their efforts have not translated into tangible gains for women. President Hassan Rouhani’s government should address the above-mentioned barriers and help transform outdated patriarchal perceptions. A good starting point would be to amend the Labour laws and regulations impeding women’s participation and to also appoint qualified women as directors of government organizations. The government can also better assist female entrepreneurship by providing targeted loans and support programs to assist female oriented initiatives.

Iranian women too should create viable campaigns to address their employment inequities. NGOs both in Iran and in the diaspora should bring greater attention to discriminatory practices against women. Ultimately though, women should lobby the government to support their contributions to the Iranian economy. Iran’s economic growth objectives will be easier to achieve, only if female labour participation is permitted to increase in the country’s economy. For that to happen, the Iranian government must accept that women’s employment is a necessary benefit and successor of a viable political and economic system.
The State of Occupational Health and Safety in Iran

A Small Media Series
Vol IV
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INTRODUCTION

12,437 workplace fatalities have been reported in Iran over the past decade and the number of annual fatalities is increasing year-on-year. This report, which is supported by a series of recommendations, diagrams and appendices, offers a comprehensive overview of the state of Health and Safety (OHS) in Iran today.

Presented first is a description of the methodological approach, which in turn outlines the complexities and limitations of the reference material and data we have used. Then, journeying through a contemporary history of OHS in Iran, the reader is introduced to the convoluted administrative and bureaucratic aspects of Iran’s existing Occupational Health and Safety legislation and practice.

A graphical timeline and detailed appendix listing major OHS-related procedures, bylaws, executive procedures, directive, and instructions accompanies the first section of this report, while a second diagram visualises the complex and crippling body of institutions responsible for OHS in Iran. Providing a segue into the second chapter, we conclude the first with a descriptive narrative of the government’s recent OHS strategies.

We then explore the shortcomings and limitations of existing laws and regulations through a critical and analytical lens. The duplication of laws, the conflation of different institutions, and issues arising and compounding since the 1990s as a result of the shift from a labour-oriented to market-oriented approach are examples of such shortcomings and limitations.

The consequences of these encumbrances are experienced most dramatically by white collar and service industry workers, under-age workers, and foreign workers. Other factors that are seriously impeding Iran’s progress include the lack of gender specificity in Iranian labour law, and outdated bylaws and regulations, which have not yet been aligned with the pace of technological development inside the country.

Finally, the report concludes by focusing the narrative on the implementation and enforcement of this vast and puzzling body of laws and bylaws. The first glance is directed toward the institutions that are responsible for overseeing workplace inspections and implementing penalties and punitive measures. The second briefly nods to the absence of non-governmental supervision and the obstacles preventing such supervision from becoming an accepted part of OHS culture in Iran. A third and final diagram helps visualise the process of inspection, including the procedures for making complaints resulting in prosecution for breaches of OHS laws and regulations.
METHODOLOGY

This report aims to highlight the areas of OHS in need of most urgent attention in Iran. It does this by providing historical narratives alongside the findings in order to measure the pace of OHS development in Iran and by comparing the findings with indices and reports from developed and developing countries. The methodological approach comprises data drawn from the following areas.

1. The organisational charts, historical records, current practices, publications and future proposals of 11 different organisations (ministries, universities and OHS research centres) that are involved in decreeing laws and bylaws, setting policies, and issuing statements in the field of OHS.
3. OHS-related official literature including: educational manuals and handbooks; local OHS journals published in different provinces; and a set of 10 educational multimedia CDs and posters.
4. Unofficial OHS-related literature that has been collected from individual workers’ sites and blogs; the sites and blogs of workers’ unions, syndicates and collectives; and other online resources covering health issues.
5. Ongoing discussions with a field team who have been involved in establishing an OHS-related NGO in the northern provinces of Iran.
6. Results from a survey distributed among a few hundred workers in the northern provinces of Iran (Appendix A).
7. The transcripts of interviews with a focus group comprising of a university lecturer, two worker activists, a lawyer and a journalist, all of whom have had many years of expertise and involvement with the subject.
8. The online resources of the International Labour Organisation (ILO), both in regards to Iran and also the current state of OHS in different countries.
9. Data and interviews with policy makers, experts, and inspectors published on the Iranian Labour News Agency website’s work-related accidents section.¹

The absence of independent labor organisations in Iran means that a thorough assessment of OHS from the workers’ perspective is impossible to achieve. In an ideal scenario, organisations such as these would have been consulted during the writing of this report, however, input from the experts in our field team and discussions with our focus group have helped to balance the dialogue.

¹ The Iranian Labour News Agency website’s work-related accidents section can be found at http://www.ilna.ir/news/services.cfm?id=4&subid=86
This was not the only challenge we faced while collecting data for the report. Iran’s Coroner’s office is the official body responsible for all statistics concerning OHS-related accidents. All forms of compensation can only be legally pursued after a report has been issued by this office. The OHS literature referenced in this report rely heavily on the data provided by Coroner’s office. However, several complexities limit the reliability of these statistics. It is very likely that the real number of workplace accidents and fatalities is much higher. There are a number of contributing factors.

