

# **The Condition of Workers' Rights and Freedom of Labor Union In Kurdistan Region and Iraq**

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رێکخراوی فریاگوزاری میلهتی نهرویجی بهرپرس نیه له ناوههروکی ئەم توێژینهوهیه

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## Executive Summary

"Workers Rights and Freedom of Association" is a joint project run by PFOK and NPA in Iraq and the Kurdistan Region. The project, which has an implementation period of four years, began in July 2016. A number of researchers from PFOK have conducted a study of the project between July and December of 2016. By using a mixed methods approach, this study tries to reveal the workers' conditions and the freedom of association and unions in a legal and social framework. The research tools that have been used in the data collection are individual interviews, focus group discussions and questionnaires. Data collection has taken place in the cities of Baghdad, Erbil, Basrah, Sulaymaniyah, Kirkuk and Duhok. In order to know more about the conditions of workers, 1000 questionnaires have been shared purposely with workers in these six cities. However, only 780 of these workers met the definition of worker for our study, thus only they have been marked as participants. Secondly, 43 semi-structured interviews were conducted with related people who are: one Parliament member, 12 government representatives, 16 syndicate representatives, two employers, eight workers, two academics and two law experts. Moreover, six focus groups were conducted in all six cities to know more about the workers' condition and freedom of unions. Most of the participants were relevant to our study and 67 persons took part in the discussions.

Demographically, 76% of the participants are males and 24% are female. The participants who are between 19 to 28 years old make up 50% of the sample. Those who are older than 58 years old make up 1% of the targeted population. At 59%, most of the workers in our survey are married, 34% are single, 4% are divorced and 3% represent the demographic of those whose partners have died. The breakdown of participant's location is as follows: 21% from Baghdad, 19% from Erbil, 21% from Basrah, 21% from Sulaymaniyah, 10% from Duhok and 8% from Kirkuk. Education levels of the participants differed, though most are literate and fall in the middle of the educational hierarchy, at 28% of the sample. Participants with primary education background make up 23% of the sample. Those who have university degrees make up 15% of the sample and another 15% have high school certificates. Those who have diplomas represent 11% of the sample, while 6% of the sample is illiterate. Lastly, only 2% stated that they have graduate school degrees.

The study consists of 67 participants, and the demographics used in this survey were quite broad. Survey and focus group participants were drawn from representatives of many diverse groups, organizations and professions across the country. For example, survey participants and focus groups included three members of parliament, eleven government representatives, twenty-two representatives of workers syndicates, four activists, twelve academics, two governorate council representatives, and one representative of the Chamber of Trade. Regarding participants locations: ten participants are from Baghdad, eight from Erbil, nine from Basrah, fourteen from Sulaymaniyah, sixteen from Kirkuk and ten from Duhok.

The most important conclusions drawn from this study are related to workers' employment contracts and social insurances. In fact, the study found that most workers do not have contracts or social insurance despite laws mandating these benefits and rights. In addition, the study also concluded that obstructing the joint committees of the government and the syndicates as well as lack of logistical support of these committees have led most committees to not sufficiently follow up and investigate workers' life in their workplaces. The study also found that violations against workers are very high, especially violations against wages, working hours, overtime and vacation time. In other words, workers are being denied

guaranteed rights, mandated compensation rates, and are being forced to work overtime; and the wages they gain are incompatible with their lifestyle. More to the point, neither the government and the syndicates nor the employers have attempted to upgrade workers' vocational skills and awareness.

Furthermore, the research discovered that although the workplace space and safety supply are in good condition, some workers still encounter critical or hazardous conditions, such as death in their workplaces. It was also found that workers sometimes do not defend their rights against their employers for fear of losing their jobs. Moreover, according to the study, employers contravene the rights of foreign workers, and these laborers often face discrimination in their workplaces. It is obvious that establishing the rights of workers is contingent on the awareness of laborers towards their rights. Workers still do not have the awareness to claim their own rights. Most of them are oblivious to the rights and rules of workers, and they do not know how to get benefits from the rules and laws pertaining to workers' rights to assert their privileges.

The study found there is not a satisfactory relationship between laborers and the workers syndicates. A very small proportion of workers have memberships in the workers syndicates. Plus, a sizable proportion of them often do not partake in the activities of the syndicates. This is due to the fact that they do not trust these syndicates to protect and secure their rights. In addition, one of the reasons why workers do not agree with these syndicates is due to the political interference in the administrations and election of the representatives for these syndicates. This interference, according to most laborers, is a main factor that restricts the activities and freedom of the syndicates. The representatives of the syndicates also consider the aforesaid factors to impede their activities and administration of their syndicates. Also, some other existing rules pose obstacles to the freedom of the syndicates. One of the obstacles is that there are no rights available to allow multi-syndicates.

In addition, the government is very slow in both issuing new instructions and implementing the rules and laws. This has hindered the syndicates of workers to satisfactorily claim the rights of workers. In other words, the rules and laws pertaining to the rights of laborers and syndicates are highly efficient in that if they are properly and adequately implemented, they can efficiently assert workers' rights. However, not employing the rules and regulations properly proves an obstacle to attaining and/or securing workers' rights.

The conclusions drawn from this study should offer government officials and authorities a blueprint for how to painstakingly improve the life of workers and how to upgrade the workers syndicates as well as those rules and regulations relevant to them. For this reason, the government should amend the labor and social insurance laws in Kurdistan in accordance with international standards. Furthermore, the government should issue new instructions on how to adequately implement labor laws in Iraq and Kurdistan in conformity with other laws and principles in the country. More to the point, mass media and other vocational trainings should also play an important role in familiarizing workers with their rights as well as with labor laws and regulations. More importantly, the workers syndicates should also play a pivotal role in protecting and securing the rights of workers. For this reason, the role of the syndicates should be more active so that they can truly represent the rights of workers. The relationship between the syndicates and workers should be more expanded and developed in order to restore and promote workers' trust in these syndicates.

Government oversight and investigations should be better upgraded to efficiently play their own roles in society. In this case, the government in Iraq should allow the committees to be more active, and the number of the follow-up committees in both Iraq and Kurdistan should be increased. Further, the committees need to be provided with more logistic supports. The government has also to issue new

instructions (i.e., official letters and documents pertaining to labor laws) on how employers should work accordingly. Efforts should be made to allow labor courts to actively play their roles in protecting and securing workers' rights against any potential violations. More to the point, labor courts should be established in those areas where courts are not obtainable. Further, the government needs to cut out all those bureaucracies and court sittings that pose an obstacle to better serving workers. Contemporary laws have to be passed in accordance with international standards to recognize the syndicates' freedom. In doing so, the role of the syndicates would be better ameliorated. In other words, serious efforts need to be made to eliminate such obstacles as political meddling to achieve more freedom for the workers syndicates. More organizations and associations related to workers' affairs also have to be established.

In addition, it is evident that civil society organizations in Kurdistan and Iraq have key roles in society. For this reason, they should be greatly encouraged to mainly concentrate on working class people through their future projects. In doing so, this class will be more active and better served in society. Further, more research needs to be conducted to better understand the life of workers and the freedom of the workers syndicates.

Moreover, women have to be provided with more opportunities to actively partake in leading and representing the workers syndicates. Mass media should help raise people's awareness of the problems and challenges encountered by workers. It is of paramount importance to surmount all the obstacles that stand in the way of investigating workers in their workplaces. These hindrances can only be overcome through various efficient mechanisms, which allow follow-up committees and civil society organizations to sufficiently investigate working class people in their workplaces. Governments in both Iraq and Kurdistan should be forced to abide by all the international rules and agreements pertaining to workers' rights as well as the freedom of the syndicates. Further, serious efforts should be made to end all forms of discriminations, problems and challenges faced by foreign workers. It is also significant that the workers syndicates should operate according to the principles of democracy, and more opportunities should be provided for youths to actively play their role in the workers syndicates. Members of the syndicates need to be provided with more opportunities to improve their competencies through vocational training and career guidance. In all the syndicates, follow-up committees should be established to investigate all violations against workers. These committees also need to correctly enter any data related to workers, so that they can take advantage of such data to support workers either within or outside the country. Moreover, the government should reconsider workers to be members of public sectors in society. All workers need to be provided with safe workplaces, and all the committees have to better investigate the safety of workplaces and give new instructions to workers on how to protect themselves at work. This includes preparing the report of workers and their freedom of association in the Universal Periodical Report.

## Legal Framework, Condition and Syndicate of Workers

In this chapter, we focus on the legal aspects and condition of workers' rights and syndicates, which are categorized into the followings:

A. Workers' rights, freedom and syndicates at an international level:

There is no doubt that there is a large number of laws, constitutions and contracts in this regard, most of which are about workers' rights, syndicates and freedom. The most important are the International Labor Organization (ILO) and UN conventions.

### ***1. International Labor Organization Convention of Workers' Legal Rights, Freedom and Syndicate Affairs.***

Workers' basic rights and freedom of their union activities are one of the main aspects of the international laws and conventions. There have been dozens of kinds of conventions; the earlier of which even came before the establishment of the United Nations. From October 29th of 1919 to January 21th of 1920, various labor unions held meetings in Washington in order to decide on the working hours of workers. In 1946, the International Labor Organization was established and was given a committee in the United Nations. From 1919 to 2007, the ILO has issued 188 agreements and 199 suggestions concerning protecting workers' rights and duties.

According to Article 2 of the labor unions: ***"where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week."*** This article was revised and the working hours were selected as 8 hours of work per day, over five days a week for a total of 40 working hours per week.

Again, in 1919 the ILO issued the second unemployment convention, which has three articles and includes: ***"The Members of the International Labor Organization which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter"***.

The 3rd convention of the ILO was about organizing women's labor, especially the right of maternity leave of female workers. Afterwards, the ILO changed some of the convention content in 1952 and then finalized the convention. The 4th convention was about preventing women from working at nighttime in industrial institutions. The following conventions were about age of work, compensation, teenagers and working onboard ships.

In 1947, the ILO issued the 84th convention about workers' rights of protest, and their circumstances changed and came to a new stage. ***Article 3 says: "All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organizations."***

The ILO also had a convention about trade union affairs and freedom of workers, which was mainly between participating countries, to better facilitate the unions in 1971. Meanwhile, they issued the

143th convention for workers' representations.

The first part of the convention says: ***“Workers’ representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers’ representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.”*** Article 3 also says: ***“Elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognized as the exclusive prerogative of trade unions in the country concerned.”***

Through these conventions, it can be seen that workers unions internationally have been active as there are numerous conventions and regulations in this regard. It can also be seen that locally syndicates push government agencies to protect and respect workers in general. As can be seen in Article 6 of the convention: ***“Effect may be given to this convention through national laws or regulations or collective agreements, or in any other manner consistent with national practice”.***

As we know, Iraq is a member of the ILO, and out of 188 conventions and agreements; Iraq has only ratified 61 of them. Unfortunately, the country has not been enforcing nor practicing the regulations and articles, which NGOs in Iraq and Kurdistan have been highly critical of.

Labor Rights and Freedom of Syndicates in United Nations’ Conventions

The 23rd Article of the Declaration of Human Rights says:

- 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.***
- 2. Everyone, without any discrimination, has the right to equal pay for equal work.***
- 3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.***
- 4. Everyone has the right to form and to join trade unions for the protection of his interests.***

Article 22 of the International Declaration of Civil and Political Rights, which was issued in 1966, talks about freedom and labor rights, and says: ***“Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.*** In the same article, part three states: ***“Nothing in this article shall authorize States Parties to the International Labor Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.”***

Moreover, Part 2, Article 6, of the 1966 International Declaration of Economic, Social and Cultural Rights, which was verified by United Nations, says about the framework of the member countries: ***“1. The State Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. 2. The steps to be taken by a State Party to the present Covenant to achieve the***

*full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual."*

Article 7 of the same declaration mentions the rights of any individual in work and willingness of work; that says: *"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays."*

Article 3 of the Declaration states: *"Nothing in this article shall authorize State Parties to the International Labor Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention"*.

