

COMMENTS ON THE PETITION
FILED BY THE AMERICAN FEDERATION OF LABOR & CONGRESS OF
INDUSTRIAL ORGANIZATIONS (AFL-CIO) TO REMOVE
IRAQ
FROM THE LIST OF ELIGIBLE BENEFICIARY DEVELOPING COUNTRIES
PURSUANT TO SECTION 19 USC § 2462(d) OF
THE GENERALIZED SYSTEM OF PREFERENCES (GSP)

Iraq maintains ongoing efforts to build clear and strong institutions that protect human rights in our emerging democracy, while at the same time facing many challenges.

During our relationship with the International Labor Organization (ILO), and world community, Iraq has ratified 66 international agreements and recommendations. Iraq permits, and strongly supports workers' choices to join labor unions. The Ministry of Labor and Social Affairs adheres to the regulations, and is involved through good partnership with the Iraqi National Labor Union. The Iraqi National Labor Union was represented in the technical councils, and participated at all levels of the social, and labors affairs discussions. Below are our summary of comments regarding the petition filed by the American Federation of Labor & Congress of Industrial Organization (AFL-CIO);

With Regards to the Validity of the 1987 Law and the NEW suggested law:

The current Labor Law number (71) of 1987 is applicable to all workers in the private, mixed, and cooperative sectors according to article (8/1), and the new law is applicable to:

1. Workers contracted by government agencies, and the public sector.
2. All workers in the private, mixed, and cooperative sectors according to article (3/1), in addition to, workers paid on daily basis.
3. Articles from 130 thru 136 of the current law regarding labor disputes. Specifically, Article 136 shows that if employers refuse to implement labor commission decisions of the court of appeal within 3 days, workers will have the right to stop working and to inform the Minister of Labor and Social Affairs and the President of the Labor Union immediately. They are required to state the reasons for not working and the steps undertaken to ensure security and safety of production plants.
4. The above shows that the current law does not prohibit the right to strike, albeit, the right to strike was articulated in a different manner – “stop working”.
5. The new labor law has resolved the subject of striking in article 36/1: “workers have the right to go on strike per this law”.

6. As for government departments, law number 150 of 1987 established legal centers for workers and changed their status to *Civil Servants* since 1987, thus, they have titles, legal status, and rights and obligations under the Civil Service Law. This issue falls under the “labor dispute” and is addressed in the chapter dedicated to this issue.

With Regards to the Implementation of the Current Law:

1. The current law guarantees the right to work for all capable citizens, equally and without discrimination.
2. Offers professional training opportunities to all citizens.
3. The current law ensures that all workers receive adequate payments for the jobs performed.
4. The law ensures that workers are granted paid leave and time-off, per day, week, year, and in instances of sickness, and emergency.
5. The law guarantees the protection of women and children and mine-workers and those working under dangerous and extreme conditions.
6. In accordance with this law, a special court was established to deal with labor issues which were given immediate and urgent attention.
7. The law ensures that workers operate in safe, and healthy environments as humanly possible.
8. The law strives to provide a safe environment for the workers.
9. Inspections are provided; employers violating the law are prosecuted.
10. The law guarantees arbitration for the resolution of work related disputes.

With Regards to Claims of Violation in the Labor Law and Freedom of Labor Unions:

Labor union law number (52) of 1987 insures the freedom of labor unions per clause (5/2) for workers whose numbers are not less than 50. They are given the right to form a labor committee, and there is no discrimination in organizing these labor unions.

There seems to be a misunderstanding in the interpretation of some articles stated in the labor law regarding the issue of when workers are permitted to form unions. The notes indicate that a minimum of 50 *percent* of workers are required to establish a union, however, the law states that a company with 50 or more *workers*, not 50 *percent* have the right to do so.

Regarding Confiscation of Labor Union Properties and Human Trafficking:

1. Decree (8750) in 8/8/2005 was aimed to freeze the right to take any action regarding property; *NOT* to confiscate it. Further, it does not allow the government to deal with these properties. This was a temporary action taken until elections were held. Post 2003, many unions appeared to demand ownership of these properties, therefore, the temporary measure was issued to protect these properties in order not to violate any labor right. In fact, workers participated

with the Ministry in all activities related to them, and cooperation continues between the Ministry and Labor Unions in the following areas:

- a) The National Commission on Employment.
- b) Tripartite Consultation Commission.
- c) Work Inspection Commission.
- d) Wages Commission.
- e) Council of Social Security Funding.

2. Human Trafficking: Our offices have not received any evidence to complaints related to this subject. The draft law for the prevention of human trafficking was approved in parliament and currently awaits the signature of the president to become effective. This issue was communicated by the liaison officer at the time with the group of the prevention of human trafficking at UNHCR.

Immigrant Workers from South Asia and Africa Suffering from Difficult Circumstances:

-The definition of “immigrant workers” is not applicable to those who entered Iraq with coalition forces.

The Workers of the Ministry of Oil:

- The title “workers” does not apply to those working in the Ministry of Oil under current law. The Civil Service Law applies to them.

Regarding Assassinations and Kidnappings of Labor Union Leaders in Addition to the Prevention of Workers of Government Departments to Organize Unions:

Terrorism targets Iraqis in all walks of life, labor unions have not been spared. However, more recently, the situation has improved. Further, labor unions have not been subject to any threats from any government body.

While, Iraq is going through unique conditions; it has the right to choose the best path it understands for its citizens on how to govern and manage its institutions according to our constitutional commitment to provide the right for all our citizens, including workers. In addition to our obligations to be an active member of the international community. More than 8 labor unions have been operating in Iraq, and all have benefitted immensely from the privileges of our democratic process. Recently, the Ministry of Labor and Social Affairs, has supported labor unions to conduct fair and transparent elections. Therefore, the issue of freezing their assets has already been solved.

Since, the draft for the new labor law has been reviewed by the COR (first review), there were many stakeholders involved in the numerous meetings, workshops, and debates including; governmental agencies, labor unions, and civil society members. The goal of these meetings were to enrich the draft of that law, and to include all possible feedback from experts.