1. Illegal foreign workers, who comprise more than 6% of Iran’s workforce, are not recorded
2. Only injuries directly caused by work are recorded
3. There is no reliable data regarding work related disease
4. Official statistics are limited only to accidents

Data from Iran’s Social Security Organisation (SSO), a public institution responsible for providing health insurance to around 12 million Iranian workers, is also frequently referenced. The latest set of statistics from the SSO, a 50-page report covering the period from March 2013 - March 2014, is the most comprehensive set of OHS-related data. The SSO’s statistics only include workers insured by the SSO, but despite this caveat, data pertaining to the geographical distribution of injuries, as well as the age and gender of those injured, can be extrapolated and applied to the overall labour force.

The National Census Centre publishes monthly and annual statistics regarding the Iranian labour force. While these reports cover many aspects of labour in Iran, there is no reference to accidents, injuries or workplace hazards.

Statistics regarding other aspects of OHS, such as hours of inspection by authorities, hours of education provided by relevant organisations, number of insured workers, and progress and regress in specific fields of OHS, are published by Iran’s Ministry of Cooperatives, Labour, and Social Welfare and the Technical Safety and Occupational Health Research and Education Centre.

The statistics used in this report are based on different assessments of the real number of accidents and injuries, speculated by different authorities on the subject and gathered from scattered material in the available literature.

However, there is a considerable discrepancy at times between such statistics and the ones estimated by independent worker experts and unofficial workers unions and collectives. These discrepancies are illustrated nicely by the following example. The Ministry of Labour and the House of Workers (Iran’s official governmental workers’ organisation) have proclaimed there are 10 million workers in Iran, but independent worker activists believe

\[2 \text{ The official website of Iran’s Social Security Organisation can be found at http://goo.gl/ySE9fX}\]
the number to be as high as 15 million as governmental statistics do not include child labour, seasonal workers, and female street vendors.\(^3\)

One of the major points of confusion is the lack of clarity concerning OHS-related terminology, especially the definition of ‘worker’.

Iranian OHS literature published inside the country puts forward divergent understandings of key definitions and terminologies pertaining to labour rights.

Section 2 of Iran’s Labour Code states,

“For the purposes of this Code, the term ‘worker’ means any person who works in any capacity at the request of an employer in return for remuneration.”

Based on this key definition, Iran’s Labour Code, which serves as the legal basis of all employment contracts, disputes, wages, and other rights and duties of the employers and employees, must include all workers, white collar and blue collar, equally.\(^4\)

Section 85 of the Labour Code, which forms the opening phrasing of Chapter IV states:

“In order to protect the human and material resources of the Islamic Republic of Iran, all workplaces, employers, workers, and trainees shall observe such instructions as may be drawn up by the High Council for Occupational Safety (with regard to occupational safety) and by the Ministry of Health, Therapeutic Care and Medical Training (with regard to the prevention of occupational diseases and the maintenance of occupational health and workers’ health and the work environment).”

Theoretically this must guarantee the necessity of observing and executing OHS regulations for white and blue collar workers equally. However, Chapter IV of the Labour Code focuses on the variations of blue collar workers and implicitly suggests that the definition of the term worker, for the purposes of the Labour Code, is narrowed down so as to ignore, if not exclude, white collar workers’ OHS.

The High Council for Occupational Safety has not issued any bylaws, regulations or legally binding instructions regarding office work, such as ergonomy, that would

\(^3\) An article published by Radio Zamaneh in 2014, which includes quotes from anonymous worker activists, argues that official governmental statistics do not include child labour, seasonal workers, and female street vendors. [http://www.radiozamaneh.com/141886](http://www.radiozamaneh.com/141886)

\(^4\) Governmental employees are excluded from the Labour Code and protected instead by the Employment Code (1966).
be of relevance to white collar workers. One instructional manual, *The Ergonomic Assessment of the Work Environment*, was published in early 2012, but its guidelines are not legally binding.

Moreover, white collar workers employed by governmental ministries and institutions are bound by the Employment Code (1966), which overrules the Labour Code. 2.3 million Iranian workers fall into this category. The only reference to OHS in the Employment Code appears in Article 53, and it is not supported by explanatory text or clarifications concerning how the decree is to be observed or executed. Article 53 states,

“Ministries and governmental institutions are obliged to maintain health and safety and an appropriate work environment for employees.”
CHAPTER ONE
OHS laws and regulations: Past, present, future?

On 17 December 1923, the Governor General of Kerman, Sistan, and Baluchistan issued a decree in six clauses that has come to be known as the first example of labour regulation in the modern history of Iran. The decree forbade employers from making carpet weavers work more than eight hours per day, set an age limit for workers, guaranteed a paid weekend, and made it illegal for looms to be set up in areas without proper ventilation or lighting.

In March 1931, the Ministry of Roads and Streets established a special compensation fund for road builders who were disabled as the result of accidents at work and paid for their medical care if they fell ill.

Modern labour rights and notions of work safety were gradually and progressively institutionalised until April 1946, when the first labour law of Iran, Iran’s Labour Code, was ratified by the Chamber of Ministers. This was a period of time during which unions and syndicates could operate with relative freedom and Chapter Six of this first Iranian Labour Law, although consisting of only two articles, was dedicated to occupational safety and health. The fourth chapter also regulated and controlled women and child labour; the minimum age for workers was 10.

To implement and further elaborate upon the existing OHS regulations, the Iranian parliament passed a bill of law that mandated the establishment of the Supreme Council of Technical Safety (SCTS) in July 1955. It took a further three years for the SCTS to be convened, and it didn’t find its true legal standing until a second Iranian Labour Code was ratified in March 1959.