Furthermore, Article 9 says: *"The State Parties to the present Covenant recognize the right of everyone to social security, including social insurance."*

In addition to what is laid out by the UN and the ILO, there are other conventions and agreements at the international level such as The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). In the CEDAW convention, an international treaty adopted in 1979 by the United Nations General Assembly to prevent gender-based discrimination against women, Article 11 says: *"1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

- (a) The right to work as an inalienable right of all human beings;*
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction"*.

There is also a convention for immigrant workers, defined as those who work in a different country,

titled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families." It was adopted by UN General Assembly resolution 45/158 on 18 December 1990. Article 15 says: *"No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation". Article 20, which consists of two parts, states: "1. No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfill a contractual obligation.*

*2. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfill an obligation arising out of a work contract unless fulfillment of that obligation constitutes a condition for such authorization or permit".*

Furthermore, Article 25 of the same convention says: *"1. Migrant workers shall enjoy treatment not less favorable than that which applies to nationals of the State of employment in respect of remuneration and:*

*(a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work, which, according to national law and practice, are covered by these terms,*

*(b) Other terms of employment, that is to say, minimum age of employment, restriction on home work and any other matters which, according to national law and practice, are considered a term of employment."*

Iraq has joined most of those conventions and agreements, especially those that are international in nature and focused on the rights of certain groups. For instance, the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of all Forms of Discrimination Against Women (1979). However, Iraq has not joined the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which came out in 2003.

### ***Labor conventions and freedom of syndicates at a regional level***

The most important regional conventions and agreements are those that have been issued by certain NGOs in Arab countries, such as the League of Arab States, which works in a similar fashion to other international labor unions. The league has Worker, Employers and Country representatives in most Arab countries. The League of Arab States was founded on 12 December 1965 and since then has issued 19 agreements and 10 suggestions in order to protect workers rights in every aspect of their lives. Iraq is a member of the league and has accepted and practices 16 agreements out of the 19 issued.

One of the agreements issued by the league that Iraq has not accepted is the 5th agreement of 1976, which is about women labor rights, and says in Article 1: "There has to be efforts to have equality in the work regulations and laws, and the laws should include all the women related aspects in labor, especially in agriculture." Article 3 of the agreement talks about labor fees and salaries, and states: "There has to be a guarantee of equality in-between men and women in labor wages and conditions. And the payments should be equal between men and women for the same job that they do."

Another convention issued by the League of Arab States that Iraq has accepted is Occupational Safety and Health agreement, which in Article 5 says: "There should be attempts to have occupational security and health, and a safe condition for workers through the following criteria:

- A. Protecting workers from their job equipment to have less negative health outcomes.
- B. Putting more and better restrictions in order to improve the work environment and tools.
- C. Taking the conditions of workers into consideration when it comes to job categories so they can be helped in health and technical aspects.
- D. Raising awareness of the workers about safety and protection on the job tools and equipment.
- E. Preventing negative health or social outcomes from working amongst workers and trying to solve such issues properly.
- F. Protecting the means of production in buildings and other tools.

Another important convention issued by the Arab League is about workers' trade unions and their freedom of joining, which the 8th Article focuses on. The 1st Article of the convention says: "Both, workers and work owners, in any aspect of labor can have a union even before receiving legal permission in order to protect their interests and uphold their rights properly. The main purpose of this is to improve their social and financial conditions; they can also have representatives so the rates of production increase at every level."

The 3rd Article of the convention states: "The process of establishing trade unions can be done by providing all required documents to the authority agencies, who respond by law, and there should not be any legislation barriers".

The 4th Article quotes: "The workers and employers' organizations can start working right after providing the required documents".

Iraq accepted these conventions in 1978, but has not been responsible nor followed the articles properly due to obstacles that arose in the 1980s and resulted in the convention being left behind.

### ***Labor conventions and freedom of syndicates at a local level***

Iraq and the Kurdistan Region have various laws and conventions on labor and freedom of trade unions. The roots of the conventions come from the Iraqi Constitution, which says in Article 22: "First: Work is a right for all Iraqis in a way that guarantees a dignified life for them. Second: The law shall regulate the relationship between employees and employers on economic bases and while observing the rules of social justice. Third: The State shall guarantee the right to form and join unions and professional associations, and this shall be regulated by law." Also, Article 24 of the Constitution says: "The State shall guarantee freedom of movement of Iraqi manpower, goods, and capital between regions and governorates, and this shall be regulated by law."

However, in the 30th Article, the 2nd point states: "The State shall guarantee social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphan-hood or unemployment, shall work to protect them from ignorance, fear and poverty, and shall provide them housing and special programs of care and rehabilitation, and this shall be regulated by law."

The freedoms of syndicates are also mentioned in the Constitution, in the freedom section of the 39th Article, with the 1st point noting: "The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law".

The Kurdistan Region's Constitution also declares the rights of workers and labor regulations. In the social and economic rights section, Article 24 says: "Everyone shall have the right to social security, especially in cases of motherhood, sickness, unemployment, injury, disability, old age, displacement, and loss of one's means of livelihood in circumstances beyond one's control." The 4th point of the same article also states: "No one shall be compelled to work in a profession or an occupation against their

free consent." The 5th section says: "Every worker shall have the right to equal pay for equal work. The relations between workers and employers shall be regulated by law and founded on economic bases, while taking into account the rules of social justice." Moreover, in the 19th Article, section 17 talks about the freedom of life and personal matters, and says: "1. Every person has the right to hold a rally, found associations, leagues and unions. The authorities of the Region strive for supporting the role of civil society organizations and their independency. However everyone has the right to demonstrate and to peaceful strike in accordance with law. 2. Associations with goals and work contradict the principles of this Constitution and laws or adopt measures against peaceful coexistence or convergence among ethnic or religious entities of the people of Kurdistan – Iraq".

Regarding the work laws in Iraq, in 2015 the country recently issued a new regulation called the 37th Iraqi Work Law. The law meets international requirements of conventions and regulations and protects all of the kinds of workers and classes. For instance, it defends foreign workers, women and child workers, and it allows for having more syndicate affiliations. However, these laws have not yet been put into practice and the country still uses the 71st policy of the 1978 regulation. Moreover, concerning the social security or retirement of workers, the country still operates by the 39th law of 1979, which is not a proper law according to the international recognized laws on retirement or social welfare.

When we look at the Kurdistan Regions' laws and policies in this regard, we see that the Region still uses the Iraqi Work Law from the 71st policy of 1987. Based on that it can be said that the region seriously needs reform in this sector so that it can meet international standards. Even though the Kurdistan Parliament issued a policy in 2012 about social support and retirement called policy number 4, which meets the international conventions of labor, the region still has not issued a revision of it so that it can be practiced well and so that the retirement and social support can be given to workers satisfactorily.

The Kurdistan Region has also issued a policy for foreign workers, under which it is clear to see that their rights are protected. That being said, in reality their rights and lives cannot be guaranteed and in addition they also face legal issues in the region.

Besides, the Kurdistan Region Government and ministry of social affairs require the private companies, which bring workers by the policy number 3 in 2013. The policy says that the workers wrights should be protected but what makes people to consider the policy is that it has not been used to protect the workers against the companies from any illegal actions towards the workers.

In addition to what has already been mentioned, Iraq issued policy 150 in 1978, which made all workers government employees. This was done mainly to weaken the syndicates but also to humiliate workers. After the collapse of the Baath regime, the governing council issued policy number 16 in 2004, which legally recognized all of the Iraqi workers syndicates as their main representatives in the country.

## Data and Methods

Researchers use different research methods and strategies in their studies, in this study we use a mixed methods approach because we wanted to have both qualitative and quantitative methods. The rationale for using mixed methods is to get a better understanding of workers lives and rights in the Kurdistan Region and Iraq and their issues with labor laws and rights. The tools used in the study to collect data include: questionnaires, interviews and focus groups.

The first research method employed was the questionnaire. One thousand questionnaires were shared with workers throughout the entire country to discern how the labor laws have been practiced. One thousand workers took part in the study, with the researchers filling in the form to make sure the data was collected accurately. The population size of each city was taken into consideration; 200 cases each were taken from the cities of Baghdad, Basrah, Erbil and Sulaymaniyah, while 100 cases were taken in Duhok and Kirkuk. PFOK trained the researchers who disseminated the questionnaires and did the data collection in person via face-to-face interviews with workers. Some of the participants were employees of the government, so their results – about 130 forms – had to be omitted. Therefore, the end sample size was 870 cases. The sample which was drawn from the population would not be a precise representative of worker population because there are some problems in some respects, firstly, we don't have an statistics which shows the exact number of workers and their distribution, therefore, we couldn't take a probability sample form worker population. Secondly, regarding to the number of workers who were selected to become a sample in each city, depending on some previous works we guessed that workers population in Basre, Erbil and Slemany are less or more equal to each other, so we take equal number of workers, it is also same for Dhok and Karkuk. Although we realized that worker population in Baghdad is more than any city of Iraq but due to security reason, traffic problem and time and cost managing we also take 200 workers. The workers' gender, age, occupation type, location and education were used to determine proper cases. From 1 August through 1 of September 2016 the data was collected. Then the data was entered and analyzed to show how the workers' laws reflect in their lives and perceptions.

The second research tool used is semi-structured interviews. In order to understand the reality of workers' lives and their unions' involvement in this regard, 43 interviews were conducted. The interviewees were selected based on their backgrounds; all of them have ties with workers affairs, which include a member of the Kurdistan Region Parliament, 12 government agencies, 16 syndicate representatives, two employers, eight employees, two academics and two lawyers. The interviews were conducted in the cities of Baghdad, Basrah, Erbil, Kirkuk, Sulaymaniyah and Duhok. The participants chose the locations of the interviews, the duration of which was 20 minutes. Participants agreed both to the interview itself and that the researchers could record them. The records are kept by the researchers and have been coded to draw out the most important themes. Thematic Analysis was used to analyze the interviews.

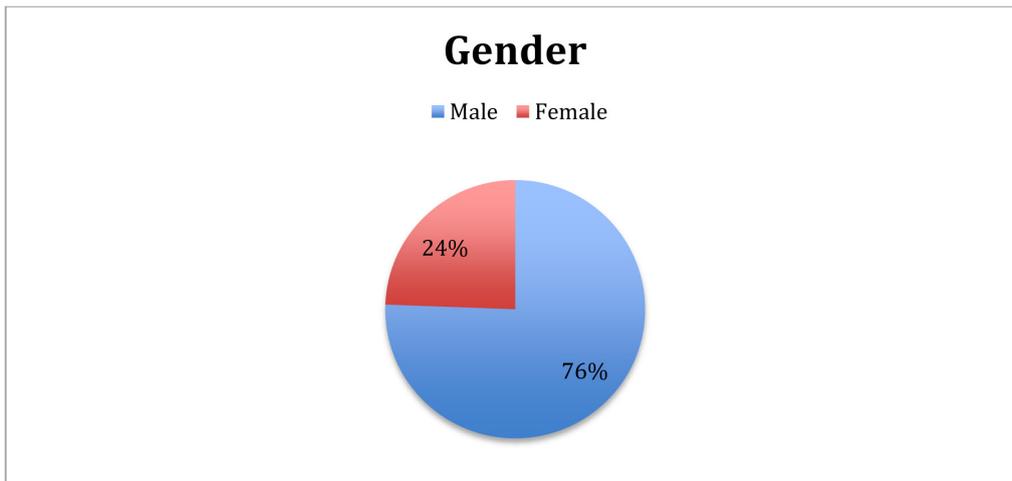
The third research tool used was focus groups. In order to get affective and generalizable results in the study, six focus groups were done, one each in the cities of Baghdad, Erbil, Basrah, Sulaymaniyah, Kirkuk and Duhok. The members of each focus group were chosen with consideration and all were workers' rights activists. Each focus group was 120 minutes, and the participants were asked if they could be recorded and the recordings used in the study. After the transcribing of the interviews, the main emerging themes are discussed and analyzed below.

## Data Analysis

### Gender:

Gender was one of the main questions workers were asked about. Graphic 1 highlights that out of 868 workers, 76% or 656 are men, while only 24% or 212 are 212 female workers.

