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## ISLAMIC REPUBLIC OF IRAN

**Labour Code. Dated 20 November 1990.**

*(Rouznameh Rasmi, 17 February 1991, No. 13387, pp. 114.)*

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### CHAPTER I. GENERAL DEFINITIONS AND PRINCIPLES

Sec. 1. All employers and workers, as well as workplaces and production, industrial, services and agricultural establishments are required to comply with the provisions of this Code.

Sec. 2. For the purposes of this Code, the term "worker" means any person who works in any capacity at the request of an employer in return for remuneration. The term "remuneration" includes wages, salaries, dividends and other allowances.

Sec. 3. The term "employer" means any legal or natural person at whose request and for whom a worker performs work in return for remuneration. Directors, managers and, generally, any person entrusted with the duty of running a workplace shall be regarded as the employer's representatives; and the employer shall be responsible for carrying out all obligations to the workers undertaken by such representatives. Where an employer's representative takes any initiative which is outside the scope of his duties and which is not acceptable to the employer, such representative shall be responsible to the employer.

Sec. 4. The term "workplace" means any place where a worker performs work at the request of an employer or his representative, including industrial and agricultural establishments, mining enterprises, construction projects, transport, freight, or passenger enterprises, commercial establishments and productions units, or any other place open to the public, and all ancillary premises which, having regard to the nature of the work, belong to the workplace such as prayerrooms, dininghalls, cooperatives, nurseries, kindergartens, dispensaries, bathrooms, vocational schools, reading rooms, literacy and other educational centres as well as places allocated to the Islamic Councils, societies, workers' mobilisation associations, gymnasiums or transport vehicles.

Sec. 5. All workers, employers and their representatives, trainees, apprentices and workplaces shall be subject to the provisions of this Code.

Sec. 6. Under sections 43(4), 2(6) and 19, 20 and 28 of the Constitution of the Islamic Republic of Iran, it is prohibited to force a person to perform work against his will or to exploit others; Iranians, whatever their tribe or ethnic group, enjoy the same rights; skin colour, race, language and the like do not constitute any privilege or distinction; all individuals, whether men or women, are entitled to the same protection of the law; and every person has the right to freely choose an occupation, provided that such occupation is not inconsistent with Islamic principles or the public interests and does not violate other peoples' rights.

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## CHAPTER II. EMPLOYMENT CONTRACT

### Division I. Definition of employment contract and the basic conditions governing its conclusion

Sec. 7. The expression "employment contract" means a written or an oral agreement whereby a worker undertakes, in return for remuneration, to perform work for an employer for a definite or an indefinite period.

**Note 1.** The maximum duration of a definite period in respect of types of work which are not permanent by nature shall be determined by the Ministry of Labour and Social Affairs and approved by the Council of Ministers.

**Note 2.** Where no period is specified in a contract for work which is permanent by nature, the contract shall be deemed to be permanent.

Sec. 8. No stipulation in an employment contract shall be binding if it is less favourable to the worker than the provisions of this Code.

Sec. 9. The validity of an employment contract shall be subject to fulfilment of the following conditions at the time of its conclusion:

- (a) the subjectmatter of the contract must be lawful;
- (b) the subjectmatter of the contract must be specified clearly and accurately;

- (c) the parties should not be barred because of religion or law from taking possession of property or from performing work as specified in the contract.

**Note.** All employment contracts are considered to be genuine unless their invalidity is proved by the appropriate authorities.

Sec. 10. In addition to the particulars in respect of both parties, an employment contract shall specify the following information:

- (a) the type of work or occupation in which the worker will be engaged or the duties that he must discharge;
- (b) the basic salary or wage and any supplements thereto;
- (c) working hours, holidays and leave;
- (d) the workplace;
- (e) the date of signing of the contract;
- (f) the duration of the contract, if it is for a fixed term;
- (g) any other matters required by custom and common practice in relation to the job and the locality concerned.

**Note.** When an employment contract is concluded in writing, it shall be drawn up in four copies, the first copy being deposited with the Labour Office, the second retained by the worker, the third by the employer, and the fourth by the Islamic Labour Council. In workplaces without an Islamic Council, the fourth copy shall be given to the worker's representative.

Sec. 11. The parties may agree on a probationary period by mutual consent. During this period, either party shall be entitled to terminate the employment relationship without prior notice and without being obliged to pay compensation. Should the employment relationship be terminated by the employer, the latter shall be required to pay remuneration for the whole probationary period; if the employment relationship is terminated by the worker, the latter shall be entitled only to remuneration for the period during which work was performed.

**Note.** The probationary period shall be specified in the employment contract. The maximum duration of probation shall be one month for unskilled and semiskilled workers and three months for skilled and specialised workers.