In the updated version of Iran’s Labour Code, the chapter covering occupational health and safety (now Chapter 10) was expanded to five articles and several notes, and the minimum age of workers increased to 12 years. The chapter served as a new basis for the SCTS, which is still responsible for drafting and issuing procedures, bylaws, instructions, and OHS guidelines in Iran today.

After the 1979 Iranian Revolution, the unions and syndicates that had played a significant role in overthrowing the shah actively solicited for a more pro-labour law. But procrastination, post-revolutionary political turmoil, war, and then finally a prolonged debate between Parliament and an unelected legislative body known as the Guardian Council hindered the introduction of the new labour law. In fact, the 1959 Labour Law remained in place until November 1990, when the newly established Expediency Discernment Council mediated and ratified a watered-down version of the pro-labour law.

No matter how weak it is in enshrining the rights of workers to form unions and syndicates, this has been the most comprehensive body of laws regulating OHS in the
history of Iran. Chapter 10 now comprises 22 articles and, along with Article 30 of the Agricultural Labour Law, which itself was ratified in 1974, serves as the main basis for dozens of OHS procedures, bylaws and instructions that remain in force today. The new Labour Law also increased the minimum age for workers to 16 and an additional decree provided extra care for juvenile workers aged between 16 and 18.

For the purposes of disambiguation, the law also delineates the duties and authorities of the Ministry of Hygiene, Healthcare, and Medical Education (and its subsidiaries), differentiating them from those of the Ministry of Labour (and its subsidiaries).

According to Iran’s Labour Law, the Ministry of Healthcare is responsible for health-related issues, while the Ministry of Labour is responsible for safety-related issues. The effectiveness of this division of duties will be reviewed in the subsequent chapters.
The State Of Occupational Health And Safety In Iran

1920
March 1931
Ministry of Roads establishes the first labour insurance fund

1930

October 1941
Iran’s first communist party, Tudeh, is founded in

1940

April 1946
First Iranian Labour Code is drafted and ratified by the Council of Ministers

1950

July 1949
Department of Occupational Safety and Labour Inspection

1960

March 1959
Second Labour Code with an expanded OHS chapter is ratified by Parliament

1970

February 1979
Iranian Revolution

1980

February 1988
Continued disagreements between two chambers of legislation over a new Labour Code gives birth to a third, intermediary chamber: Expediency Discernment Council

1990

March 2009
Environmental and Occupational Health Centre is established out of several consecutive evolutions and evolutions of relevant sectors in Ministry of Hygiene throughout 1990s and early 2000s

2000

November 1990
New Labour Code is passed by the Expediency Discernment Council; the new law contains an extensive chapter on OHS regulations and inspection

2010

May 1974
Agricultural Labour Code is passed by the Parliament, containing a short chapter on OHS

1970

December 1983
Ministry of Hygiene is put in charge of Occupational Health issues according to a ratification by the Council of

1980
CHAPTER TWO
Division of labour? The regulatory framework for OHS in Iran

Iran’s Labour Law serves as the backbone of the regulatory framework for OHS in Iran. The Supreme Council of Technical Safety (SCTS), which is chaired by the Minister of Labour and Social Welfare, drafts and passes most regulations on OHS measures. However, in the mid-1980s, during the post-revolutionary upheaval and before the introduction of the new Labour Law, the Council of Ministers handed the authority over occupational health issues to the Ministry of Hygiene. This decision was later reflected in the 1990 Labour Law and, as a result, the Ministry of Hygiene, Healthcare and Medical Education, along with one of its subsidiary organisations the Environmental and Occupational Health Centre, is also active in drafting and ratifying some of the regulations that pertain to occupational health issues.

But, before getting complacent with this division of responsibility, let’s make clear that not all regulations are based on the Labour Law, and the aforementioned authorities are certainly not the only ones drafting and passing OHS regulations in Iran today.

Duplication of regulations and convoluted frameworks

To begin, let’s look at two fundamental articles from Chapter 4 of the current Labour Law.

Article 85
In order to preserve the workforce and financial resources of the country, the observance of the instructions formulated by Supreme Council for Technical Safety (for the provision of technical safety) and the Ministry of Hygiene, Healthcare, and Medical Education (for the prevention of vocation-related diseases, and the provision of labour, worker and working environment hygiene) shall be binding for all workshops, employers, workers and trainees.

Article 91
In accordance with the ratification of the Supreme Council for Technical Safety, all employers and officials, subject to Article 85 of this Law, shall provide and put at workers’ disposal the necessary facilities for the safety, health and hygiene of the workers in the working environment and shall teach them the mode of operation for the aforementioned equipment, and supervise observance of health and safety regulations. The aforementioned persons shall also be obligated to benefit from and maintain the individual health and safety equipment, and enforce the relevant directives in the workshop.

While these two articles provide a broad scope of definition and applicability of occupational health and safety, there are a number of contradictory and conflicting procedures and bylaws. Some of these, like a bylaw overseeing the Committees of Technical Safety and Labour Hygiene, are based on other articles of Chapter 4. A number of articles outside Chapter 4 also apply to OHS, such as Article 118, which regulates safety and hygiene
at workers’ training centres. The Agricultural Labour Law only has one article regarding OHS and many procedures and bylaws ratified before 1990, and thus based on the Labour Law of 1959, are still in force (albeit with minor amendments).