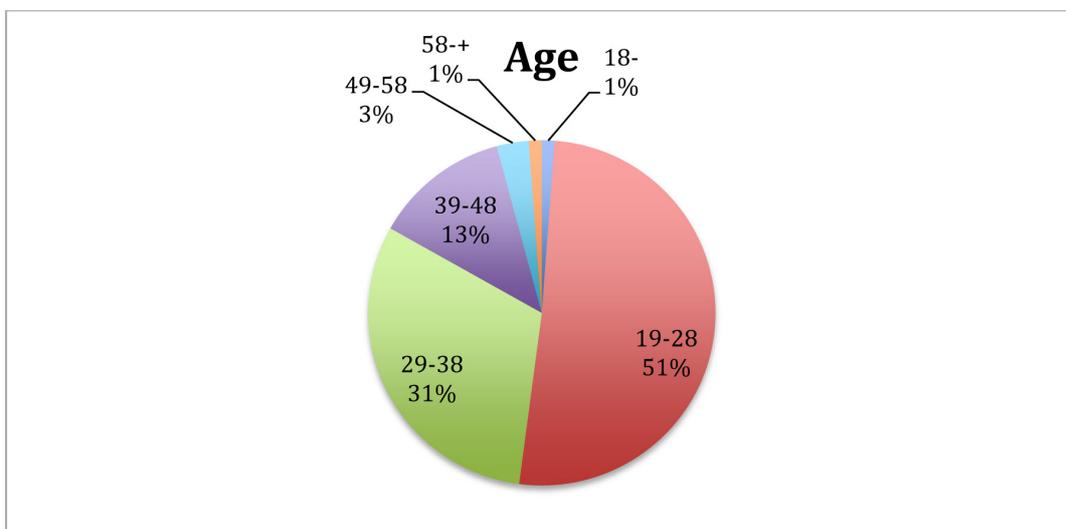
**Graphic 1**



### Age:

Participants' age was coded then divided into six groups, which can be seen in Graphic 2. The first group is those who are under 18 years; this group had only 18 participants – 2% of the target population. The second age group of 19 to 28 years consisted of 426 workers, which is the largest age group in our target population at 50%. The third age group of 29 to 38 years had 360 cases, 31% of our target population. Those between 39 to 48 years make up the fourth age group, at 106 workers and 13% of the sample. The fifth age group is those workers between 49 to 58 years, consisting of 25 workers equaling 3% of the target. The last age group is those who are 58 years and older. This group was the smallest in numbers, 10 workers and 1% of the target population.

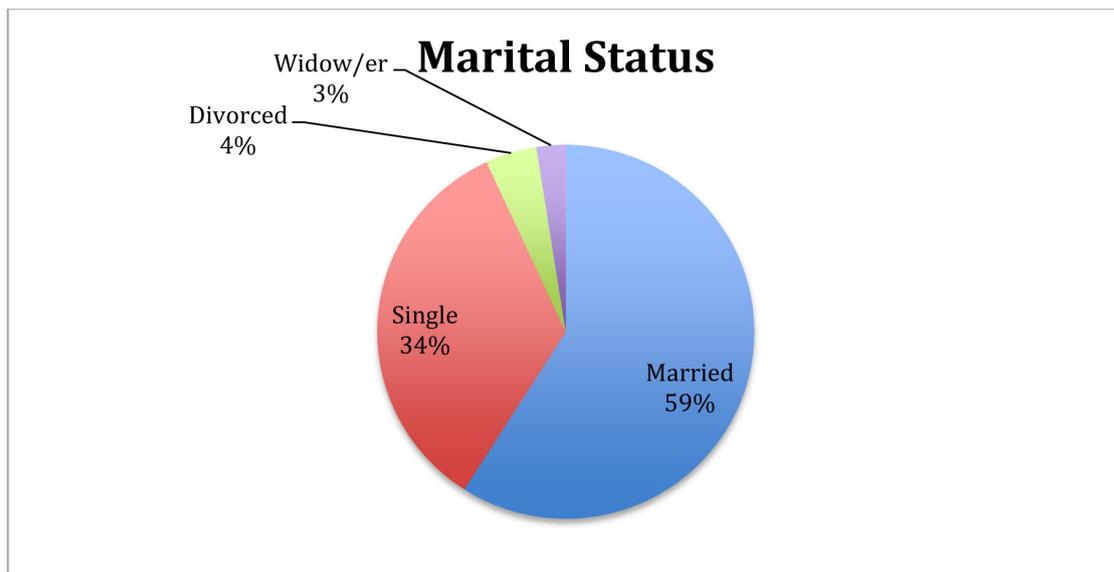
**Graphic 2**



### Marital Status:

Participants were asked about their marital status and had 4 categories to choose from as can be seen in Graphic 3: married, single, divorced and widowed. Out of 840 of the workers, 496 were married and represented the largest group in our sample at 59%, 286 workers or 34% identified as single, 37 or 4% were divorced and those who have lost their partners, widows or widowers, were the smallest group at 21 workers or 3% of the sample.

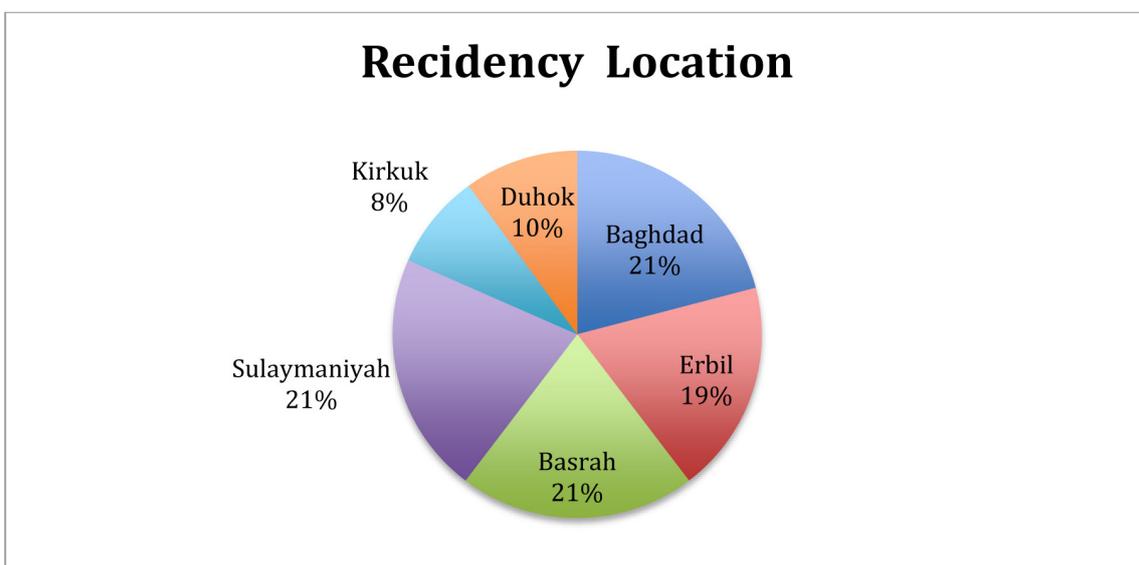
Graphic 3



### Residency Location:

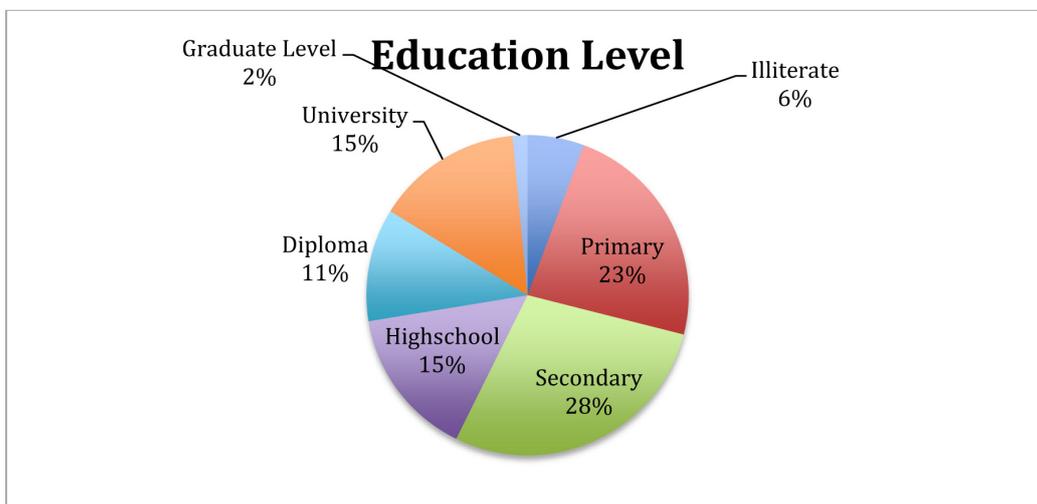
The survey data was conducted from six selected cities in Iraq: Baghdad, Erbil, Basrah, Kirkuk, Sulaymaniyah and Duhok. As Graphic 4 shows, 182 workers or 22% of the sample are from Baghdad, 163 workers or 19% of the sample are from Erbil, 180 workers or 21% of the sample are from Basrah, 73 workers or 8% of the sample are from Kirkuk, 185 workers or 21% of the sample are from Sulaymaniyah cases are 87 workers or 10% of the target population are from Duhok.

Graphic 4



**Education level:**

Education level was another main question that workers were asked about in the survey, and participants were free to choose from the bottom to the top of the education hierarchy. In the question, we provided seven possible responses: illiterate, primary, secondary, high school, diploma, bachelor and graduate level. Out of 808 participants, the data shows 46 participants were illiterate, which equals 6% of the sample. Those who have primary education totaled 188 workers or 23% of the sample. Those with primary education represented the largest group of the sample at 229 workers, making up 28%. Those with high school certificates make up 15% of the sample at 122 workers. The number of diploma holders consists of 92 workers, or 11% of the sample. Those who have earned university degrees equal 119 workers, or 15% of the sample. Those who have graduate level education totaled 12 workers who represented 2% of the sample, which is the smallest group. The results can be seen in Graphic 5 below.

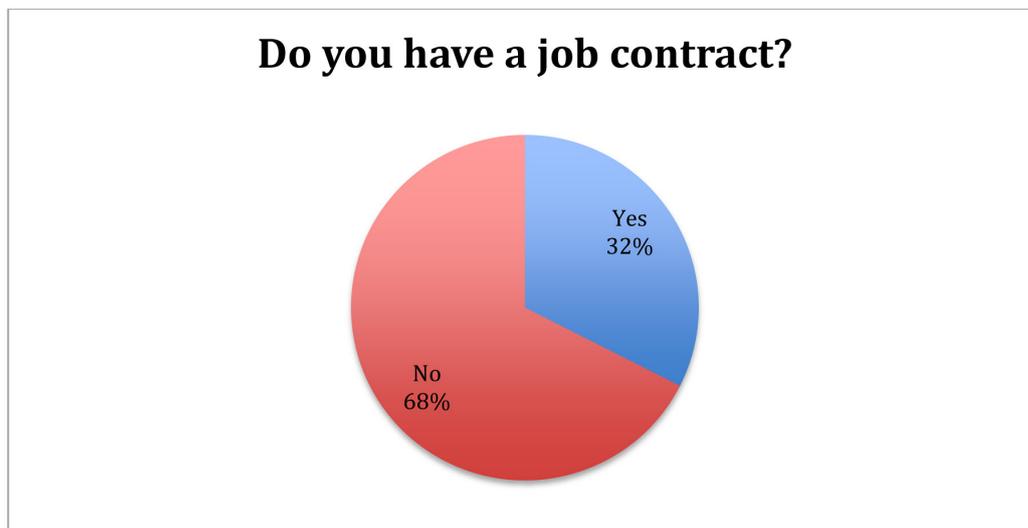
**Graphic 5**

## First section: Work Agreement

According to laws in Iraq and the Kurdistan Region, work agreements are the main ways to protect the rights of workers. In the 29th and 30th articles of the Iraqi Work Convention number 71 in 1987, we see how important and necessary the agreement between employers and employees is. In addition to that, the Iraqi Parliament edited the law in 2015 by adding articles 37, 38 and 39, which they insisted on. The Kurdish Region also uses the law of 1987, which is called Policy Number 71, although the Kurdish Parliament has actually not approved it yet.