Sec. 12. Any legal change in the ownership of a workplace, such as a sale or transfer of any kind, a change of production, a merger with another establishment, nationalisation, death of the owner and the like, shall not affect the contractual relationships of workers whose contracts have been finalised, and the new employer shall be substituted for the former employer in respect of the obligations and rights of the latter.

Sec. 13. In contracts concluded for piecework there shall be included an undertaking on the part of the contractor to apply all the provisions of this Act with regard to his personnel.

**Note 1.** Any amount due to a worker shall be considered a privileged debt, and the employer shall be required to settle any contractor's debts to workers, in accordance with the decision of the judicial authorities, out of the sums due to the contractor, including any sums deposited as a guarantee for the performance of the work.

**Note 2.** Where the employer concludes a contract in breach of the above provision or where he settles accounts before the expiry of 45 days from the date of provisional delivery, he shall be obliged to settle any debts owed by the contractor to the workers.

## **Division II. Suspension of employment contract**

Sec. 14. Where, in the circumstances specified in the following sections, one of the parties temporarily ceases to fulfil his obligations, the employment contract shall be suspended and resumed after the said circumstances cease to exist, taking into account the workers' service record (for the purposes of retirement and wage increments).

**Note.** A worker's period of military service (including emergency or reserve duty) or voluntary participation in war shall be considered as part of his service record.

Sec. 15. Where an entire workplace or part thereof must cease operating because of **force majeure** or the occurrence of an unforeseeable event beyond the control of either party, and it becomes temporarily impossible for workers and their employer to fulfil their obligations, the employment contracts of the workers concerned shall be suspended. Determination of such cases shall be at the discretion of the Ministry of Labour and Social Affairs.

Sec. 16. The employment contract of a worker who, in accordance with the provisions of this Act, qualifies for study leave or any other form of unpaid leave, shall be suspended during such leave for a period of up to two years.

**Note.** Study leave can be extended for a further period of two years.

Sec. 17. Where a worker is arrested and held in detention but not convicted, his employment contract shall be suspended for the duration of his detention. The worker shall resume his duties upon release.

Sec. 18. Where a worker is arrested as a result of a complaint lodged by his employer, but not found guilty by the authorities appropriate for resolving the dispute, any period of detention shall be considered part of the worker's service record, and the employer shall pay him his wage and fringe benefits for the period of detention in addition to any amount due to the worker pursuant to a judicial decision to compensate for the loss and prejudice sustained.

**Note.** As long as the worker's case is pending and the appropriate authorities have made no decision in his regard, the employer shall be obliged to pay on account at least 50 per cent of the worker's monthly wage to his family in order to meet its needs.

Sec. 19. During a worker's period of military service, his contract of employment shall be deemed suspended, provided that he shall return to his previous job no later than two months after the termination of his military service, and that he shall be engaged in a similar job if his previous post has been cancelled.

Sec. 20. Where, in the cases provided for in sections 15, 16, 17 and 19, the employer refuses to reinstate the worker after the period of suspension, such refusal shall constitute unlawful dismissal (in the absence of a valid reason), and the worker shall be entitled to apply to the Board of Inquiry within 30 days. Where the employer is unable to prove that his refusal to reinstate the worker is based on just grounds, he shall, at the discretion of the said Board, be obliged to reinstate the worker in his job and to pay him his wages from the date on which he reported to the workplace. Where the employer can establish just grounds, he shall be required to pay the worker an amount equal to 45 days' wages, at his most recent rate of pay, for each year of service completed by the worker.

**Note.** Where, within 30 days at the most of the termination of suspension, a worker fails, without a valid reason, to report to his employer for work, or after having referred to his employer and been denied reinstatement, he fails to apply to the Board of Inquiry, he shall be deemed to have resigned from his position, in which case the said worker shall be entitled to a lengthofservice allowance equivalent to his last monthly wage for each year of service completed.

### **Division III. Termination of employment contract**

Sec. 21. An employment contract shall be terminated by any one of the following events:

- (a) the worker's death;
- (b) the worker's retirement;
- (c) the worker's total disability;
- (d) the expiry of the period specified in an employment contract concluded for a fixed term and its nonrenewal, either explicit or implicit;
- (e) the completion of work under a contract concluded for a specified assignment;
- (f) the worker's resignation.

**Note.** Any worker who resigns shall be required to provide his employer with written notice of his registration, and to continue to work for one month. If he informs his employer in writing that he has changed his mind in this regard within 15 days, his resignation shall be deemed null and void. A worker shall submit a copy of his notice of resignation or withdrawal thereof to the Islamic Council of the workplace, to the Guild Society or to the workers' representative.

Sec. 22. On termination of employment, all amounts due to a worker under his employment contract for the given employment period, shall be paid to the worker or, in the event of his death, to his heirs at law.