There is also one independent law, called the Act of Protection Against Radiation, that regulates health and safety measures for radiation exposure at work. This act was ratified by the Iranian parliament a year before the Labour Bill was passed into law. This law later served as the basis for a bylaw with the same title that was passed by Ministry of Hygiene, Healthcare, and Medical Education. These acts are in force in parallel with the Procedure and Regulations on Protection against the Danger of Ionising Radiation, which was ratified by the Supreme Council for Technical Safety in 1973.

Duplication of OHS regulations is extremely commonplace, especially in areas where organisations, legislative bodies, or ministries other than the ministries of Labour and Healthcare (and their subsidiaries) have stepped in to set regulations of their own.

Another example illustrating this duplication are the bylaws for construction sites known as ‘Procedure of the 12th Topic of National Regulations for Construction’, which regulates safety measures, and ‘Procedure of the 20th Topic of National Regulations for Construction’, which informs the use of signs.

These two procedures were drafted and passed by the Construction and Housing Department of the Ministry of Roads and Urban Development. They exist in parallel with the Bylaw on Safety for Construction Sites, which was ratified by the SCTS in 2002, and the Procedures for Safety Signs in Workshops, which was ratified by the SCTS in 2007.

Appendix A lists a number of major OHS-related procedures, bylaws, executive procedures, directive, and instructions that have been passed by the Ministry of Cooperatives, Labour and Social Welfare, or the Ministry of Hygiene, Healthcare and Medical Education (and/or their subsidiaries). The list also includes one non-authoritative text, Allowable Thresholds for Occupational Exposures, which is published by the Ministry of Hygiene, Healthcare, and Medical Education and is the major scientific reference for many OHS regulations.

Body of involved institutions and governmental departments making, executing and observing health and safety laws, policies and regulations

Iranian laws are ratified by Parliament and approved by the Guardian Council. The Ministry of Labour is in charge of regulations that apply to occupational safety, while regulations that pertain to occupational health fall within the remit of the Ministry of Hygiene. The Environment Organisation has also stepped into the field of OHS and has partnered...

5 In exceptional cases, laws are sometimes approved by the Expediency Discernment Council.
with the Ministry of Hygiene, Healthcare, and Medical Education in drafting non-binding guidelines and instructions about occupational health.6

**Ministry of Cooperatives, Labour, and Social Welfare:** Established in 1946 to implement the first Labour Law, this Ministry is in charge of ratifying Occupational Safety regulations.

**Labour Inspection Department:** A department of the Ministry of Cooperatives, Labour, and Social Welfare, with branches across the country. Responsible for inspecting workshops to ascertain their compliance with OHS regulations.

**Supreme Council for Technical Safety (STCS):** Established in 1959 and expanded in 1990, the council, which is chaired by the Minister of Cooperatives, Labour, and Social Welfare, convenes monthly. More than 65% of Iran’s OHS regulations have been drafted by this council.

**Technical Safety and Occupational Health Research and Education Centre:** A subsidiary of the Ministry of Labour, this centre drafts regulations and trains workers and employers in OHS standards. It was established in 1969 to maintain OHS of workforces in production lines, the service sector, agriculture, and mines.

**Ministry of Hygiene, Healthcare, and Medical Education:** This ministry ratifies regulations, bylaws, procedures concerning occupational health. Departments within this ministry are active in drafting and publishing non-binding guidelines pertaining to OHS.

**Environmental and Occupational Health Centre:** A major subsidiary of the Ministry of Hygiene, Healthcare, and Medical Education, the centre contributes to the drafting of OHS regulations. A number of OHS-related subsidiary departments are nested under the umbrella of this centre including: the **Department for Radiation and Residues Safety and Medical Centres;** the **Department of Occupational Health and Special Jobs Services;** the **Department of Occupational Medicine;** and the **Department for Controlling Occupational Factors on Health.**

**Iranian Occupational Health Association** and the **Iranian Occupational Medicine Association:** Both of these associations are based at the Tehran University of Medical Science but have branches in most provinces across Iran, researching occupational health and medicine and training experts and specialists in the field.

**Environment Organisation:** The Environment Organisation and the **EO Research Institute** nested within this organisation have both contributed to occupational health related regulations and guidelines.

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6 The Ministry of Oil and the Ministry of Roads and Urban Development have also issued decrees regarding health and safety in areas specifically pertaining to their own activities, but they shall not be considered as authorities in this field.
Occupational Health and Safety Committees: These committees are formed according to Article 93 of the Labour Law in workshops with 25 or more workers. Their activities are regulated by the Bylaw on Occupational Health and Technical Safety Committees (rat. 1995). Each committee is comprised of the employer (or his/her representative), a representative of the workers, the technical manager or most senior technical staff member, and the persons in charge of occupational health and safety measures at the workshop.

Committee for Coordination of Control and Supervision on Toxics and Chemicals: This is a specialised committee that the Supreme Council for Technical Safety has the authority to establish when need arises. The committee can assist the council in specialised fields according to the first note of Article 86 of the Labour Law.

Corporate Social Responsibility Development Centre: This centre interprets occupational health and safety as part of a schema of corporate social responsibilities and monitors and reports on improvements and shortcomings in this area.

Current policies and strategies to reform health and safety
Labour activists and observers alike have noted that the issuance of new bylaws, without the foresight to annul the existing ones, is incredibly problematic in Iran. During Ahmadinejad’s eight years as Iranian president (2005 - 2013), many reforms were made to the OHS bylaws.

