

FACT SHEET ON LABOR RIGHTS IN IRAN

1) Restrictions on Labor Rights, the Right to Peaceful Assembly and the Right to Form and Join Independent Trade Unions

Iran has witnessed an increase in the number of workers' protests and strikes in the past four years, mostly due to unpaid wages and benefits. Since job security has dramatically decreased, more Iranians sign blank contracts with no protection under the law and the situation is even graver for workers in the "Free Trade Zones" that are not protected by the Labor Code of Iran (LCI) and workers in enterprises with 10 or less employees who are exempt from some LCI provisions. Despite Article 131, section 4 of the LCI, allowing for the formation of workers' associations, Iran does not tolerate the existence of independent trade associations and uses security measures to replace them with Islamic Labor Councils which have become government affiliated unions where representatives are vetted by the Ministry of Labor first.

Recommendations:

1. Fully implement Iran's obligations under the ICESCR, especially the right to form and join independent trade unions and the right to strike, and ratify ILO Conventions 87 and 98 on freedom of association and collective bargaining.
2. Implement the recommendations it has received from the ILO to reform the Iranian labour law with a view to bringing the law and practice into conformity with the principles of freedom of association, in particular to allow for trade union pluralism at the enterprise, sector/industry and national levels.
3. Make sure that no worker is excluded from the protection of the Labor Code, including individuals working in Free Trade Zones (FTZs).

2) Harassment of Workers, Harsh Sentencing and Corporal Punishment

In response to the intensifying of the labor protests in 2018-2019, Iranian police have made an excessive use of force against demonstrators, arresting hundreds of workers. Authorities have used intimidation strategies to deter people from joining the labor movement including the broadcasting of forced confessions obtained under torture and sentencing of labor activists under national security charges, involving corporal punishments like flogging. Esmail Bakhshi, a representative of the workers of Haft Tappeh Sugar Cane Agro Industrial Company has been sentenced to 14 years imprisonment and 74 lashes. Sepideh Gholian, student and citizen journalist who was supporting the protests of Haft Tappeh, was sentenced to 18 years imprisonment. Iran has also started targeting journalists who cover the labor movement. Journalist of Shargh Daily, Marziyeh Amiri was sentenced to 10,5 years of imprisonment and 148 lashes and the full editorial board of Gaam Magazine were sentenced to 18 years of prison.

Recommendations:

1. Drop the charges against labor rights defenders and stop the harassment, arbitrary arrests, and physical assaults on workers protesting labor conditions and investigate and prosecute the perpetrators of such attacks.
2. Stop charging workers and labor activists with national security crimes sentencing them to prison as well as flogging which amounts to torture.
3. Allow journalists to cover and report on labor issues free from harassment and intimidation.

3) Legal Minimum Wage Under Poverty Line

In March 2019, Iran set the annual minimum wage to 1,566,882 IRR (≈130 USD). With the plunging Iranian Rial coupled with an inflation rate in the month of August 2019 at 41.6%, this means the current national minimum wage (NMW) for workers is set at a cutoff below the poverty line. At least 70% of Iranian workers work with wages below that of state appointed NMW.

Recommendations:

1. Ensure implementation of article 3 and 43 of Iran's constitution for poverty alleviation and set the minimum wage in all sectors to be above poverty line.
2. Implement Sec. 41 of the Labor Code that mandates calculation of the minimum wage based on the rate of inflation and the living expenses of an average Iranian family.

4) Government Mediated Privatization Wrecking Production and Worker's Lives

The Iranian Privatization Organization (IPO), a state organization affiliated with the Ministry of Economic Affairs and Finance, transfers ownership of public companies to the private sector on a massive scale. When transferring the ownership, the state omits to pay workers past due wages and benefits.

Recommendation:

Protect the right of individual workers affected by IPO-mediated privatizations by compensating workers for deferred wages, pensions, and benefits.

5) Women's Participation in the Labor Market

The World Economic Forum ranks Iran 145th among 149 countries in terms of participation of women in the workforce. For every four jobs that a man holds in Iran, one is held by a woman. Ministry of Labor reports that women hold 19% of the share of employment and men 81%. The unemployment rate among women increases on average 3.8% per year, leading to 32.3% in 2017. Actual numbers are far greater and women are actively pushed out of the job market through the adoption of laws and policies. For instance, the passing of the Law on Retirement of Employed Women with 20 Years of Service adopted in Jan 2017 is a discriminatory process of encouragement of women to leave the job market. On Oct 2017, Iran also repelled a bylaw that made the firing of mothers illegal two years after giving birth giving legal means to fire mothers during and after maternity leave.

Recommendation:

In line with Article 7 of the ICESCR, remove obstacles to the employment of women on an equal basis with men and protect and promote the rights of working women and their equal treatment by private and public employers.

6) Migrant Workers

Article 120 of the Iranian Labor Code, states that alien nationals cannot hold a job unless they obtain a work permit. Afghan migrant workers are the lowest wage earners in Iran and they are largely without residency documents. The police constantly threatens migrant workers with arrest and deportation.

Recommendation:

Ratify the International Convention on the Protection of the Rights of all Migrant Workers and their Families.

7) Child labor

In Tehran alone, there are 20,000 child laborers among which 63.7% are Afghans. Many of the child laborers work in waste management for 10 to 20-hour shifts under private contractors that pay little attention to their safety. In its 2016 concluding observations on Iran, the UN Committee on the Rights of the Child expressed concern at the "large number of children employed under hazardous conditions without protective clothing and for very low pay." This is a violation of both the CRC and ILO Convention No. 182 on the worst forms of child labor.

Recommendation:

Ensure full compliance with international child labor standards, including CRC Art. 32 and ILO Convention No. 182 on the worst forms of child labor and collaborate to end with the International Programme on the Elimination of Child Labour at the ILO.