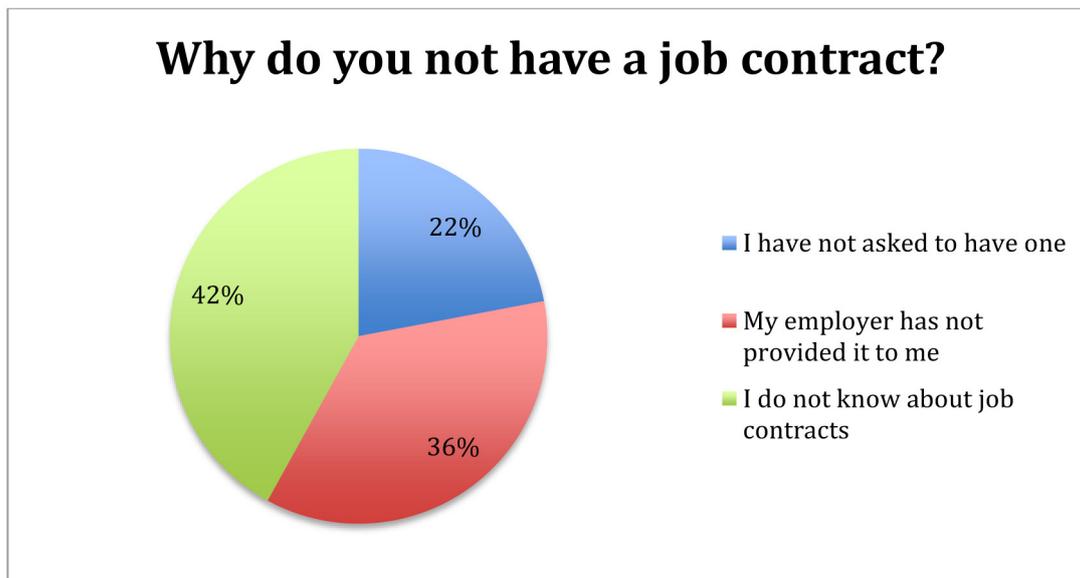
By taking these laws and our results into consideration, throughout our data we observe how workers' rights are violated, which can be seen in Graphic 6. Out of 859 workers, only 279 of them responded that they have a work agreement, only 32% of the sample. Meanwhile, 68% of participants, 580 workers, said that they do not have work agreements. Of those who said they have work contracts, 76% of them have read their contract, while 24% have not. What interests us here is that there is a huge gap between those who have read their job agreements, and those who have job contracts. Those who have read are 212 workers, which is more than those who have agreements who are 176 workers. This highlights that there are not many employers who allow their workers to both have and read their agreements. Based on the 37th Iraqi Policy of 2016, Article 16 states that both Kurdish and Arabic versions of job agreements should be provided to workers in Iraq and the Kurdistan Region. However, what we see in our data is that only 27% of the contracts were in Kurdish, while 66% of them were in Arabic and 7% of the contracts were written in English in both the Kurdistan Region and the other Iraqi cities.

**Graphic 6**



Workers who do not have job contracts have been asked to select the reasons, and their responses can be seen in Graphic 7. Those who stated they did not know to request the contract equate to 210 workers, or 42% of the sample. Those who do not have contracts make up 36% of the sample at 182 workers. They mentioned that their employers did not settle them formally in their jobs. Those who did not ask for a job contract make up 22% of the sample at 113 workers.

Graphic 7



In our data collection tools, we also used interviews and focus groups with a variety of persons and agencies relevant in this matter in order to get a better understanding of workers' conditions and freedoms of their trade unions. In the focus group discussions, participants emphasized on having work contracts so workers can be safe, but reality does not reflect what they are saying. Nazmi, a deputy in the Ministry of Social Affairs in the Kurdistan Regions explains:

"Foreign workers have job contracts, none of them who have legally entered the country can work without work contracts. Domestic workers who are employed in various projects have contracts too. Those who have been working for six to seven years have contracts also. Only those whose jobs are not permanent or change their jobs frequently do not have job contracts."

According to this quote, one of the factors for not having a work contract is day-to-day work, when workers are employed temporarily on a day-by-day basis and the employer does not create a contract with the worker due to the short nature of the work period. Another main reason for not having work contracts is the lack of workers' awareness regarding the importance of the agreement. Omar Said, a worker, says:

"Unfortunately, in Iraq and the Kurdistan Region, workers are not that familiar with their rights and their job contracts and working conditions. That is why most of them work without contracts, which leads them to be violated and taken advantaged of by the employer."

Sometimes, not having a work contract is in the favor of employers because it does not give a guarantee to the worker and he/she can be exploited without being able to fight back. As Kayfi Rajab, the head of the Reconstruction Syndicate (sandykay Awadankrdnawa) says:

"Some employers do not like contracts, so they observe the worker for a month or so. Then if he des not like the worker, he fires the worker, and the worker can not complain at all because he has no agreement or contract to fall back on."

However, the lack of a work contract can have negative outcomes for employers too, which is why law enforcement and the government should obligate both workers and employers to have agreements.

An employer explains:

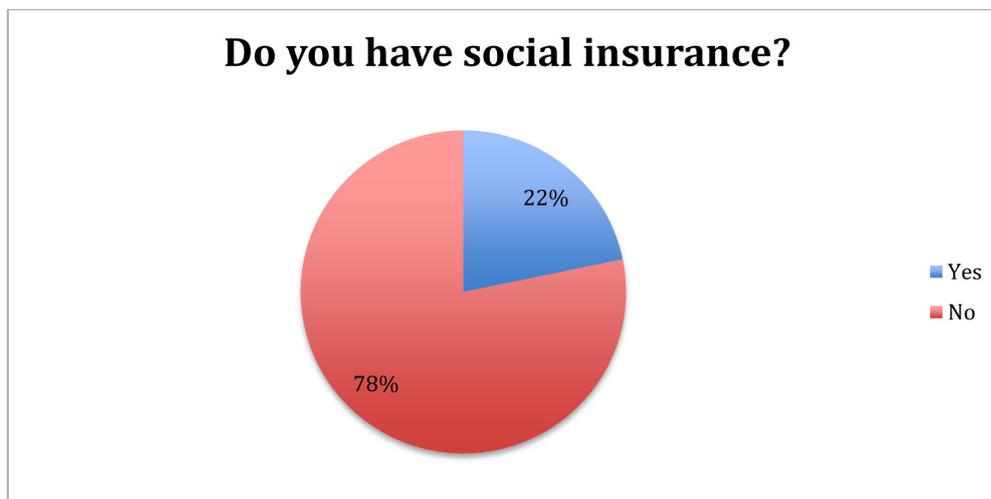
*"I have not signed any agreement with my workers because I have not been asked to do that, nor obligated to have it. I wish I would have done that so that I could have retained my workers rather than they leaving me once they gained experience."*

Work contracts are one of the most beneficial aspects of labor for both workers and employers because when an issue arises it can be solved through laws and the signed documents that both parties agreed on.

## Second Section: Social Security

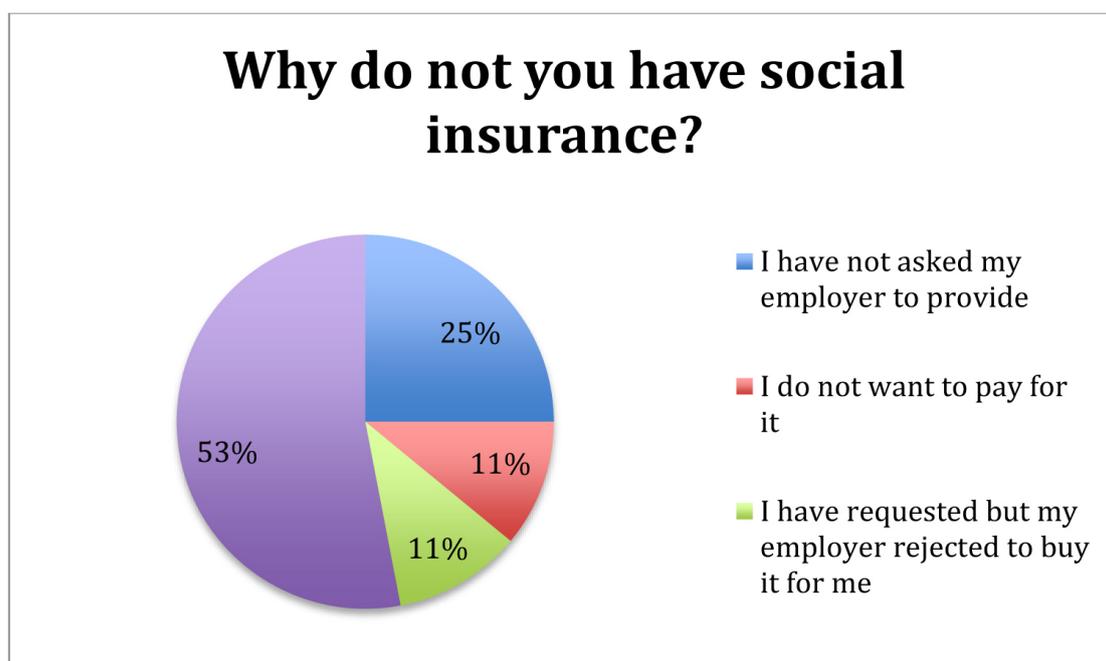
Social welfare is one of the crucial rights of workers, which Iraq set in Policy Number 39 of 1971 and the Kurdistan Region in Policy Number 4 of 2012. Though these laws assert the rights of workers, they do not reflect their real lives. As we see in Graphic 8, only 183 participants have social security out of 841 workers. That means only 22% of the sample are covered, while the remaining 78% work without social insurance or security.

**Graphic 8**



In our survey, workers have been asked why they do not have social security, and as Graphic 9 shows; 320 participants out of 608 workers – 53% of the sample - responded that they did not know about it. Also, 155 participants, or 25% of the participants stated that their employers did not require them to have it. Only 11% said that they do not want to have social security and pay for it, while 11% said they have requested to have it but their employers are not willing to pay for social security.

**Graphic 9**



In order to get better insight of workers social welfare aspects, we have done focus groups and interviews to see what needs to be done. Throughout the discussions, participants held different point of views of the factors behind the bad system of social security for workers. Arif Heto, General Director at the Ministry of Social Affairs says:

***“The problem comes from workers’ lack of awareness of social assurance, the ultimate goal of social security is for retirement and support for workers. That supposed to be the goal but in our communities, the workers always seek better jobs and they leave without any plans for their future. Most of our workers are government employees, that leads them to be retired by the government not us. Some of them are Peshmergas or other kinds of employees, that is why having social support for all of them is not doable.”***

Our graphics show that workers in Iraq change jobs frequently, which affects their social security in many ways. For example, 33% of our sample, which is 870 workers, stated that they have been working in their current job for a year or less. Also, 22% of them have been at their job for between one to two years. Those who have been working for two to three years in their ongoing jobs equal 12%. Only 9% of the sample has been at their current duties for three to four years, while another 9% have been working for four to 5 years at their current job. Finally, 3% of workers have been at their current place of employment for five to six years, while those who have been working for more than six years equal 12% of the sample.