The most notable forward-moving action taken during this period was the introduction of the Safety Bylaw regarding Contractors in 2010, adherence to which was made compulsory in 2012 by the Ministry of Cooperatives, Labour, and Social Welfare.

Given that the role of contractors across a broad range of industries has grown exponentially over the past ten years, strict execution and supervision of this bylaw is central to improving OHS in Iran.

On the other hand, the forced closure of almost all of the nascent independent labour organisations and the imprisonment of many labour rights activists, is a leap in the wrong direction. These groups were effective in providing independent supervision of the relevant ministries and enacting awareness-raising campaigns.

In 2011 the Supreme Council for Technical Safety published a set of statistics claiming a massive increase in OHS activities during the Ahmadinejad presidency. The report claimed
to have achieved the following results between 2005 and 2011.  

<table>
<thead>
<tr>
<th>Description of activity</th>
<th>Increase from - 2005 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical safety inspections at economic and production units</td>
<td>%598</td>
</tr>
<tr>
<td>Assessment and measurement of physical and chemical harmful causes in the work environment and the execution of research projects to optimise industries and production units</td>
<td>%755</td>
</tr>
<tr>
<td>Issuance of certificates for technical safety consultants</td>
<td>%21,729</td>
</tr>
<tr>
<td>Health and Safety educational courses for labour inspectors held by the Supreme Council for Technical Safety</td>
<td>%26</td>
</tr>
<tr>
<td>Educational courses in health and safety</td>
<td>%456</td>
</tr>
</tbody>
</table>

However, the SCTS does not account for the 144% increase in workplace fatalities, which is incongruous with the abovementioned statistics. 736 deaths were recorded in 2005, while 1796 deaths were recorded in 2011.

When Ali Rabiei, Iran’s new Minister of Labour, Cooperation, and Social Welfare, was nominated in August 2013 he listed decreasing work-related accidents, improving work conditions, and developing a safety culture among his 39 strategic objectives.

Under the sixth section of the chapter on labour relations, Rabiei’s proposal states that a “lack of attention to labour safety has caused an increase in the number of damaged subjects and huge compensatory payments from the Social Welfare Fund or other insurance funds and also from employers. Limitations and obstacles to inspections and a lack of power in the system of Labour and Health inspection have exacerbated the problems in this field.”

Rabiei also pledged to organise “effective and regular inspections in order to protect the labor force” and to “support labour organisations in accordance with agreements reached with the ILO.” The latter pledge is particularly promising seeing as both the International Labour Organisation and Iran-based labour organisations can change OHS for the better in Iran.

Iran, which had previously distanced itself from the ILO, has joined the ILO Board of Directors since Rabiei announced his strategic objectives. Representatives from the ILO have also visited Iran to participate in the Labourforce Health Conference.

8 The statistics referenced in this report are from the website ofTechnical Safety and Occupational Health Research and Education Centre and can be downloaded from http://crtosh.mcls.gov.ir/files/attach/amar.pdf
CHAPTER THREE
Shortcomings and limitations of existing laws & regulations

The existing laws and regulations governing health and safety in Iran have a number of shortcomings and limitations. They are experienced most harshly by white collar and service industry workers, under-age workers, and foreign workers. Another factor seriously impeding Iran’s progress is the lack of gender specificity in Iranian labour law. In this chapter we explore the existing laws and regulations, attempting to understand why the specific needs of these groups, who make up a significant part of the active workforce, have been ignored.

White collar workers, a notable absence from OHS regulations
Different hypotheses offer insight into why white-collar workers have been ignored in occupational health and safety regulations. The only references to white-collar workers appear in Article 53 of the Civil Employment Code (rat. 1966) and Article 29 of the Employment Regulations for Government-Owned Corporations (rat. 1973). The implementation of these articles has not been regulated through bylaws, procedures or any other binding regulations.

Although not an authority in its own right, the Allowed Threshold for Occupational Exposures document, which is regularly updated by MHHMD, serves as an official reference and appendix to many OHS regulations. A chapter on ‘Ergonomics’ made its debut in 2012, in the 3rd and most recently published edition, but the limits and thresholds stipulated are for carrying heavy loads by hand, and do not apply to office workers.

In recent years, the Environmental and Occupational Health Centre, itself a subsidiary of MHHME, has published a series of OHS guidelines in cooperation with Tehran University of Medical Science. These guidelines are not binding, but they cover a wide range of issues, including ergonomics for office workers, and are written in an accessible manner. The guidelines include non-binding recommendations for employers, and include chapters on Reducing Musculoskeletal Disorders Among Office Workers and Designing Ergonomic Workstations.

Women workers and the lack of gender specificity in legislation
Iranian women occupy a comparatively small share of the labour market. According to latest figures released by Statistical Centre of Iran for the year 1392 (21 March 2013 - 20 March 2014), the Labor Force Participation Rate stands at 40% of the Active Population between the ages of 16 and 64. The Labor Force Participation Rate is disproportionately divided, with men outnumbering women about 7 to 1.

Compounding this gender disparity is the fact that 46% of employed women are either classified as ‘Own-Account Worker’ or ‘Unpaid Family Worker’, which suggests they are highly vulnerable. Not only do they have minimal job security, they may well be engaged in jobs and vocations with little, if any, health and safety supervision.
Women who are educated are more likely to be employed in the public/state sector, and those who are employed in the private sector tend to be unskilled labourers or blue collar workers. A report issued by the Statistical Centre of Iran for the year 1390 (21 March 2011 - 20 March 2012) highlights this concern. 67% of female labourers employed in the private sector are working as machinists, assemblers and drivers, compared with 7% in the public sector.

