

Wednesday

January 15, 2014

Respectable Mr. Osama Al Nujaify

President of Iraqi Parliament

Greetings,

The Iraqi Trade Unions together with Iraqi workers in general, have been demanding for the last ten years or so; the issuance of new labor legislations that are compatible with the ongoing changes and developments in the Labor world, and to lift the burden of oppressive laws that were issued in the Era of dictatorship.

We were happy and optimistic with the efforts of your respectable council and the attempts of its committee of Labor and Social affairs; to amend the labor law draft in compliance with the comments of ILO's committee that were officially submitted to the Labor and Social affairs committee of your council in two consecutive occasions, first was in June of 2012 and second was in November 2013.

Those comments were in line with the International Labor conventions that Iraq has already ratified. And they also included comments of the Iraqi Trade Union Federations, The Solidarity Center and the ITUC, which were the outcome of a series of joint meetings conducted with the Solidarity Center in Erbil during 2012 and 2013, those meetings were attended by representatives of Iraqi Trade Union Federations and members of the Labor and Social affairs committee.

But astonishingly, we find that most of those comments were neglected, yet amendments were not incorporated to the Law's draft from your respectable council, especially on topics related to individual work contracts and their expiration, collective work relationships that are represented through collective bargaining, collective work contracts, labor disputes and their resolution mechanisms.

The draft that was prepared and presented for voting was full of legal gaps, and violations to International Labor conventions that Iraq has ratified, in several of its articles. While some of its articles are unclear and mysterious, especially those related to labor disputes and means to resolve them through negotiations, mediation and arbitration. The law also restricted the freedom of collective bargaining by introducing certain conditions that sometimes make it impossible to achieve in some situations, this contradicts with the International Labor convention number 98 of 1949 that was legally ratified.

In addition to that, the law didn't clarify the mechanisms of collective bargaining nor mechanisms to extend the scope of collective work agreements. The law didn't provide enough protections for migrant

workers, its content also discriminates against certain worker categories such as domestic workers, and others.

It violates the amendment of International Labor convention number 132 of 1970 that addresses the paid leave days, which was also legally ratified by Iraq. On the other hand, the law included several errors in text composing, one of those caused an obvious error in the method of calculating wages of overtime.

According to the above, we hope that your Excellency would personally intervene immediately to stop voting on that law, until all necessary amendments are incorporated.

Passing the law in this form will cause enormous problems in implementing its provisions related to work and workers, and will lead to instability in work relationships, making it impossible to resolve disputes that will occur upon implementing the law, with the lack of legal text, for guidance.

Iraqi parliament is demanded today to grant justice to Iraqi workers from the oppression they experienced because of oppressive dictatorship laws, and not to legislate a law that will be drastic to workers and their families. It's a historic responsibility on you, and our memory still carries painful stories about the circumstances in which the prevailing Iraqi Labor legislations were issued, and the way they hijacked rights of workers.

We trust that you will stand by Iraqi workers at these hard times that they were dragged into, by forming a committee that includes Iraqi Trade Unions as one part of it, to incorporate the necessary amendments and pass the law in the current term of your respectable council.

With respect and appreciation.

Signatories:

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Cc:

ILO- Work bureau in Geneva, ALO, ITUC, and The Solidarity Center