

(TRANSLATION)

Baghdad August 13<sup>th</sup>, 2015

His Excellency Mr. Salim Al Jebury, President of Iraqi Parliament

Respectable parliament members

Subject: Urgent memo. Regarding on passing a new Iraqi labor law

Iraqi labor federations send you their best regards, and greatly appreciate your role in presenting the labor law for voting, on the agenda of your council's meeting on Saturday the 15<sup>th</sup> of August, 2015. That law that has been awaited for so long, and which's government composed original draft has always been a reason for controversy among both workers and employers at the same time, because that original draft consists of serious gaps and a variety of shortcomings, and that could lead to serious chaos in the work relationships and eventually effect the Iraq's labor market in a negative way, in the case it passed before making core adjustments.

In the last three years, both the ex. and present labor and social affairs committee of your respectable council had actively worked on listening and studying the comments and opinions of the Trade Unions, as well as Iraqi Industries Federation, MoLSA and some International labor organizations, such as the ILO and the American center for International labor Solidarity. Several meetings took place and a number of workshops and seminars were conducted, in which the Labor and social affairs committee, SC and concerned groups were involved (Government, workers and employers) aiming to reach a final text to the law that is compatible with International Labor Standards, and fits with the labor needs, dynamics and economic/social developments in Iraq. The above mentioned groups presented dozens of comments on the original law drafts, which had unfortunately been designed based on the nature and perspective of work dynamics that prevailed in the middle of last century. That has been a serious challenge that the labor and social affairs committee which found itself in a position where it had to tackle and deal with this situation to fix the gaps in that draft, especially that a delegation representing the committee met in Geneva with experts from the ILO in June 2012 and learned their opinions on that draft. They also received a 74 page report from those experts consisting all their technical observations and comments regarding the gaps and shortcomings they found in the original draft.

The ex-labor committee worked jointly with its national partners, and benefited from the advise and technical support of the International consultants of ILO and SC, to correct the mistakes and eliminate the significant gaps of the original draft. That effort led to amending about 70% of the law articles, and adding new provisions till it finally ended with a total of 230

articles. But after discussions between the committee members and their national partners, the decision was to incorporate just the core amendments, while having all the other adjustments in the form of an annex of instructions that will be issued by the MoLSA, to avoid a huge change to the original draft.

It's quite remarkable that even MoLSA itself, presented more than 60 pages of comments, in spite that it was who originally put together the first draft. That supports the trend of both the ex. and present labor committees, the trade unions and the international partners to make changes and adjustments to the law draft. We would like to inform you that the most recent conference between the labor committee at your respectable council and the Solidarity Center took place on the 5<sup>th</sup>- 7<sup>th</sup> of current August, and was attended by members of Iraqi trade unions and representatives of MoLSA. In the conference, discussions on all the presented comments took place, and all parties agreed on the final draft that should be presented for voting, the one recently presented by the labor and social affairs committee and is with minimal limits possible for still being in line with International standards. As well, the amendments and adjustments were also at the minimal limit, so it's not possible to disregard any proposed adjustment because that would cause a significant dysfunction in the law in terms of form and content, because the amendments are relevantly to some inaccurate articles which contradicted sometimes with some of the Arab and International labor standards, legally ratified by Iraq. It might appear that there is a lot of details in some of the chapters such as the chapter of collective bargaining or collective labor disputes, but we should keep in mind that most of the Arab and International labor legislations address those topics with much more detail than this draft that will soon be presented for voting, as they are crucial for the labor judiciary system to make sound decisions while resolving future labor disputes that may occur. Without those corrections conflict will not be resolved properly and that will lead to unresolvable individual and collective labor disputes between workers and employers, and that's the last thing that employers and workers would want at this time where they are all seeking stability in work relationships guided with clear mechanisms for collective bargaining and resolving collective labor disputes, similar to what is practiced in other countries of the world.

Therefore, we hope that all proposed amendments would be taken into consideration with no exceptions, due to their important and legal value for having a labor code that fairly regulates work relationships between workers, employers, and their organizations, at the same time protects all their rights. We wish that law would be passed ASAP because Iraq needs that law now and more than any other time in the past due to our country's economic situation. We are confident that passing the law with all its amendments will contribute in reducing the economic and social impacts from the economic transformations, and the war against ISIS.

Finally, we would like to extend our thanks and appreciation to the ex. and present labor and social affairs committees for their generous efforts to amend the labor code, and patiently listening to all opinions and comments to take in consideration the positive ones among them. The committee did actually set the ground for genuine social dialogue among workers, employers and the government without any restrictions nor conditions, and that was in important pillar in presenting an amended labor law draft that may respond to the hopes of workers, employers, and their organizations, now and for many decades to come.

We wish you success. Accept our thanks and appreciation.

Signed by:

Ali Rahim, president of GFITU

Hasan Juma'a Awad, President if IFOU

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