Official reports usually claim that women are no more likely to be involved in work-related accidents than men. However, there is not much evidence to back up this claim. Reports only address work-related accidents that are recorded officially, meaning the classifications detailed above might well be excluded from these analyses. Furthermore, gender specificity is important in health and safety and the laws and regulations cannot be ‘one size fits all’. For example, serious attention needs to be paid to health-related issues affecting women working in carpet weaving workshops.

Improvements are beginning to shine through and these matters are being addressed from different perspectives. In October 2014, “The First National Conference to Improve Women’s Health in Work Environment” was held in Tehran. The conference focused on health as well as safety, and explored some other important issues affecting women, such as employment conditions.

**Youth workers: superficial protection?**
The laws and regulations governing the minimum age of workers and overseeing their well being are thorough and solid, establishing extraordinarily high standards on an international stage, but are the stipulations on paper enforced in practice?

To offer context, it is important to note that Iran has signed (1991) and ratified (1994) the UN’s International Convention on the Rights of the Child (UNCRC) with the following reservation: “The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.”

This reservation cannot be applied Article 32, which prohibits member states from exploiting children economically, from assignment of hazardous jobs to children or what may interfere with the child’s education, and from employing children at jobs that are harmful to their health or physical, mental, spiritual, moral or social development.

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*9 A link to the announcement for the First National Conference to Improve Women’s Health in Work Environment can be found at [http://goo.gl/N0nBfT](http://goo.gl/N0nBfT) and a report detailing the outcome of the conference has been published at [http://goo.gl/NoLjTz](http://goo.gl/NoLjTz)*
Of the International Labour Organisation’s two core conventions concerning child labour, Iran has only signed and ratified the Worst Forms of Child Labour Convention (C182; rat. 2002). Iran has neglected to sign the Minimum Age Convention (C138) and any of ILO’s technical conventions that make provisions for the medical examination for fitness for employment of children and young persons (e.g. C077, C078, and C124). Although the Iranian Labour Code was drafted and ratified long before Iran’s accession to UNCRC and the ILO’s C182, it is in compliance with both. The Iranian Labour Code doesn’t contravene any of the unsigned ILO conventions either. Highlights from the Iranian Labour Code include:

- The minimum age of workers and trainees is 15 (Article 79)
- Professional medical assessments relevant to the employment are compulsory for young workers, with annual assessments until the age of 18 (Articles 80 and 81)
- Employers are prohibited from assigning extra work or hard, hazardous and dangerous work to young workers (Article 83)
- Jobs that may affect young workers physically, mentally, or morally are forbidden (Article 84)

But this formidable legal structure comes crashing down by Chapter 12 of the Iranian Labour Code. Article 188 excludes ‘family-run workshops’ from the earlier-stated provisions, including the minimum age of workers and the prohibition of assignment of dangerous jobs to young workers.

Under the pretext of promoting small businesses, Iranian parliament passed a bill in February 2000 that exempted all workshops and businesses with five workers or less from all provisions of the Iranian Labour Code. The bill was enforced for a probation period of three years, before an amended bylaw was eventually passed in 2003.

Article 191 of the Iranian Labour Code now states that, “Small workshops having less than 10 individuals, as considered expedient, may be temporarily exempted from some of the provisions of this Law. The cases of expediency and exemption shall be in accordance with the by-laws to be proposed by the Supreme Labour Council and approved by the Council of Ministers.”

This bylaw exempts small workshops with less than 10 workers from some provisions of the Iranian Labour Code. Under the new regulations, small workshops are exempted from articles 81 and 82, which regulate the annual medical examinations for young workers and put caps on the maximum hours they can work.

The new bylaw has nullified most of the rules intended to maintain a system guaranteeing the physical and mental health and wellbeing of young workers in small workshops and businesses, and, crucially, in family-run businesses. There are between 2 to 7 million young workers in Iran, 40% of whom are children of foreign immigrants, and for them the
situation is particularly grave.\(^{10}\)

**Legal and illegal foreign workers in Iran**

As a general rule, foreign nationals are not allowed to work in Iran. However, there are some circumstances under which the rule can be adjusted.

According to Clause 122 of the Iranian Labour Code, the Ministry of Labour can issue, extend and renew work permits of:

- Foreign nationals who have lived in Iran for more than 10 years
- Foreign nationals who are married to Iranian citizens
- Foreign migrants, particularly those from Islamic countries as well as political asylum seekers, on the condition that they have a valid migration or refugee card, and with written agreement from the Interior Ministry and the Ministry of Foreign Affairs

Migrant workers from Afghanistan represent the largest proportion of foreign workers in Iran. Estimates place the number between 1.5 to 3 million. According to Iranian officials, around 1 million residents from Afghanistan are registered, but only 190,000 have been issued work permits. This means that most are working illegally, and are not protected by any labour or social welfare laws. In addition, Afghans who have work permits are only allowed to work in 14 of 31 provinces across Iran.

Legal and illegal workers are paid lower wages and a hired to do jobs that Iranian workers generally refuse to do. They are typically engaged in harmful and/or dangerous jobs, in extremely hot or humid parts of the country, and are thus more susceptible to accidents and injuries. The conditions under which they work can also inflict lasting physical damage to their persons.