Regarding social security, Sherwan Majeed, the Director of Social Security in Sulaymaniyah points out the low level of awareness of workers and employers:

***“Social security in the private sector is new and not all workers and employers are familiar with it in our region. This creates lots of issues for us because they do not have enough knowledge about the matter and they do not ask each other for it.”***

Kirkuk’s workers’ trade union representative, who along with his team works closely with workers and visits work places, talks about the causes of not having social security:

***“Workers are not that educated and aware of social security benefits, when we visit work places and talk to them, we see how useless they see it and that they do not trust it for retirement too.”***

Further, the participants also say that employers do not want to provide social security for their workers due to the high costs. For example, the workers’ representative in Kirkuk stated:

***“In fact, as employers, if we purchase social security for all workers we have to pay a lot of money. For example, if I had 100 workers and got social security for 50 of them, I would have to cut their salaries, which for sure they would not agreed to. Thus, they lose and may leave their positions.”***

In regards to this statement, Pary, a decision-maker at the Family and Children Affairs Committee in the Kurdistan Region’s Parliament, insists on the importance of social security and says that employers should obey the laws and provide workers with social welfare:

***“There is a huge gap between workers and employers when it comes to paying for social security, the employers pay more - an enormous amount of money. This gap should be less and workers should pay for it too, not only employers.”***

The same issue concerns government agencies, which thinks that employers are not responsible for providing social security for workers. Nawzad Rafat, General Director of Social Security in Duhok says:

***“One of the causes of not having social security for workers is that employers try to deceive and hide the numbers of the workers from our committees when we want to check their status. For example, an employer may have 50 workers but tells us about only 7 workers.”***

Thus, even though Iraq has unique laws on social security, in reality a large number of workers do not receive it neither Iraq nor the Kurdistan Region. The factors are different, some of them are related to the low level of workers' awareness of their rights, while some are outcomes of the distrust that they have towards social security. On the other hand, employers do not obey the laws and do not want to be obligated by the laws in this regard. This might result from the distrust they have towards the regulations workers have. Or, they may not be aware of what would happen when they face charges or a lawsuit in any cases of workers' complaints.

The government also does not function well in this regard and does not follow its commitments to find those employers who break the laws. As a result, the lack of attention to this issue by government agencies creates a more complicated process and workers do not get insured properly. As we can see from the government representatives' thoughts, the committees' visits are limited and not enough considering the number of work places to make sure workers rights are protected. The General Director from the Ministry of Social Affairs stated:

***“Our regular visits are less than what we expect. We have asked to increase the number of visits and checkups since 2013, when we were not in an economic crisis. We have committees that go to work places with three high ranked personnel from the Ministry of Social Affairs, the Workers' Syndicate and the Chamber of Commerce and Industry. Most of the time, one of these members would not come, and there are coordination issues. In the Kurdistan Region, we have only 23 personnel who go and visit the work place to see the workers' conditions, and that is not enough. This is why it's not possible to visit all the work places.”***

Also, there is another obstacle that gets in the way of the committees going to observe workers' conditions, as the head of the Iraqi Workers' Syndicate explains:

***“The committees do their job properly but we have our concerns too. We have seen corruption and ignorance by these committees because there are higher positioned people who threaten them if they do the right thing by showing the reality of workers.”***

Emad Muhammad, a member of the checking and observation committee in Kirkuk, who has seen many employers that do not obey the work laws, says:

***“One of the main rights we have as an observer is getting all registry information from the employer. But unfortunately most of the employers do not have datasets of their workers. We have advised them to record every single employees comings and leavings. Yet they have not taken this responsibility. If they face any lawsuit, most of them would be prosecuted.”***

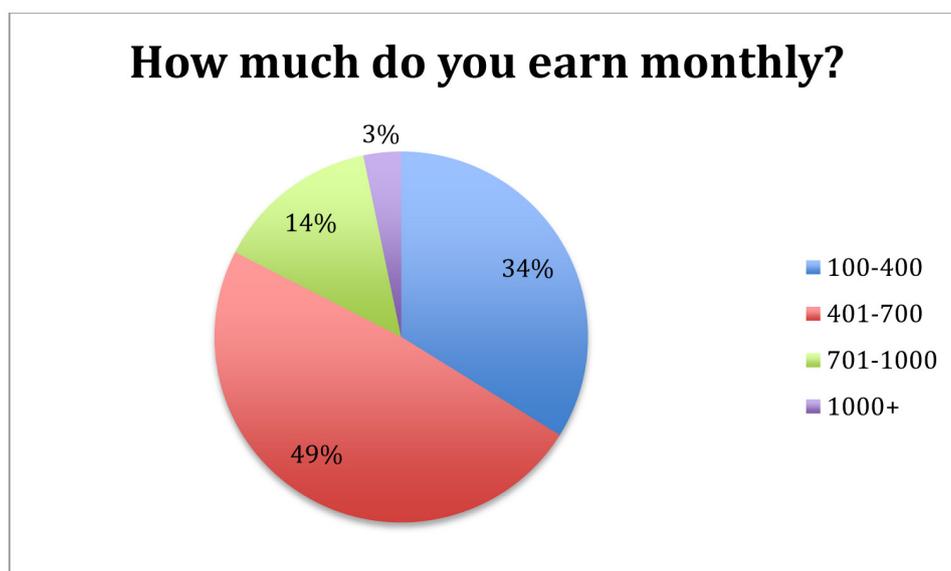
From these quotes and discussions, we clearly see the factors behind the bad social security system in Iraq and the Kurdistan Region. To overcome those shortcomings workers, employers and the government must come together to make the system better.

### Third Section: Payments and Work Hours:

Another section of the study pertained to work hours, one of the crucial rights of workers. Work hours have been discussed in all relevant laws and conventions of labor. For example, policy number 71 of Article 46 from 1978 and policy number 63 of Article 37 from 2015 both mention that the Iraqi government should have a committee to decide on a minimum wage that meets workers' lives and expectations. For the year 2016, this was wage was 250,000 IQD per month.

In our questionnaire, we asked workers how much they are paid in Iraqi dinar monthly; 797 workers answered the question as can be seen in graphic 10. The number of participants earning 100,000 to 400,000 IQD monthly equals to 270 workers – 34% of the target population. At 49% of the sample, 388 participants take home 401,000 to 700,000 IQD monthly. Those who earn between 701,000 and one million IQD amount to 113 workers, or 14% of the sample. The highest earning group, bringing home over one million IQD per month, is also the smallest sample group at 26 workers, or 3% of the target.

**Graphic 10**



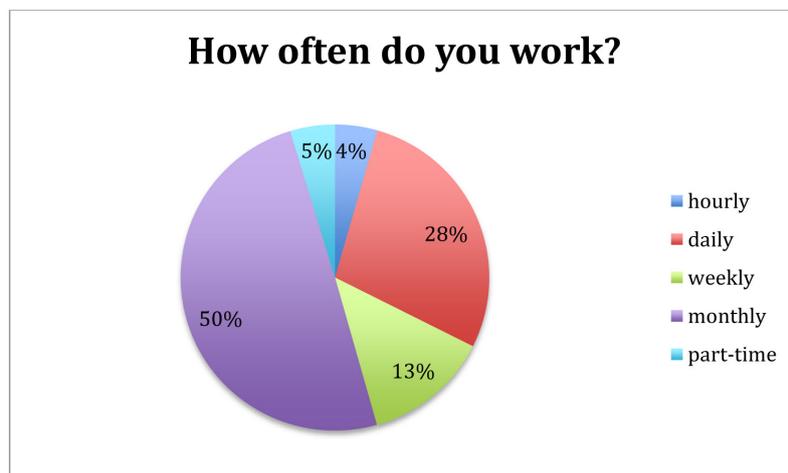
Participants were also asked if they are paid on time. Most of them confirmed that they do get paid on time. Out of 836 workers, 698 of them responded yes, which equals to 83% of the sample, while only 138 participants, at 13% of the sample answered no. Participants were also asked if there is a difference between the amount of money that they and their employer agreed upon and the payment that they actually receive. Out of 757 workers, 617 participants, or 81% of the sample, answered that their payments are what they agreed on with their employer, while 11% of the workers, which equals 81 participants, say that they are paid less than what was agreed on. Those who receive more than what was agreed on with their employer consist of 8% of the sample at 59 workers.

Work hours are a topic covered extensively in labor conventions at the local, regional and international level. According to Article 55, policy number 71 from the 1978 Iraqi Labor Law, as well as the first section of Article 67, policy 37 from 2015, workers should not work more than 8 hours in a day and 48 hours in a week. In addition to that, policy number 71, section 1, Article 60, and law number 37, section 1, Article 70 insist that workers should have one day off in a week without deducting any fees from their payments.

On top of that, Iraqi and Kurdistan Region laws allow workers to take advantage of the holidays and workers can get permission to take days off. Based on Kurdistan Region Labor Law number 71, Article 69, section 1 and 2, workers can have 20 days off a year without deductions to their salary. And for those who work in dangerous places, workers can take 30 days off in a year without deductions to their salary. Similarly, in the Iraqi Labor Law number 37, Article 75, section 1 and 2 gives workers 21 days off in a year and allows workers to take even more based on their years of serves.

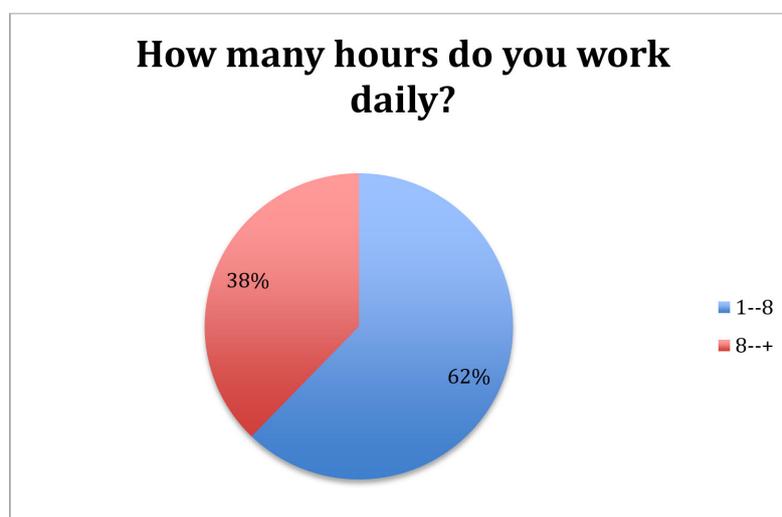
This study attempts to see how these laws get implemented through questions that ask the workers about these particular conditions. Participants were asked about their regularity of working, with the possible answers being: monthly, weekly, daily, hourly or part-time. A total of 833 workers responded to the question, with 414 saying they work monthly, the largest group in our sample equaling 50%. The number of participants who responded they work daily amount to 233 workers, equaling 28% of the sample. The number of participants who responded they work weekly equal 110 workers at 13% of the sample. A total of 39 participants noted they work part-time, at 5% of the sample. The smallest group of respondent work hourly, with 37 participants making up 4% of the sample.

**Graphic 11**



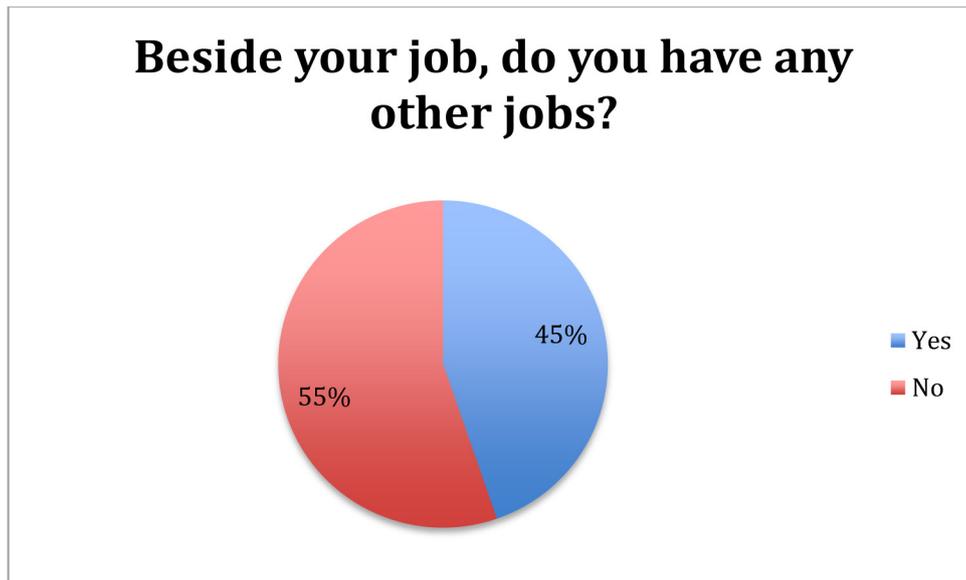
We also asked participants how many hours they work per day and/or night. A total of 869 responses were given, which can be seen in graphic 12. The majority of the sample, 541 workers making up 62% of the sample say they work from between one to eight hours in a day. The remaining 328 participants making up 38% of the sample say that they work more than eight hours in a day.

