

Labour Rights in Iran: Discrimination and Violations of the Right to Work and Unionize

DISCRIMINATORY NATIONAL LEGISLATION in relation to labour rights

- The Iranian Constitution guarantees labour rights (Arts. 20, 26, 28 and 29). However, all legislation must conform to “Islamic criteria” (Art. 4). This allows for a situation whereby labour rights may be qualified in a discriminatory fashion in relation to women, religious and ethnic minorities.

MINIMUM WAGE is inadequate

- The Labour High Council has the authority to set the minimum wage of workers annually “in consideration of the percentage of inflation” (Art. 41(1), Labour Code(1990)).
- Trade union activists reportedly expressed dissatisfaction with a 25 per cent wage raise in April 2014 due to its inadequacy in relation to the rate of inflation, which is currently higher than 30 per cent.
- This impacts the obligation of Iran to provide workers with fair wages under ICESCR Art. 7(1)(i).

TEMPORARY CONTRACTS undermine the right to social security

- In Iran, 70-80 per cent of workers are employed under temporary contracts. A significant proportion of work with a permanent nature is carried out on contracts that do not guarantee job security.
- Temporary contracts undermine the right to social security provided for under the Iranian Constitution (Art. 29). It is also protected in ICESCR Art. 9, which specifically incorporates “casual” workers as beneficiaries of social security.

TRADE UNIONS are restricted and the right to strike is not recognised

- Workers may be represented by one of the following bodies: an Islamic Labour Council, a Guild Society or a workers’ representative (Section 131, Note 4, Labour Code (1990)). The Islamic Labour Councils receive more support from the government, which has resulted in an organizational monopoly in law and practice.
- There is no express right to strike under the Labour Code and public dissent is systematically suppressed in the name of “national security”. Both the *de jure* and *de facto* denial of the right to strike constitute a violation of ICESCR Art. 8(1)(d).

GENDER DISCRIMINATION within labour market access and social security

- Despite domestic legislation, the Iranian Constitution provides for the creation of a “favorable environment for the growth of woman’s personality” (Art. 21).
- Measures taken to encourage better access of women to education and training are not resulting in the same labour market access for women as for men.
- Temporary contracts prevent access to gender-specific social security benefits, such as maternity leave. This violates ICESCR Art. 10(2) and the principles of non-discrimination and gender equality under ICESCR Arts. 2(2) and 3.

CHILD LABOUR is prevalent in Iran

- The Labour Code prohibits children to work under the age of 15 (Art. 79). However, *de facto* child labour is prevalent: according to Iran’s parliamentary research centre more than 3.2 million children aged 7-16 years are out of school. Of these children, reports indicate that a possible 90 per cent are working.
- Certain standards regarding protection from dangerous working environments (ICESCR Art. 10) and the right of the child to rest and leisure (CRC Art. 31) are not being implemented in practice.

THE GOZINESH PROCESS undermines the right to work

- The *Gozinesh* process, embodied through the 1995 Selection Law, entails the screening of individuals upon their application to public sector employment for allegiances to the Islamic Republic of Iran, Islam and the principle of *velayat-e faqih* (Rule of an Islamic Jurist).
- The application of the *Gozinesh* process violates the right to work under ICESCR Arts. 6 and 7 in relation to the principle of non-discrimination under ICESCR Art. 2(2). While the right to work is not ‘an absolute and unconditional right’, it implies the right not to be deprived of employment unfairly. The labour market must be accessible indiscriminately, which is not the case in relation to religious minorities or those with religious and political beliefs different from the government.