The literacy rate is generally low among these workers and many have a rather poor command of Persian, meaning they are unable to effectively learn and follow some of the essential health and safety instructionals. When accidents occur, damages are only payable to foreign workers who have valid work permits and they also receive partial coverage from the Social Security Organization. Illegal workers are not entitled to any such coverage, however, in the case of injuries arising as a result of negligence on the part of the employer, illegal workers can still sue their employers for ‘Diyah’ (blood money) through the Iranian court system.

A plan has been drafted that would provide insurance to foreign workers for work-related accidents. Legal foreign workers can buy private insurance that will partially cover medical costs, however, in cases where a breach of health and safety requirements has resulted in an accident, insurance companies will have the right to refuse to pay.

\(^{10}\) Most of these young workers are the children of refugees and immigrants from Afghanistan.
Because of the murky status of these vulnerable workers, there are no accurate statistics regarding the number of illegal workers who have workplace accidents. However, considering that between 48% and 78% of all work-related accidents happen in the construction sector, in which the highest concentration of legal and illegal workers from Afghanistan are engaged, we can assume they have been involved in many accidents. These workers are one of the groups most in need of health and safety education and equipment.

**Relevancy and timeliness: keeping up-to-date**

Compared with the UK’s Health and Safety at Work Act, which was ratified in 1974, Iran’s 1990 Labour Code is relatively new. It is up-to-date with most matters concerning OHS, but some OHS regulations certainly need revising. As mentioned earlier in this report, most recent attempts to update these regulations have caused confusion and/or duplication.

However, there are still some OHS-related regulations in force that were based on the Civil Employment Code (1966), the Social Security Act (1975), the Agricultural Labour Law (1974), or an older version of the Iranian Labour Code (1959). While some of these regulations were amended to match the numbering system of the new Iranian Labour Code in 1990, the content has remained unchanged.

In recent years, and especially under the Ahmadinejad presidency, the Ministry of Cooperatives, Labour, and Social Welfare (MCLS) and Supreme Council for Technical Safety (STCS) proved to be very keen on updating a large number of these regulations all at once.

The pace at which these updates were pushed through the system came at a price. Of the bylaws and procedures passed between 2005 and 2013, several had a similar or identical title, many pertained to the same area of expertise, and some contained no clause determining the status of the older regulations. Although sometimes a note accompanying the text of the new regulation announced the older regulation had been annulled, equally there was no such note, meaning a duplication of regulations.

For example, The Bylaw on Safety at Work on Electrical Power Transmission (2013) and the Bylaw on Safety at Work on Electric Lines and Equipment (1975) are both ‘current’.

On a positive note, some of the most pivotal regulations, such as the Bylaw on Hard and Hazardous Jobs and the Bylaw on Safety in Casting Industries, are of a much higher quality than their predecessors, providing adequate supplementary information, and matching the needs of modern technology.
Identification
Workshops in general are subject to an initial OHS inspection at the outset of their activities and then a minimum number of regular inspections throughout the year (usually three inspections annually).

Reports and Complaints
Inspections at certain workshops may also be carried out based on reports or complaints submitted to OHS enforcement bodies by workers, independent experts, or even members of public.

Inspection
Workshops may be inspected at any time of the day and any day of the week, either within working hours or outside.

Notification and Recommendation
Breach or oversight of OHS rules and regulations are reflected in inspector's report, a copy of which will be given to the employer as a notification; the inspector also provides further recommendations and instructions on how to address the issue.

Deadline
Based on inspector’s report, OHS authorities contact the employer later to officially inform him/her of the shortcomings and declaring a deadline to address the issue.

Re-Inspection
Once the deadline is expired, OHS inspectors visit the workshop again to assess the improvement and to check whether the problem is alleviated.

Problem Solved

Problem not fully addressed

Ultimatum
The employer is given one last chance to address outstanding OHS shortcomings; new deadline is set.

Re-Inspection
At the end of the new deadline, the workshop is re-inspected once again.

Problem Solved

Problem not fully addressed

Prosecution
The employer is introduced to judicial authorities for indictment and prosecution based on labour code.

Documentation
All inspections' reports are recorded in the workshop's file as well as ministerial statistics bank.
CHAPTER FOUR
Implementation, execution, and supervision: problems of enforcement

Almost all institutes governing OHS in Iran today are governmental organisations. There are very few NGOs active in the field. Private companies are far more active in the field, and a growing number of companies staffed with young graduates in Occupational Health provide OHS services. Yet if employers do not feel the urge to comply with OHS regulations and/or improve health and safety measures at work, the market for such companies will not grow accordingly.

Still, the main instruments governing the enforcement of OHS regulations in Iran are regular or case by case inspections carried out by the Labour Inspection Department and/or the Department of Supervision, Inspection, and Assessment.

According to current regulations, each and every identified and registered workshop, excepting those exempted from the Iranian Labour Code, shall be visited at least three times a year by OHS inspectors. Outside these regular checks, inspectors shall also visit workshops where they suspect breaches of OHS regulations or they have been tipped off by workers, employers or members of the public. Workshops are also routinely inspected after accidents have been reported (see Diagram III).

The law makes explicitly clear that inspectors shall be given immediate and free access to the premises and shall also be free to take samples or conduct interviews with persons on the premises if need be. The result of these inspections is documented in a report that has the weight and value of a judicial document and can be referred to at a court of law should the responsible individual or entity be summoned and tried for persistent failure to address OHS shortcomings.