**Graphic 12**



We also asked participants if they worked more than their agreed upon hours, if they were paid or not. Among 812 persons, 363 of them do receive over-time pay, which equals 45% of the sample. However the remaining 55% of workers which equals 449, said that they do not work overtime. Also, 70% of those who do work overtime get paid more at their jobs. Surprisingly, 46% of workers stated that they work longer hours without being forced to and moreover that they like it. Thus, we can see that there are some workers who are working overtime without getting paid for it.

**Graphic 13**



Taking off days from work is another point discussed in all labor conventions and documents. In our survey, a significant number of workers – 33% – said they are not allowed to take days off from their work. When questioned if they would still get paid if they took a day off, 46% responded yes, but 54% stated that their salary gets cut when they take time off from work.

Throughout our findings, we see how well written the conventions and laws are on work hours and workers' rights, and yet workers still face exploitation. There are a huge number of workers who more than their work hours; some are forced to work extra and are not well compensated or compensated at all. Additionally, some experience a cut in their salaries if they take days off.

## Section Four: Safety and work environment

Safety and the work environment are two important variables in our study due to their importance in the field. According to international conventions and regulation, workers should have a safe and healthy work environment. In order to better understand what is actually happening in this regard in Iraq and the Kurdistan Region, workers have been asked if the equipment and tools that they use are safe. A total of 852 workers responded to this question, with 646 responding yes, equaling to 76% of the sample, while 206 participants, or 24% of the sample, responded no, that their work equipment and environment does not meet safety standards and requirements.

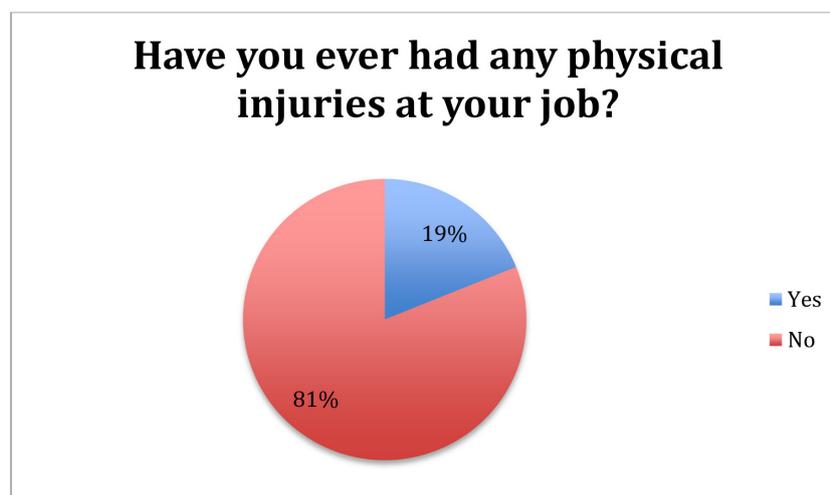
**Graphic 14**



In the questionnaire, we asked workers if their workplace is clean and healthy. Amongst 848 workers, most of them, 653 participants making up 77% of the sample, think that their workplace is safe and clean. Only 23% responded that their workplace is neither safe nor clean.

To further understand if participants feel safe and whether they have a proper work environment, we asked if they have experienced any physical harmful event at their work. Of 825 total respondents, 156 workers said yes, which is 19% of the sample. The majority of the sample equaling 81% or 669 workers stated that they have not experienced any harmful physical attacks at their workplace. Of those who experienced physical injuries at the workplace, only 31% received compensation from their employers.

**Graphic 15**



Within the frame of the baseline research focus groups and interviews, we asked participants about their work environment and safety at the workplace. According to laws in both Iraq and the Kurdish Region, employers should ensure the health and safety of workers. However, workers think that the government is actually the most responsible in this regard, not their employers. Omar Said, a worker, says he holds the government responsible for this:

“In the Iraqi Kurdistan region, laws have not been implemented in so many aspects. One of them is related to our work environment and safety; this is because employers and government agencies are supported by each other. Most employers exploit their workers and yet none of them have been taken to court”.

Mahdi Rasul thinks that providing a healthy environment for workers is not only the responsibility of employers but also the government and specifically the Ministry of Labor. Employers should be forced to provide safety equipment for their workers, and the government should always issue regulations concerning such matters so that workers can be safe. Rasul explains:

“Unfortunately, there is not much dedicated to the protection of workers’ safety, we have had workers who were not experienced and got injured due to their lack of training. However, employers should provide safety measures, and the Ministry of Labor should also provide awareness sessions for workers so they can be better informed. That means the issues are inter-related, and the government and employers should take responsibility not the workers. The workers are trying to meet their basic needs for their daily life expenses.”

The discussions included some officials from government agencies concerned with the health and safety of the work environment, and two points of importance occurred in the focus groups. The first is about health and safety committees, and the second is on workers and employers. On the first point, Aref Etoo, the General Director of the Ministry of Social Affairs says:

“We have a health, safety and vocational committee in each city but that committee has not been trained yet. Both the ministers of labor and social affairs agreed on working together and collaboration. When I came here to work at this position, I did not see the committee. They only brought a staff member that gives employers suggestions and guidance in their projects.”

On the second point, Nazmi Musa, Vice General Dictator of the Ministry Of Social Affairs talks about the workers and employer responsibilities:

“We have workplaces with all kinds of needs and tools of safety but the workers themselves do not want to use it nor obey the safety regulations. But, sometimes the employers ignore the safety rules.”

Thus, it is clear from our survey that the safety tools and equipment have been provided; workers feel safe at their work environment and have not been injured for the most part. However, the focus group discussions show that the safety laws and rules have not been implemented. Our data supports the data that has been released in 2016 by the workers syndicate, which says in Erbil alone 21 workers died at their workplace. In Sulaymaniyah, according to the workers’ syndicate, eight workers have died so far in 2016. Lastly, what we have to mention as an important object is that our survey covered different places and kinds of workers, which have more vulnerable workers in unsafe workplaces. Therefore, our graphics may not fully support the focus groups discussion in all aspects.

## Fifth Section: Workers and employers' relationships

As stated by international labor conventions and documents, workers have to be respected, treated equally, and should not be violated in any circumstances. In our survey, workers have been asked relevant questions to provide a better understanding of the way that their employers have treated them. The first question asked about how they are treated in the workplace. As can be seen in Graphic 16, out of 835 workers, 562 stated that they have been treated well by their employers, which equals 67% of the sample. A total of 149 workers equaling 18% of the sample stated their employers have treated them fairly, which is neither good nor bad. A minority of workers totaling 129 or 15% of the sample stated that their employer has treated them badly.

**Graphic 16**



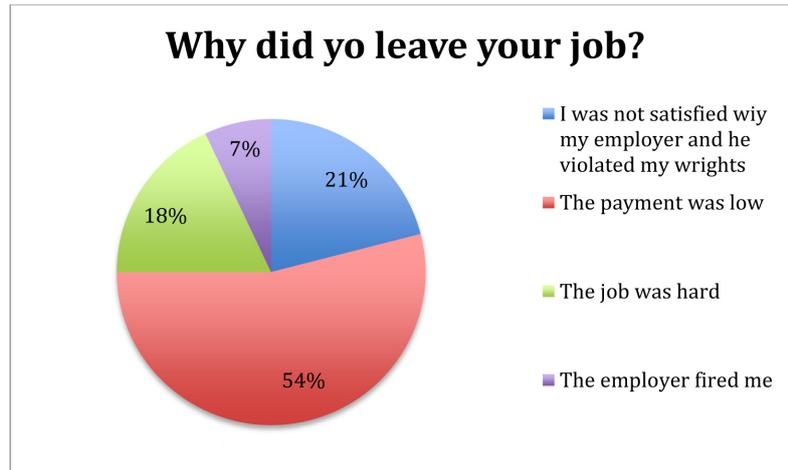
The workers in our survey were also asked if they experienced any violent behavior from their employer. Out of 811 workers, the majority at 720 respondents and 89% of the sample answered no, that they have not been treated violently. A small proportion, totaling 43 workers equaling 5% of the sample have faced violence from their employers. Moreover, 34 workers or 4% have faced exploitation by their employers. Some participants have also experienced violations in the form of sexual abuse from their employer. Among the sample, 14 workers, a total of 2%, responded that their employers have sexually abused them. Of those who have experienced sexual abuse in the workplace, 11 of the 14 are women.

**Graphic 17**



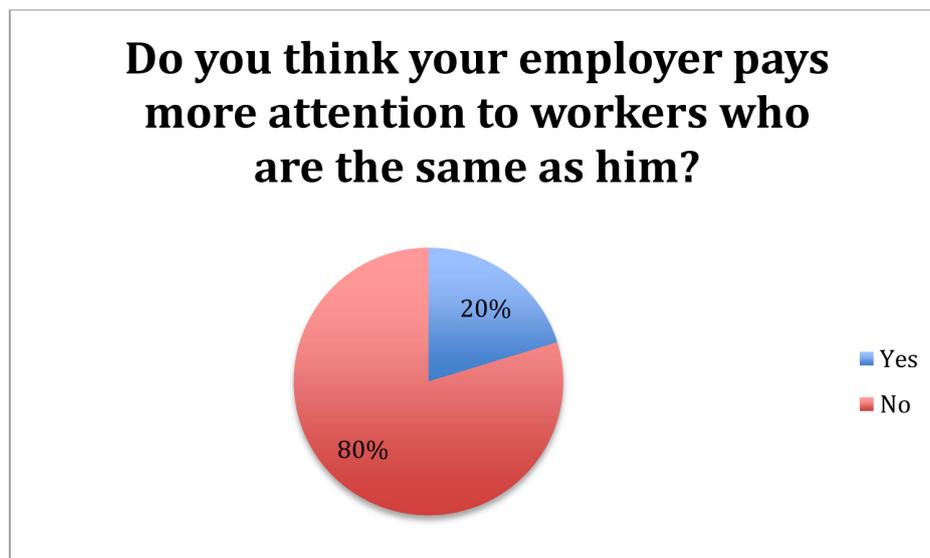
To see if there are workers who have left their jobs due to their employers' behaviors, we asked participants if they have ever left their jobs. Out of 788 workers, 451 of them answered that they have left their jobs, which equals to 57% of the sample. Another 337 workers, 43% of the sample responded that they have not changed their jobs. Of those who have left their jobs, 54% stated that they did so due to law payments, while 21% of the sample says they left their jobs due to the unfair behaviors of their employers. Additionally, 18% say they left their jobs because it was demanding. Only 7% of the workers in the sample noted that their employers fired them.

**Graphic 18**



This study also focused on ethnic, religious and national reflections related to labor patterns because Iraq has numerous ethnicities and religious groups. Workers are not out excepted from these factors, which is why we have asked them if these differences reflect on their daily lives and work. We asked if they ever feel their employers differentiate because of a certain kind of religion or ethnic background. The majority of respondents, 80%, stated that they have not faced such discrimination from their employers. However, the remaining 20% said they have seen such behavior from their employers. Moreover, 84% of the participants said that their employers have not violated the rights of foreign workers, with the remaining 16% responding that their employer does not pay attention to foreign workers' rights.

**Graphic 19**



Conditions of foreign workers in Iraq and the Kurdistan Region seem to be ambiguous regarding whether they face violations. Even though a small portion of participants stated that foreign workers have been exploited, activists who work on workers' rights think differently. In the discussions, Hama Hazhar, who heads a center for protecting foreign workers, explains:

"Employers and companies trade the foreign workers, sometime they go to three to four employers in a short period of time for working. There is not a law in Iraq or Kurdistan for foreign workers; the country only has guidance and drafts. Foreign workers also do not have syndicates here."

Moreover, Ala who heads the work and capacity building syndicate in the Kurdistan Region states:

"Till now, there is not a law for foreign workers in Iraq or Kurdistan. There is also not a trade union for them to protect their rights; I do not see the other syndicates as their defender because the domestic unions cannot even protect the domestic workers of the country! How am I expecting the unions to uphold the rights of foreign workers?"

