

# THE REALITY OF WORKERS' RIGHTS IN IRAQ AND KURDISTAN REGION

IN THE FIRST HALF OF 2024



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## Region in the first half of 2024

Peace and Freedom Organization

### Introduction

The situation of workers' rights and worker union freedom in Iraq and the Kurdistan Region in the first half of 2024 saw some legal and regulatory changes. In Iraq, the Retirement and Social Security Law No. 18 of 2023 issued some specific guidelines in 2024, especially for unorganized workers and those without employers. If the Iraqi Parliament approves the International Labour Organization Convention No. 190, it would be a significant step towards further ensuring workers' rights, especially for working women.

In the first half of this year, more than 50 workers died while working in Iraq and Kurdistan, and more than 1,000 others were injured. There is no serious effort to regulate workers' activities in the era of climate change, despite calls from international and local organizations.

This report comes as a continuation of a decade-long effort in this field by the Peace and Freedom Organization. The organization's teams have worked to address workers' issues in the workplace, with unions and labor organizations, as well as monitoring various media channels. The number of violations and victims may be much higher, but this is as far as we have reached. We will continue to undertake this mission until we can improve the state of rights in all aspects.

First, the legal status of workers' rights in Iraq and the Kurdistan Region

### 1. Labor Law in Iraq and Kurdistan Region

In terms of the legal framework in Iraq, Labor Law No. 37 of 2015 remains in effect. However, since 2023, there has been a readiness to amend the law.

The law, which involved worker unions and employer representatives, was largely in line with the International Labour Organization's conventions and the Human Rights Law. However, it is not without flaws, particularly in areas of employment, labor dispute resolution, handling

of multi-union worker unions, and even occupational safety and health. According to the monitoring by the Peace and Freedom Organization in the Ministry of Labor and Social Affairs in Iraq, separate teams have been formed to amend the law and have completed their work, but the draft of the amended law has not yet been sent to the special committee of the Iraqi Council of Representatives.

Some labor rights activists fear that the amendment will limit workers' rights and freedom of association as stipulated in Law No. 37 of 2015, and that all parties, including labor organizations and employers, should participate.

The Kurdistan Region continues to apply Labor Law No. 71 of 1987, although the Kurdistan Regional Parliament passed a new labor law in early March 2023. The implementation of the law was suspended after the Kurdistan Regional Parliament was dissolved by the Iraqi Federal Court. The old Kurdistan Region law, issued during the Baath regime, violates dozens of workers' rights, arbitrarily preventing workers from organizing safely. Occupational health and safety are full of shortcomings that need the next Kurdistan Regional Parliament to convene and pass the new labor law as soon as possible.

## **2.Law on the Regulation of Labor Unions in Iraq and the Kurdistan Region**

On February 25, 2024, 12 labor organizations in Iraq announced a memorandum demanding that the Iraqi parliament halt discussions on the draft law for organizing labor unions in Iraq, as they were not involved in its drafting, and it is not the draft written by their representatives officially in a tripartite committee at the Iraqi Ministry of Labor, as it contains restrictions on the freedom of union work! Law No. 52 of 1987 concerning the organization of union work is still in effect in Iraq, which limits the freedom of union organization, despite Iraq's commitment since 2018 to the international convention on the freedom of union work.

Additionally, the Iraqi Labor Law No. 37 of 2015 contains ten articles granting freedom of union work, and there are currently more than 12 labor unions operating in Iraq. The draft written by the concerned committee in the Iraqi parliament completely contradicts the demands of the Iraqi labor organizations. One of the leaders of the Iraqi labor union announced on behalf of the Peace and Freedom Organization team: «Out of 49 articles in this draft law, we have objections to 35 articles, and we do not want them discussed in any way.»

The special committee in the International Labor Organization has serious observations about the freedom of organizations' work in Iraq. Therefore, Iraq must solve the problems in this area as soon as possible. A special committee from that organization visited Iraq, and the Iraqi side was tasked with expediting the ratification of the law organizing union work according to Iraq's international commitments. Subsequently, the Ministry of Labor and Social Affairs began drafting a law in which representatives of all Iraqi labor organizations (currently united in three federations) participate in writing that draft. As of the preparation of this report, the drafting work has not been completed, and a good draft is expected to be presented to the Iraqi parliamentary committee.