However, family-run workshops can refuse access to labour inspectors. If an inspector is refused access, they must then get a warrant from the Public Prosecutors’ Office. The owner cannot be put on trial for refusal of immediate admission to a labour inspector unlike in other workshops.

In addition to the provisions for prosecuting non-compliant workshop owners, the government has also taken a few incremental steps over the past fifteen years to introduce new policies in the hope of encouraging compliance with OHS regulations. These include

11 A few limited projects like “Healthy City”, which is being implemented in cities and towns like Ardakan, Sebevar, and Saveh, have been set up to encourage NGOs to become OHS supervisors and trainers for small and/or family-run workshops, where governmental supervision is limited or not possible.

12 According to Article 12 of the Civil Responsibility Act, it is usually the owner of the workshop who would be held accountable.
providing tax exemptions for any costs incurred through the implementation of OHS regulations.

New regulations require contractors to include the costs of OHS implementation in their contracts at a rate of no less than 3-5% of the total contract cost. But even Iranian officials acknowledge that this law is not enforced properly and many contractors in practice do not burden any cost more than a tiny fraction of what is actually allocated to implement OHS measures in their contracts.

And these mechanisms still fall short of rigorous and proper enforcement of OHS regulations, due to a variety of issues ranging from administrative quirks to legal shortcomings, and limited resources.

In certain areas, like in industrial or mining units that fall under supervision of Ministry of Industry, Mining and Trade, or in construction sites where the Ministry of Roads and Urban Development run similar inspections, the mechanisms that coordinate the overlapping duties are non-existent or scarce. Resources are also scarce. According to the Ministry of Health, there should be 4,000 occupational health inspectors and 1,600 specialist occupational medical doctors. Currently, there are only 700 inspectors and 52 doctors active in the field.13

A naming and shaming policy for contractors with appalling OHS records started in Tehran in August 2014. According to this policy, signing contracts with the named “unsafe contractors” is illegal. As of the time of writing we have not been able to gain any evidence as to how successful the new initiative has been.

Article 93 of the Iranian Labour Code has made it mandatory for workshops employing more than 25 workers to establish Occupational Health and Technical Safety Committees. These committees aim to involve workers in the supervision of OHS measures, and are comprised of the employer, a representative of the workers, the technical manager or the most senior technical staff member, and the professional experts in charge of technical safety and occupational health and hygiene at the workshop. Labour inspectors can also require workshops with less than 25 workers to implement a committee.

13 Figures pertaining to the ideal and actual numbers of inspectors and relevant medical professionals were gleaned from a Ministry of Health report downloadable from http://old4.mui.ac.ir/chadegan-health/1390-03-17-18-44-43.html
CONCLUSION

Although the current report has highlighted the shortcomings of laws, bylaws and instructions regarding OHS in Iran, this is just one contributing factor in the rise of accidents in recent years. Other important factors are detailed below as recommendations, and should be considered as a jumping off point for any persons or organisations considering establishing programs to address OHS issues in Iran.

1. Increase number of inspectors and inspections
   The number of inspectors from the Ministries of Labour and Health are far lower than required by the standards of the current laws and policies of the same departments.

2. Increase inspections and punitive measures for the construction industry
   The construction industry is the most hazardous sector. Given a significant proportion of the labour force occupied in this field if foreign nationals, there is urgent need to provide these workers with OHS education. Despite governmental propaganda for mandatory construction workers’ insurance in the last few years, the majority are still not insured.

3. Decrease duplication of effort and make one overarching body responsible for OHS
   The vast bureaucracy is an obstacle to take faster decisions and set the right policies. When such actions are taken they are not accompanied by the relevant executive power of the same body. The report emphasises the necessity of one overarching body taking responsibility in regards to OHS.

4. Protection for foreign workers, especially illegal workers, needs to be increased
   Illegal foreign workers are the most vulnerable when it comes to occupational hazards, injuries and death. Owing to their exemption from the Labour Code and social security, they are the group with the fewest protections from such issues.

5. Hold small and family-run workshops accountable to Chapter IV of the Iranian Labour Code
   The exemption of small workshops and family-run workshops from the Labour Code has not officially exempted them from Chapter IV. However, such exemptions and also the recent prevalence of short term contracts and the role of employment agencies have been negative factors in executing OHS measures effectively.

In addition, there is a need to provide more OHS materials and instructions for white collar workers. Despite the rise of the ratio of white collar to blue collar workers and the rise in the white-collar related disease, there are very few OHS materials and instructions,
let alone bylaws and policies in this field. It is also imperative that awareness-raising campaigns are launched in Iran to increase general awareness of the importance of OHS, to improve the general OHS culture, and to introduce more accessible educational material. Multimedia packages should be designed, tested, and implemented across Iran, and more severe punitive measures should be introduced. Finally, incentive-based programs targeted to both employers and employees could be a stepping stone to improving general OHS culture in Iran.
**APPENDIX A:**
The List Of Ohs-Related Laws, Bylaws And Acts; Their Ratifying Bodies And Their Ratification Year

<table>
<thead>
<tr>
<th>COUNCIL OF MINISTERS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Procedure on Control and Supervision over Toxics and Chemicals</td>
<td>1999</td>
</tr>
<tr>
<td>Bylaw on Hard and Hazardous Jobs</td>
<td>2007</td>
</tr>
<tr>
<td>Executive Procedure for Hard and Hazardous Jobs</td>
<td>2014</td>
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