She continues:

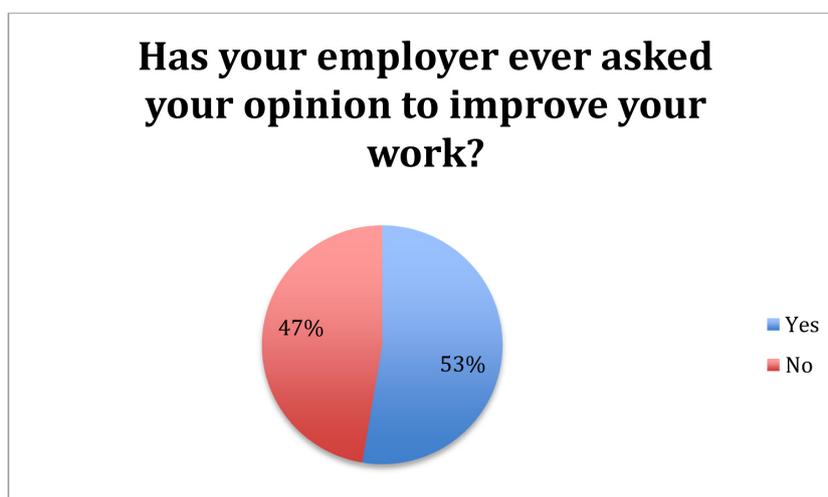
"Foreign workers have been betrayed and slaved by employers. When they arrive, their passport is taken away so they cannot go back to their country when they want to. Some of them are here for real jobs, but they are taken to work in houses as servants. The companies that bring them here never protect them nor observe their conditions. The problem is that they cannot speak out because they are afraid of their employers."

Regarding the same issues, Osman Zendani says:

"Foreign workers in Iraq face so many challenges, they are more oppressed than domestic workers, they have been treated differently and separately, which makes their conditions worse."

Workers are very important for the production process, and in order to make workers more active, along with implementing the laws in this matter, the employer should take their considerations into their businesses seriously. We questioned participants to see if their employers have taken the workers thoughts into consideration in order to improve their conditions. Out of 807 workers, 53% responded that their employer has not asked them such a question, while 47% responded that they have been asked. Participants of the study were also asked if they have received any training sessions by employers or government agencies in order to strengthen their skills or job capacities. In response to the question, 20% of participants stated that they have attended training sessions, while 80% said they have not attended or taken part in any capacity building sessions.

**Graphic 20**

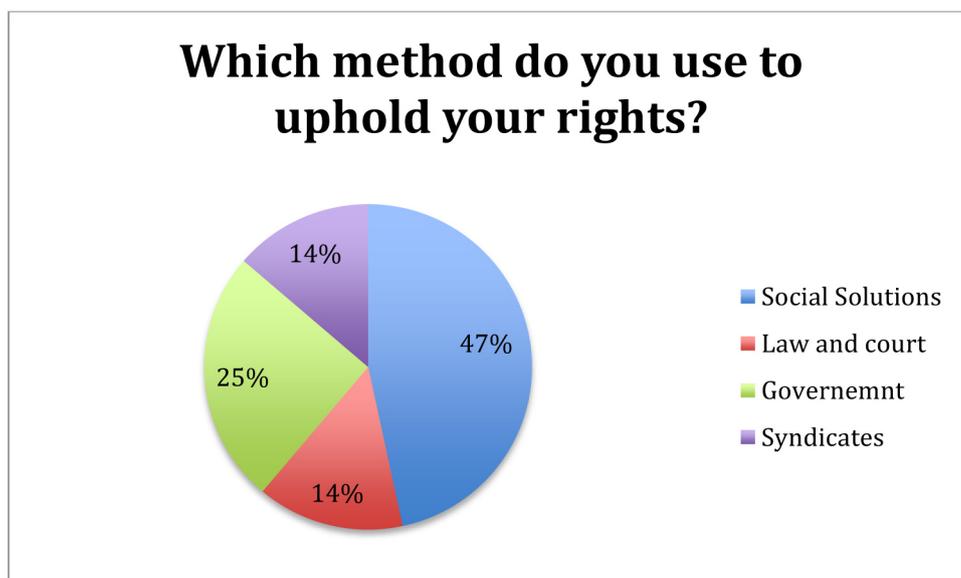


## Sixth Section: Labor Courts

Rights are given to all mankind; they are created to protect human beings from any violations they may face at any time. Human rights are internationally recognized, and protect people from all social classes. Workers are one of the most vulnerable groups as their rights may be easily violated. Consequently, many efforts have been made to create regulations to keep them safe. As our survey took place in Iraq, we have looked at the country's laws. In Iraqi Labor laws, Articles 165 and 166 in policy number 37 of 2015, and Kurdistan Region labor laws in Article 137 and 139 in policy number 71 of 1987 both state: "There has to be a special court in all cities for those cases that are about workers, retirement and social assurance cases." In order to get a clearer insight, we have asked participants to see what actions they take when they face violence from their employers. The data shows that of 778 participants, 504 respondents, 65% of the sample, stated that they fight for and demand their rights. However, the remaining 35% of the sample, 274 workers, stated that they do not fight for nor demand their rights. Of those who said that they demand their rights and fight back, we questioned in what kinds of ways. In their responses, 47% of respondents said the preferred social ways in solving issues with their employers. Only 25% of participants stated that they use government provided sources to solve their issues with their employers. Moreover, only 14% take their cases to court to uphold their rights, while another 14% of workers see syndicates as their defender to protect them from their employers' illegal actions.

Participants were asked why they did not prosecute their employer and demands their rights be upheld when they have faced illegal action from their employer. A total of 34% of respondents said they preferred to keep their job and not file a lawsuit towards their employer. Similarly, 35% of the sample said they do not take their cases to the court because they are afraid of losing their job and think that they will be fired. Another 22% answered they were not sure if their rights would be upheld, so they did not sue their employers.

**Graphic 21**



There are both laws and courts dedicated to protect workers and deal with their cases, but in the focus group discussions and interviews most of the participants see this subject as problematic. According to the Iraqi law of 1987 that the Kurdistan Region as implemented, a labor court should be established and have a judge. Once the judge is elected, the courts should effectively work. Also, based on Iraqi policy number 37, which was revised in 2015, the Ministry of Justice should elect a judge along with the syndicate workers representative to take care of workers' issues. The employers' representatives should also take part in that process. For example, Abdulrahiman Salh Hussain, a lawyer in Kirkuk says:

"We have laws and documents for the labor courts, but the problems are related to the workers prosecution procedures. For instance, the Ministry Of Justice always delays the decisions to make the committees for the courts. The workers also have low levels of awareness on how to make cases against their employers, they do not know where to start, or where to go to fight them."

On the labor courts' activities, Ahmad Xalil Ibrahim who is a legal advisor in Baghdad says:

"The labor courts get a few cases to solve, and most of them are from foreign workers not domestic workers. Iraqi workers try to solve their issues with their employers through social ties and ways. Workers do not know their duties and rights when they experience issues with their employers; they just leave their jobs without taking any legal actions."

This quote is the same as data obtained in our survey, especially when we asked the workers what approach they use to demand their rights. While a few workers have said that they use courts for this purpose, most workers prefer social resolutions rather than courts for their legal issues. Another cause of this outcome may refer to the functionality of the courts.

For example, Kazm Ali, head of the workers' syndicate in Basrah, talks about the obstacles that workers face when they go to the courts:

"Most of the courts and main judicial institutions are in Baghdad along with the companies which have been abusing workers' rights, so when workers have a cases in another city they transfer them to Baghdad. Thus, the workers cannot go back and forth due to the expenses. That is when the workers give up and never make it to the courts and companies continue to exploit them."

Karman Mahmud, an expert on the labor laws and courts in Sulaymaniyah talks about workers' condition and violations of rights:

"Workers not only have difficulties suing the employer or taking their cases to the courts, but also the courts are not active and do not take serious action against employers. If you look at the steps of suing an employer, you would see how complicated and expensive they are, and that is why they do not follow up their cases. The workers often also cannot obtain all documents and resources to prove their cases against their employer, and that is why I do not see the courts as a defender of the workers."

Consequently, we see in both individual interviews and focus group discussions in our survey that the cases of inactive courts in the country are interrelated and complicated. Most of the factors are having too much routine in the courts, lack of support from the government, and the low level of awareness amongst workers in this regard. All of those factors are covered in the 2015 Iraqi labor law, which states that there has to be facilitation for workers to make their claims and they should be helped and sorted out in a short period of time, but this has not been seen in workers responses in our survey.

## Seventh Section: The role of syndicates and government

All around the world, workers trade unions were mainly founded to defend workers and uphold their rights. Trade unions have been established in a legal frame so that they can pass workers concerns and issues to the authorities. This has been legalized in Iraq and Kurdistan to have a free sphere for syndicates and unions. Both Iraqi policy number 52 from 1987 and policy number 18 from 1993 in the Kurdistan Region insist that workers be allowed to have syndicates and the freedom to express their voices. In this section, we discuss this situation in Iraq and Kurdistan in two dimensions:

First: By relying on the data of our survey, we clarify the workers activities and perceptions within their trade unions.

Second: By looking at the interviews and focus group discussions, we try to discuss the freedom of joining the unions.

Workers trade unions have guaranteed their membership, but their effectiveness can sometimes change based on their numbers, which means: the more workers join, the more effective they are. According to our data, which can be seen in Graphic 22, out of 829 workers, only 15% equaling to 124 workers have joined syndicates. At 85%, the vast majority of participants - 705 workers - are not members of a syndicate. Moreover, 80% of the workers in our sample neither participate in workers meetings nor do they visit the syndicates to take part in their activities.

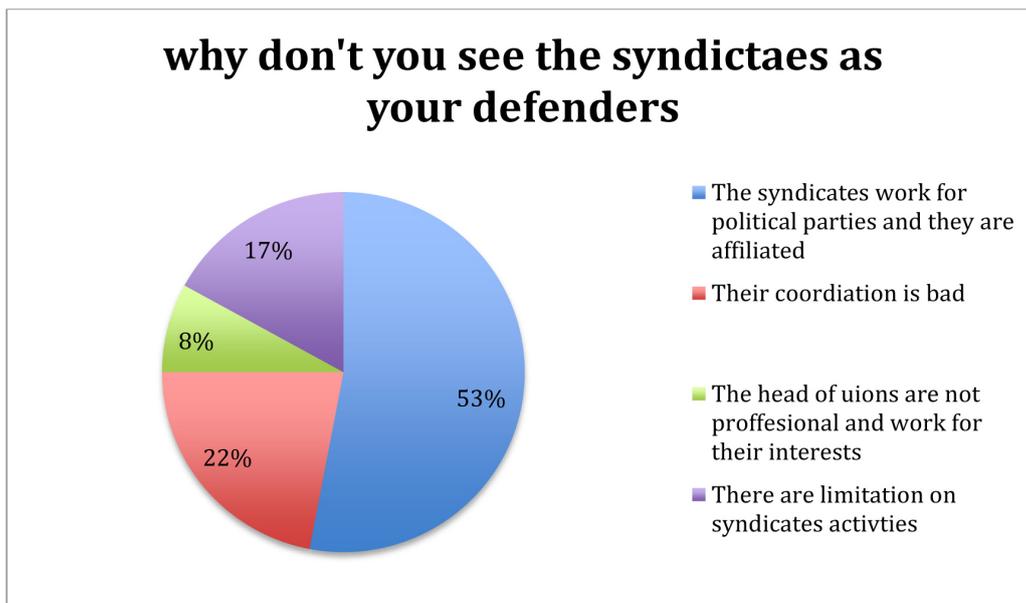
Graphic 22



Despite the fact that most workers are not members of the trade unions, most of them also do not view syndicates as their protectors. We therefore asked the workers why they do not see the syndicates as their defenders. Out of 800 participants, only 294 of them, equaling to 37% of our sample, see their syndicates as their protector. Similarly, 321 workers, making up 40% of the sample, do not see their trade union as their defenders. Only 185 workers do think that somehow the unions protect them, 23% of the sample.

Regarding why workers have not trusted their unions to defend them, as can be seen in Graphic 23, 53% of the workers think that the unions are affiliated with political parties and work for their agendas. Another 22% of the sample thinks that the lack of coordination or communication within the syndicates leads them to be ineffective. Moreover, 17% referred to the lack of freedom of union activities. A small proportion of 8% cited their reason for low trust to be a low level of experience with syndicates. Even though workers show negative attitudes towards unions in our data, 51% of them say its necessary that they can have their own unions and groups to defend themselves. Only 49% of respondents do not see unions as necessary for themselves.

