

Iraq Trade Union Bulletin



Iraq Labor Law in Effect

In a massive victory for Iraq workers and their unions, the country's new labor law went into effect this month, a result of the Iraq union movement's three-year campaign for [passage of a new labor law](#) in line with International Labor Organization (ILO) conventions.

The [final draft](#), passed [late last year](#), retained the unions' input and is a significant victory for all workers because it expands coverage to workers not included in the civil service law. This means that workers in the public sector who are not civil servants have the chance to join and establish their own unions.

The [law allows](#) for collective bargaining, including for workers without a union, and provides a good frame for freedom of association and protections for unions and their members. It further limits child labor, improves rights for migrant workers, provides better protections against discrimination at work and is the country's first legislation to address sexual harassment at work. The law also enshrines the right to strike, banned since 1987. ([Highlights of the law's improvements](#).)

“The Solidarity Center is inspired by the Iraqi labor movement for this important achievement that comes at a critical time as Iraq’s workers suffer under the dire economic crisis in the country,” says Solidarity Center Executive Director Shawna Bader-Blau.

“More than anything, this victory demonstrates the strength of workers uniting together through their unions to have a say in their own destiny. This is also an important step for democracy in Iraq and we hope that this transparent and inclusive process can be replicated for future pro worker legislation in the country. The Solidarity Center is proud to have been a part of this achievement, supporting our Iraqi brothers and sisters throughout this campaign.”

Ministry of Labor and Social Affairs Adviser, Kadhim Shamkhi [says](#) “the new law will contribute to restoring and revitalizing Iraq’s economy.” ([Read his full comments in English.](#))



Labor Law Campaign

Passage of the new Iraq Labor Law also is significant because it reflects the strength and unity of Iraqi labor unions in the face of a difficult economic and political environment. This participatory process emphasizes the importance of collaboration with a range of stakeholders, and provides a model for a bottom-up legislative process that can make positive change in Iraq.

The ILO first worked with the Iraqi government on a new labor law draft law in 2004, but the campaign only achieved serious momentum beginning in 2012 when the six main trade union federations in Iraq joined with their global labor allies (IndustriALL, USLAW, the ITUC, and others) and many Iraqi non-governmental organizations (NGOs), specifically the Iraqi Civil Society Solidarity Initiative (ICSSI); the Iraqi Social Forum, Un Ponte Per (UPP); and the Tamuz organization.

“Passing the law... was the outcome of the Iraqi labor federations forming one united front to advocate for the new labor law,” says Hashmeyya Muhsen Hussien from the global union federation IndustriALL. The unions “worked with the support of international labor groups such as the ILO, the ITUC and the Solidarity Center in an ongoing collaborative process in which trade union federations involved the parliament and government bodies along with public protests and ongoing demonstrations nationwide.” (Read [more reflections](#) from campaign participants who discuss the strategies leading to passage of the labor law.)

Below, we examine how workers and their unions expanded their campaign to include parliament and the government—and in the process, connected all stakeholders with international labor organizations such as the ILO and the International Trade Union Confederation (ITUC).

See also a [step-by-step chronology on the labor law campaign](#).

The Labor Law Benefits Working Women



Women workers made important gains under the new labor law, which is the first of its kind in Iraq to prohibit sexual harassment at the workplace. The law clearly defines sexual harassment and specifies penalties for perpetrators. Women union activists led their unions in fighting for this protection.

The law also addresses gender equality, specifically regarding wages, hiring and working conditions. The law requires employers to provide onsite child care, and increases paid maternity leave to 14 weeks, with the option of additional unpaid leave for up to a year. Crucially, employers must allow woman workers to return to their jobs or equivalent positions.

The labor law's provisions addressing gender equality came about because women union activists and leaders participated in all aspects of the campaign—drafting amendments, taking part in conferences and meetings with parliament and the Ministry of Labor and Social Affairs (MoLSA) and advocating for its passage.

“Women had a leading role in the campaign to restructure the law draft by participating in the workshops and seminars,” says Ilham Abdul Ma'boud Majid, president of the Telecommunications Union, General Federation of Workers and Unions in Iraq (GFWUI), Basra Branch.

“Also, they were watching the developments in the process, despite their obligations as employees and mothers at home and the long distances they needed to travel to attend those activities. They were motivated by the idea of having a modern labor law that will protect them from all kinds of discrimination.”

Women who played a role in the campaign share their thoughts on the most important achievements for women in the new law:

“The law also addresses the arbitrary dismissal of workers and other issues that will serve the interests of working women, which should encourage more women to work and enjoy those protections and rights.”—Saba Qasim Yousef, officer of women's affairs department, Iraqi Federation of Oil Unions (IFOU)

The new labor law “will definitely increase the number of women workers, because if the rights and benefits of women are protected by law, that should help pave the way for comprehensive care for the children through social security.”—Ilham Abdul Ma'boud Majid, member of the Executive Committee/president of the Telecommunications Union, GFWUI, Basra branch

All the new protections in the law “will have a positive impact in increasing the number of women workers and guaranteeing their strong presence in the labor market, by treating them fairly at their workplaces with equality in terms of assignments and jobs.”—Alya'a Hussien Mahood, women's affairs officer, General Federation of Iraqi Trade Unions (GFITU)



The Importance of Social Dialogue

Cooperation among the Ministry of Labor and Social Affairs, the Parliamentary Labor Committee, the Supreme Commission of Human Rights and Iraqi unions was critical to passing the labor law. In [crediting social dialogue](#) with the law's success, Minister of Labor Mohammed Shaya'a Al Sudani says the law represents an important step in the path toward reforming the legislative process, and serves as a baseline for establishing effective and fair relationships between the social partners, workers, employers and the government. [He praised the active role of social partners](#) in creating a law that aligned with international labor standards.