In the Kurdistan Region, Iraq should adhere to the freedom of worker union activities for workers. The situation is entirely different, as there is no internal legal provision for the freedom of worker union activities. The Law 52 of 1987, which regulates worker union activities and prohibits union plurality, is still in effect. Additionally, Labor Law 71 of 1987, which also prohibits union plurality for workers, is applied, and in reality, there is only one labor union and nothing else. In the absence of a legislative institution, which currently does not exist in the Kurdistan Region, the matter becomes more urgent. Therefore, the upcoming Kurdistan Regional Parliament must decide on a new law to regulate the work of labor unions.

### **3.Retirement and Social Security Law**

The new Retirement and Social Security Law in Iraq No. (18) of 2023 represents an effective step to raise the living standards of workers in the private sector. The law significantly expands the social security rights for various social groups in the private sector, including both organized and unorganized workers who benefit from the law provided they contribute to the retirement system that includes them. This law, issued within the framework of the government's economic reforms, provides broad coverage and equal treatment for all workers, with a particular focus on unorganized sectors and gender equality. Key features include state support of 8% for organized sector wages, 15% for unorganized sector wages, optional retirement options, and the provision of healthcare for retirees.

One of the main goals of this law is to expand social assistance to attract the largest number of employees, including those working outside the formal sector, as mentioned in Article 69. According to this law, the public must contribute 15% to employ those working in the informal or self-employed sector, while the contribution responsibility is limited to only 5%,

as outlined in Article 71. Additionally, Article 29 specifies the years of service required for pension entitlement for insured individuals: men at age 63 with +15 years of service, or 60 years with +20 years, or 50 years with +30 years; and women at age 58 with +15 years, or 55 years with +20 years, or 50 years with +25 years. Furthermore, those who reach retirement age according to Article 29 but do not have the required service years for pension entitlement can work for up to an additional 5 years, but must pay their contributions and the employer's contribution at a rate of 17%, based on their average salaries in the previous five years, provided the minimum salary is not less than the minimum wage.

On May 13, 2024, the Iraqi Minister of Labor and Social Affairs signed the text of a decision published in issue 4774 of the Iraqi Official Gazette, which sets the conditions under which job seekers can benefit optionally. This is considered an important step in implementing the law and empowering informal workers.

However, there are some observers who criticize the law and question its implementation, especially regarding the issue of securing employment. An activist in the labor field from the Peace and Freedom Organization pointed out that the income of informal workers is unstable, and the small amount they earn is not enough to cover basic living needs, making it difficult for them to be self-reliant. Additionally, the lack of insurance for the process and low awareness significantly hinder the empowerment of informal workers.

In the Kurdistan Region, Law No. 39 of 1971 concerning residency and social empowerment is in effect. Although the Ministry of Labor prepared a draft to amend this law in 2023 to empower more workers, it has not been implemented due to the absence of a parliament in the Kurdistan Region. Practically, in the past two years, the Kurdistan Regional Government has paid more attention to empowering workers.

Based on statistics from the beginning of 2024, the Kurdistan Regional Government recorded 144,930 workers in the social activity sector in Kurdistan. However, the exact percentage of these workers concerning the total number of workers and employees in the private sector remains unknown, as the overall size of the workforce in the private sector has not been clearly defined. The Peace and Freedom Organization indicates that this number is constantly updated but does not account for workers whose contracts have ended or who change jobs. As the social activity situation for workers in the Kurdistan Region worsens, it is noted that

30% of workers have been employed, but this figure cannot be accurately confirmed through statistics, particularly regarding the number of workers in the private sector. Nevertheless, there are no official instructions or decisions concerning daily workers and the informal and unorganized sector. The Director-General mentioned that they are working with the International Labor Organization to develop a strategy to address this issue.

#### **4. Iraq ratifies ILO Convention No. 190.**

In an important step, the Council of Ministers of Iraq decided in 2024 to approve the International Labour Organization Convention No. 190 and send a draft law regarding it to the Iraqi Council of Representatives. Accordingly, Iraq has been a member of the International Labour Organization since 1932 and has ratified 72 conventions (including 56 in force), including the fundamental conventions.

On April 16, 2024, the Iraqi Council of Representatives completed the first reading of the draft decision to ratify the International Labour Organization Convention No. 190. The second reading and approval are expected. This is considered an important step towards enhancing a safer work environment, encouraging productivity, and protecting human rights.