**Graphic 23**



The relation between the workers and trade unions is one of the main themes of the study, and was discussed through focus groups and interviews. The data shows that workers' membership level is low and they do not believe in trade unions much. However, the syndicates' representative states that they have tried to protect workers and their rights, as Salah Abdulkarem, the Vice President of the Kurdistan Workers' Trade Union says:

"As a syndicate of workers, we have our guidelines for being a member legally in our union. Workers who are 18 years old or above can be members freely in our syndicate."

Salah Abdulkarim explains further:

"Unfortunately, when workers face violations or their rights have not been upheld, then they come to us and ask for help. If they had come before that, we would be able to help them more because they

become our members and we are more aware of them.”

Moreover, Bahroz Muhammad Jabbar, the head of the Kirkuk workers’ trade union notes that there are not many workers in his syndicate:

“Not all workers are members of our syndicate in the city, only 5% of them are.”

Mustafa, from the Kirkuk industrial workers’ union says:

“Being a member of their union is not mandatory, but voluntary and the workers should be free in this regard.”

Throughout our data, it is clear that the low numbers of workers who are members of unions is an outcome of the distrust they have towards the unions. But, this can also be a fault of the syndicates because of the unsatisfactory role they play for workers. Most workers see unions as political affiliates, as was heard in the discussions. Said Hassan, the head of the Iraqi trade union, says:

“Political parties have influence on the workers’ trade union, and each party even has its own union. They use those unions in the election; yes we have a big issue in our syndicates - that is political parties’ interventions in our activities while there is no law to allow them to do that.”

Activists also confirm that the workers’ unions are politically affiliated, as Hushyar Malmo, an activist explains:

“Workers’ unions should be in charge of protecting workers’ rights not the political parties affairs. They work for the interests of the parties not workers.”

Again, regarding the syndicates’ weaknesses, the head of the construction workers’ syndicate in Sulaymaniyah, Osman Zendani, talks about distrust and deficiency of the unions:

“Till now, workers do not trust the syndicates much because of the following reasons: 1. Trade unions have not been able to take workers’ rights back and force the government to issue laws to protect workers’ rights. 2. Their activities are not strong and frequent, and also they are not united together to be more effective.”

Hangaw Abdulla, one of the high ranked members of the Kurdistan workers trade union points out that they have been following cases, but may not have been satisfactory:

“Yes, of course we do follow and observe workers’ issues but we may not be perfect. It depends on the location, some of the offices are very active but some are not, but I still say that we do follow up on the cases of workers.”

Despite knowing cases of trade unions’ incapability, participants also talked about the freedom of unions’ activities and those obstacles that inhibit them from working. For example, Bushra Hamid, head of the social affairs committee in Basrah, mentions two dilemmas in this regard. The first is related to the laws, the second to the implementation:

“The Iraqi syndicate policy number 52 of 1987 is useless and not good at all because it was issued for the private sector, it does not care about the public sector at all while most of the workers are in the public sector. The second reason is that most of the employers do not help the unions and even do not allow the syndicates to go and check their workplaces.”

In the Kurdistan Region, the participants of our focus groups mentioned issues with establishing

syndicates. Most of them talk about the bureaucracy and complexity of establishing syndicates or unions in the region, and additionally that they are not funded properly. Hoshyar Malo, an activist, says:

“Registering a syndicate or union is hard and complicated, the government does not facilitate at all along with funding issues. They have independency issues; intervention from the outsiders in the unions is another problem. The unions even get prevented from making connections with international NGOs.”

The participation of women in the trade unions in this survey has been regarded with importance. In the Kurdistan region, we see that women do not have a clear idea about syndicate related matters. Some think that their presence is not reflected in the unions, but some say that women have their representatives and they are active in the syndicates. As Bahorz Muhammad Jabbar, the president of the syndicates union of Kurdistan in Kirkuk indicates:

“The number of women representatives in the trade unions of workers is very low due to religious, political, social and security factors. Their percentage in the unions is 1%.”

Contrarily, Osman Zendani, the head of the industrial syndicate in Sulaymaniyah, points out that due to the nature his syndicate, women do not join, but that the other syndicate has enough female members. He says:

“In our country, the unions’ members are 95% men and that is because of its nature. But, those unions that have service related workers have more female members. Women are members of those syndicates, and for example, we have woman’s syndicates for the private sector.”

In the Kurdistan Region, women do not take part in syndicate activities, which is why there has not been a syndicate of women workers. Out of all seven syndicates, none of them have a women president. For instance, the president of the women’s syndicate of the private sector, Safa Amen, points out how they faced issues initially but eventually could establish their union. He explains:

“When we started working on establishing a syndicate for women, we faced oppression and difficulties, but we could convince the government to allow us to do that. We have showed how some of the issues are related to women and different from men.”

Hassan Juma, the president of the oil workers union of Iraq says about the role of women:

“The role of women is important in unions; we have female leaders in our syndicates in all hierarchies.”

Adnan Safar from the Iraqi workers syndicates says:

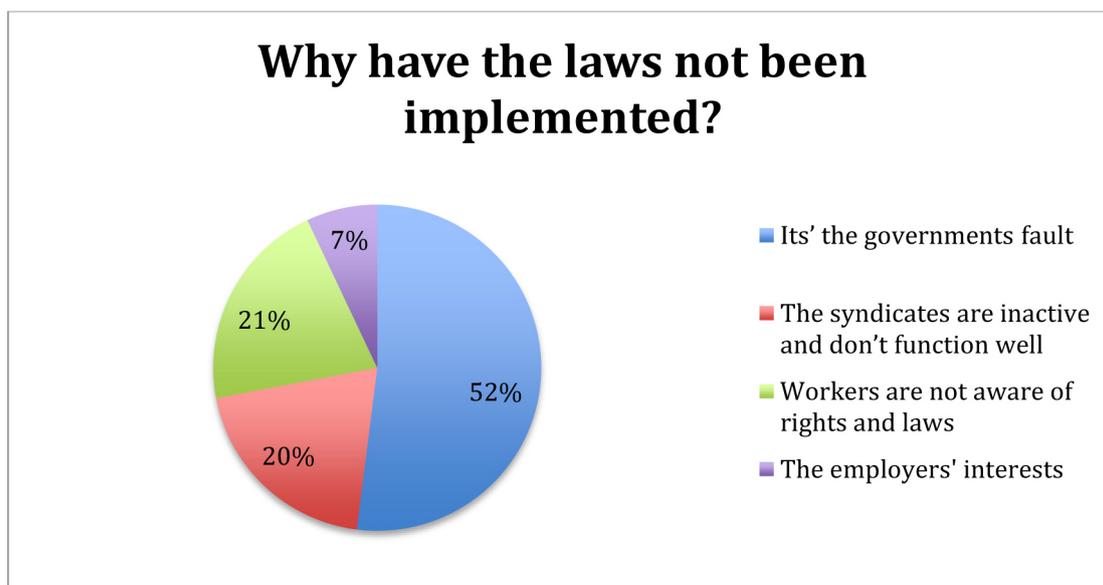
“Women’s roles are crucial and important; they are in all levels of power in our syndicates. We always try to empower them to be better and further build their capacity.”

The government should always take responsibility to make sure workers rights and freedoms are protected. The authorities are in charge of following and checking on workers’ conditions in the country. The importance of the role of the government regarding workers’ lives led us to ask workers how they rate the government’s role in helping and checking on their conditions. Out of 755 workers, 73% think that the government does not check up on their conditions and concerns. Only 22% of respondents said that the government somehow follows up on their cases and issues.

The workers were also asked if the labor workers’ protection laws and conventions have been implemented or not. The answer varied. Out of 782 participants, 345 workers equaling to 44% verified the implementation of the laws. However, 324 participants, or 42% of the sample, stated that the laws

have not been applied. Those who say that the laws have been implemented are 113 workers that take %15 of our survey sample. Among the respondents, and as can be seen in Graphic 24, 52% of the sample think that it is the governments fault for not implementing the last. Another 20% think that the trade unions are not active and function badly, while 21% put the responsibility on workers themselves because they are not fully aware of their rights and laws. Only 7% of workers think the laws have not been implemented because that is in the employers' interests.

**Graphic 24**



## Conclusions

In all the themes of the survey, it is clear that workers' conditions and freedom of associations are not protected in Iraq or the Kurdistan Region. The existent laws and conventions of labor in the country meet the standards, but do not reflect the reality of workers real lives. Workers face many challenges, such as exploitation, not having social security, and support from their jobs. Despite efforts from the syndicates and government to provide them a better quality of life, their shortcomings are greater than what international standards require. This is an outcome of the lack of communication between the committees of workers, government and syndicates. The workers' payments, work hours and salaries are not in good condition, most are overworked and do not have days off, or their jobs do not guarantee their ability to meet their needs and life expenses.

Moreover, workers in the entire country have not received any vocational or capacity building training programs from their employers. Even though some workers reported that they have safety standards in their workplaces, still their work environments seem to be dangerous, as dozens of them die every year and are injured daily. Losing their jobs, or fear of losing them, is a reason why workers hide their bad work conditions from law enforcement or syndicates. In addition to that, changing their conditions require efforts and more awareness from workers themselves because they are not fully aware of their rights and the labor laws. Their relations with the syndicates are not strong enough, and most of them are not members of the unions because they do not believe in the syndicates as their protectors. The intervention of political parties in the affairs of the unions is one of the reasons that workers have not joined the unions and consequently their relations are weak. Finally, not having laws that allow workers to have more syndicates freely and the government's legal involvement to help workers are the key factors behind the bad condition of workers.

## Suggestion and Recommendations

Based on our findings and data analysis, we put forward the following suggestions and recommendations to be implemented or used by the government, syndicates and workers alike to protect workers' rights and freedoms:

1. Both Iraqi social insurance policy and Kurdistan Region labor laws should be edited and revised to meet international standards. Laws should be issued officially by the government and should meet international standards.
2. There should be more media coverage for workers so they can learn about and become familiar with labor laws.
3. The trade unions of workers should be more active and take their roles actively and they should truly represent workers. They also have to be more connected to both local and international unions to foster stronger relations and better serve workers.
4. There should be more frequent follow-up on the activities of committees, and the Kurdistan Region should establish more committees to help further this task. The committees must issue regulations and guidelines for employers to use immediately. The government should mandate domestic and international companies and employers to abide by the labor regulations and laws.
5. Labor courts should be more active and should be opened in the cities that do not already have one. The procedures of prosecutions should be easier for the workers in the courts.
6. A modern law should be passed to recognize the syndicates in accordance with international standards. The trade unions of workers should be freer and political parties should not intervene in their affairs so they can function well.
7. NGOs should be motivated to pay more attention to workers through their projects.
8. To better understand workers' condition with greater depth, each section of this study should become the target of another study.
9. Women should be encouraged to be more active and motivated to become members and presidents of the syndicates.
10. The problems of workers should receive more coverage by the media.
11. Efforts should be made to observe workers in their work places through new mechanisms and committees of NGOs and the government to facilitate better reporting on their conditions.
12. More pressure should be put on both the Kurdistan Region and Iraqi governments to mandate and practice international laws and conventions of labor to protect workers' rights.
13. The exploitation and abuse of foreign workers should be stopped immediately, and their conditions should be changed and improved positively.
14. The trade unions of workers should be more democratic so younger generations and youth can join them and help make them more productive.

15. Providing vocational and training sessions to members of syndicates is another way of strengthening them.
16. A database must be set up to report and record violence against worker at the local and regional level.
17. The strongest efforts must be made to recognize public sector workers as normal workers. According to old Iraqi law, those who work in the public sector are not considered normal workers. So the efforts should assure the wrights of public employers the same as other workers.
18. A report on workers and their freedom of association should be included in the Universal Periodical Report.
19. A safe work environment must be provided for workers, and committees should issue regulations according to the policy changes to ensure workers are protected.
20. The trade unions of workers should be encouraged and motivated to frequently publish and share the violations of workers.