As a result of social dialogue, "the new Iraqi labor law reflects the hopes of all parties concerned, as the level of rights and responsibilities was identified according to a national, fair and balanced vision," he says.

Dham Al Azawy, a member of the High Commission for Human Rights in Iraq, says the labor law is "a victory for workers, because it includes commitments, and guarantees the rights of workers in the private sector compatible with international labor standards." The process furthered the relationship between Iraq and the ILO, he says.

"History will record the Solidarity Center's role in legislating the new Iraqi labor law," says Karrar al-Musawi, secretary of the Labor and Social Affairs Committee in the Iraqi Parliament. He says the final conference that the Solidarity Center organized "led to uniting the visions and finalizing a labor law draft compatible with the views of all parties

as well as ILO standards. Because of this conference, parliament approved the amendments. Transparency such as this is unprecedented in this country.”

The conference included representatives of the Parliamentary Labor Committee, officials from the parliament speaker’s office, the Parliament Legal and Women Committees, MoLSA, the Iraq High Commissioner for Human Rights and all Iraqi trade unions.

Adnan Al Saffar, GFITU executive board member, notes the significant role of the Parliamentary Labor Committee. “Its members showed much understanding of the need to pass the law.”



International Solidarity

Iraqi unions say support from the global labor movement was an essential component to the labor law’s successful passage. Below are reflections from those who supported the campaign:

“International labor solidarity made an important contribution to this stunning victory, made more remarkable because it was achieved in the midst of a civil war. And USLAW also played a critical role in helping the Iraqi labor movement to forge the level of unity necessary to win adoption ... For the first time since Saddam Hussein outlawed unions and collective bargaining for public-sector workers, the new law restores those rights for

all but civil servants, whose rights and conditions are addressed by a separate law.”—
USLAW

“The ITUC is proud to have worked with our associated trade unions in Iraq and others in order to develop proposals to overhaul the labor law. Their persistence and the support of the Solidarity Center created the momentum for change in an extremely difficult political climate.”—Jeff Vogt, ITUC

“This very important step has been achieved recently in Iraq thanks to the ongoing struggles of Iraqi trade unionists as well as with the support of the rest of the global trade union family, especially the continuous support shown by the Solidarity Center, during these last years around the issues facing the Iraqi working class and their rights.”—Mustapha Tlili, Arab Trade Union Confederation

“The new labor law is a valuable contribution to the lives of the Iraqi people and a step forward toward a more just Iraq. The long struggle of the Iraqi unions and the support of international movement to reach this objective is a true example of what solidarity can achieve not only for workers, but also for the whole society.”—[Kemal Ozkan, IndustriALL Global Union](#)

“Un Ponte Per worked since 2003 to bring Iraqi unions’ leaders in World Social Forums around the world, and international activists have always been inspired by the key role of Iraqi workers in promoting democracy and development in their country, challenging corruption and sectarianism. Now they finally have a piece of legislation that legitimizes this action and their struggle for shared well-being.”—Martina Pignatti, UPP

“Protection of trade unionists and promotion of workers’ rights are a vital part of the agenda of the Iraqi Civil Society Solidarity Initiative [ICSSI]. From our first conference in Italy, in 2009, until today, the ICSSI has considered the risks and threats that trade union activists face daily to be part of the perilous environment for all human rights defenders in Iraq. Thus, the new labor law is an important step in the right direction to improve working conditions and advance the activism of Iraqi workers, and to expand protections for all Iraqi human rights defenders.”—ICSSI

“The labor law campaign, supported by the Solidarity Center, gained huge momentum both nationally and internationally, and it is widely accepted by the Iraqi trade union movement as a key factor that helped secure the newly enacted labor law. The ILO hopes for full implementation of the law in accordance with the International Conventions and Labor Standards.”— Nezam Qahoush, Regional Desk Officer for Arab States, Bureau for Workers' Activities ILO



Next Steps

While the law is an important achievement, there is still much to be done to ensure full protections for Iraq's workers. Iraqi unions first plan to work closely with MoLSA to ensure that the new labor law is fully implemented.

"The most important next step to ensure continued protection of workers' rights is by preparing and issuing guidelines and instructions that help facilitate the execution of the law," says Labor Minister Al Sudani.

Al Azawyi from the Supreme Commission for Human Rights agrees, saying "the biggest challenge is to effectively implement [the law's] provisions in a manner that promotes the development of the private sector so that it can play a significant role in economic development and ... reduce unemployment rates ... achieve gender equality at work and promote the concept of social justice to save thousands of workers from poverty, illiteracy and a lack of health care."

Iraq unions also plan to campaign for ratification of the ILO standard covering freedom of association and protection of the right to organize (Convention 87). Iraqi unions and their allies say that by expanding coverage of collective bargaining and recognizing trade union pluralism, the labor law opened the door for the Iraqi government to ratify Convention 87.

Next steps also include passing a new trade union law, the draft of which has remained stalled since parliament's previous session, and working with the labor committee in Parliament on the new draft social security law currently in the cabinet. Labor committee members have committed to consulting with the unions to ensure the social security law complies with ILO conventions.

Al Azawyi says that implementing the labor law "will remain incomplete without taking the second step on the path of securing workers' rights in Iraq—and that will be by legislating the pension and social security laws. Social security ... is not just a an essential right on the list of human rights, but is also on top of the constitutional priorities to secure a decent lifestyle to all Iraqi citizens."