International Labour Organization Convention No. 190, which focuses on preventing violence and harassment in the workplace based on gender, was adopted in June 2019 by the International Labour Organization and is one of the significant conventions aimed at preventing violence and harassment in the workplace.

Second, occupational safety and health (worker deaths continue)!

By the end of June 2024, 20 workers had lost their lives at workplaces in the Kurdistan region alone! In Iraq as well, not a month passed without more than 100 workers suffering work-related injuries, according to investigations by the Peace and Freedom Organization's monitors.

The occupational health and safety file is important and requires urgent efforts from both the Iraqi and Kurdistan governments to adopt swift measures.

Last year, the Ministries of Labor and Social Affairs in Iraq and Kurdistan ratified the health and safety policy in the agricultural sector. For the first time in its history, the Kurdistan Regional Government published the occupational health and safety guide on February 28,

2024, in issue 314 of the Kurdistan Gazette (where our organization played a prominent role in writing and training monitors in this field in Kurdistan). In Iraq, despite the existence of the National Center for Occupational Health and Safety for several years, the transfer of authorities to the provinces has reduced its role there, while it remains prominent only in Baghdad. Although the Peace and Freedom Organization gathered representatives from all centers in Iraq for joint work, the results were not tangible!

The legal framework in Iraq and Kurdistan regarding occupational health and safety is weak and does not meet international standards. Although Iraq has a special center for occupational health and safety, which does not exist in Kurdistan, neither side has any entity monitoring occupational health and safety by visiting workplaces. What exists are labor inspectors who should bear this duty, but essentially, throughout Iraq and Kurdistan, their number does not reach two hundred inspectors, who cannot in any way fulfill their duties or defend occupational health and safety!

The regulations issued by the Kurdistan Regional Government related to occupational safety are important but not sufficient. Quick practical steps should be taken to establish a national center for occupational safety and health. Special oversight should be allocated to this field and granted the necessary authority. All of this requires amending the labor law, so it is important for the future government and parliament of the region to adopt this matter.

The Peace and Freedom Organization is aware that the Iraqi Ministry of Labor and Social Affairs has amended several articles under Labor Law No. 37 of 2015 in the field of occupational safety and health. However, the most important aspect is the allocation of supervision with special authority for this field and the unification of national centers to work within an integrated framework to have an actual impact.

According to our organization's team investigations, by the end of June 2024, 20 workers lost their lives in the Kurdistan Region's provinces while working, including 9 in Erbil, 8 in Sulaymaniyah, 2 in Germiyan, and one in Dohuk. Additionally, ten others were injured. This number is only what our teams and some labor unions were able to document; otherwise, the number might be higher. All the deaths were due to the lack of occupational safety and health requirements provided by employers and the absence of government oversight in this field. Most of the deaths resulted from falls from high buildings, followed by deaths caused by electric shocks.

In Iraq, due to the ease of losing several lives, the National Center for Occupational Health and Safety only records the number of incidents. For example, according to the center's statistics in June 2024, the number of workers injured while working was 199. In May of the same year, according to the center, the number was 132. But in reality, the number of incidents is much higher, as some are not recorded, and there is no close communication between this center and city centers to obtain accurate numbers and statistics of work victims. According to investigations by the Peace and Freedom Organization's teams, in the first six months of this year, their teams managed to record 30 workers who lost their lives in areas under the authority of the Iraqi government, excluding the Kurdistan Region. Most of them lost their lives due to falls from high buildings and accidents at construction sites. Among them were five foreign workers, four of whom were Syrian workers who lost their lives in a fire accident in Baghdad, and one Pakistani who lost his life in Basra.

One of the noteworthy phenomena in 2024 is the repeated occurrence of building, mosque, and school collapses in many cities in Iraq and the Kurdistan Region, such as Baghdad, Samawah, Nasiriyah, Anbar, Mosul, and Erbil. Many workers lost their lives, and hundreds were injured, all due to the lack of monitoring of occupational safety and health issues.

Failure to address the legal framework and regulations concerning occupational safety in Iraq and the Kurdistan Region, and the lack of establishment of a specialized authority in this field, along with the implementation of occupational safety and health monitoring, leads to creating a dangerous situation for workers where the number of victims increases day by day, causing significant damage to the human and material economy of Iraq and the Kurdistan Region.

### Third: Climate Change and Workers

On June 27, 2024, Najm Al-Aqabi, the spokesperson for the Ministry of Labor and Social Affairs in Iraq, announced that the high temperatures have caused a large number of workers to suffer from fatigue and illness, prompting the ministry to transfer them to hospitals.

On June 22, the International Labour Organization warned all concerned parties in Iraq about the rising temperatures and called for the protection of workers by regulating working hours. Employers must provide protection means for workers from the sun's rays, while labor unions should protect workers from the risks of working under direct sunlight amid high temperatures. The Ministry of Labor and Social Affairs in Iraq has launched an awareness campaign to protect workers from the sun. In the Kurdistan region, where temperatures are

lower than in central and southern Iraq, no measures or actions have been taken in this regard. The organization has not even contacted the Kurdistan Regional Government.

What is noteworthy is that nothing has been done in this regard. The organization's teams recorded hundreds of cases where workers are forced to work under the sun without any protective measures. Working hours have remained unchanged. The main reason is that workers are compelled to work to secure their livelihood.

The United Nations warns Iraq that it is among the most affected countries by climate change. This indicates the need to reassess working methods and implement better protection measures in construction and other work sectors. In Iraq, due to the severe heatwaves, workers, particularly in the informal sector, face significant challenges as temperatures have exceeded 50 degrees Celsius in some provinces.

#### **Fourth: Demonstrations and worker strikes in 2024**

Over the past six months, according to the Peace and Freedom Organization team's monitoring, more than 100 protests and strikes have been organized by workers in both the public and private sectors, recent graduates, and contract workers in various cities and regions in Iraq and the Kurdistan Region, mostly in Baghdad and the southern provinces of Iraq.

The majority of the protests were related to workers' demands for higher salaries and reduced working hours, especially among environmental protection workers. Some were related to employment and salary delays, while other protests were connected to objections against the decision to ban protests and strikes.

In mid-May 2024, a number of contract workers gathered in front of oil companies in Basra demanding to be employed as permanent workers, but the protest ended with the use of force, and several workers were arrested and later released. In Dhi Qar province, security forces had previously dispersed several protests by force, resulting in injuries to several protesting workers.

In April and May of last year, false accusations were directed against several labor rights activists and employees in Basra, and they were brought to trial. Therefore, widespread protests were organized against those unjust measures, and unions and workers in Basra demanded that no charges be brought against those who demand their rights. According to an official statement

issued by the Deputy Prime Minister on February 13, 2024, a copy of which our organization's team obtained, it is demanded that no permission be granted for workers' protests and strikes.

## **Fifth: Suggestions**

1. Expedite the enactment of a law regulating worker union activities in accordance with Iraq's international commitments, involving labor unions and ensuring union freedom and plurality.
2. Any amendments to Labor Law No. 37 of 2015 should aim to enhance workers' rights and provide greater employment opportunities.
3. The upcoming Parliament and Government of the Kurdistan Region should urgently approve the new labor law for the Kurdistan Region, amend the retirement and social security law, and issue a law regulating the work of labor unions to ensure freedom and plurality.
4. There should be a specific law for occupational health and safety in Iraq and the Kurdistan Region, with hundreds of specialized inspectors allocated to this field.
5. The number of labor inspectors should be increased in all provinces of Iraq and the Kurdistan Region.
6. Pay more attention to social security. Strengthen measures. More awareness campaigns should be conducted.
7. Freedom of demonstration and strike should be provided. All laws and instructions that hinder the freedom of strike and demonstration for workers should be rejected and addressed within the framework of labor law. Anyone who uses violence against workers should be punished.
8. It is important for the Government of Iraq and the Government of the Kurdistan Region to establish specific instructions for workers' activities and climate changes, without ignoring anything in this field.

**Peace and Freedom** is a non-governmental, non-profit organization, independent in its work and decisions, believes in volunteerism and works to promote peace, protect individual and collective freedoms, defend human rights, and believe that non-violence is the only way to achieve goals.

## General Objective:

Participate in the promotion of peace and the protection of freedom and human rights.

## Specific objectives:

- Promoting peace, coexistence and the spirit of tolerance in the Kurdistan Region.
- Educating citizens about their rights and freedoms.
- Promoting anti-violence ideology as the only solution to access rights.
- Rejection of all forms of violence, discrimination and belittling of human beings.
- Building human capacities.

Producing an effective individual in society who believes in peace and coexistence, respects individual and public freedoms, is based on human rights, and seeks social stability.

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