**Note.** Pending the designation of heirs at law, the completion of administrative procedures and payment of pension by the Social Security Organisation, the latter shall arrange for the wages of the deceased to be paid on account, on the basis of his last wages, to his dependants for a period of three months.

Sec. 23. With regard to the payment of wages or of pensions arising from death, sickness, retirement, unemployment, layoff, total or partial disability, or protective regulations and conditions pertaining thereto, workers shall be subject to the Social Security Act.

Sec. 24. In the event of the termination of an employment contract concluded for piecework or for a fixed term, the employer shall pay to each worker employed under such a contract for one year or more, whether continuously or not, an amount equal to his last monthly wage for each year of service as a length of service allowance.

Sec. 25. Where an employment contract is concluded for a fixed term or for piecework, neither party may unilaterally terminate the contract.

**Note.** The settlement of disputes arising from this type of contract shall be within the jurisdiction of the Board of Inquiry and the Disputes Board.

Sec. 26. Any important changes in working conditions that are contrary to the customs and common practice of the workshop or the workplace shall enter into effect only after written notification of approval by the Labour and Social Affairs Office. In the event of a dispute, the decision of the Disputes Board shall be final and binding.

Sec. 27. Where a worker is negligent in discharging his duties or if, after written warnings, he continues to violate the disciplinary rules of the workplace, the employer shall, provided that the Islamic Labour Council is in agreement, be entitled to pay to the worker a sum equal to his last monthly wage for each year of service as a length of service allowance, in addition to any deferred entitlements, and to terminate his employment contract.

In units in which there is no Islamic Labour Council, the employer shall secure the agreement of the Guild Society. In any of the above cases, if the dispute is not settled by agreement, it shall be referred to the Board of Inquiry and, failing settlement by the said Board, the matter shall be investigated and settled by the Disputes Board.

During the period of investigation by the abovementioned dispute settlement authorities, the employment contract shall be suspended.

**Note 1.** In units not covered by the Islamic Labour Council Act, or where no Islamic Labour Council or Guild Society has been set up or where there is no workers' representative, the termination of an employment contract shall be subject to the agreement of the Board of Inquiry (see section 158 below).

**Note 2.** Instances of negligence and default, as well as instructions and disciplinary rules to be observed by workers, shall be prescribed in regulations proposed by the Supreme Labour Council and approved by the Minister of Labour and Social Affairs.<sup>1</sup>

Sec. 28. The legal representatives of workers, the members of Islamic Labour Councils, and candidates fulfilling the necessary conditions in elections of worker representatives and of members of the Islamic

Labour Councils shall, prior to the notification of a final decision by the Board of Inquiry (see section 22 of the Islamic Labour Council Act) or a decision of the Disputes Board, continue their activities in the same units and shall work and discharge their duties like other workers.

**Note 1.** Upon receiving a petition regarding a dispute between the legal representatives of workers and employers, the Board of Inquiry and the Disputes Board shall immediately investigate the matter and state their opinion. In any event, the Disputes Board shall investigate the matter within one month of the filing of a petition.

**Note 2.** In workplaces where there is no Islamic Labour Council and in regions where no Board of Inquiry (see section 22 of the Islamic Labour Council Act) is formed or where the workplace in question is not subject to the Islamic Labour Council Act, the representatives of the workers and the Guild Society shall, prior to the final ruling by the Board of Inquiry (see the Islamic Labour Council Act) and the final decision of the Disputes Board, continue their activities in the same units and discharge their assigned duties and tasks.

#### **Division IV. Compensation for damages and payment of work termination benefits**

Sec. 29. If the Disputes Board determines that the employer caused the suspension of a contract by a worker, the worker shall be entitled to damages arising from such suspension, and the employer shall be required to reinstate the worker to his former position.

Sec. 30. Where the operations of a workplace are interrupted and the workers are laid off as a result of **force majeure** (earthquake, flood, and the like) or of an unforeseeable event (war and the like), the employer shall, on resumption of activities of the workplace, be obliged to reinstate the workers thus laid off in the same reconstituted units and in the positions created therein.

**Note.** With due regard to section 29 of the Constitution, the Government shall, by using public funds and resources derived from donations and contributions of the public, and by establishing an unemployment insurance fund, take action to secure the livelihood of workers laid off at the workplaces covered by section 4 of this Code, and to make arrangements for their reemployment, in compliance with section 43(2) of the Constitution.

Sec. 31. Where the termination of an employment contract is a result of the total disability or retirement of the worker concerned, the employer shall pay the worker an amount equivalent to 30 days' wages, at his most recent rate of pay, for each year of completed service. This amount shall be in addition to the worker's disability or retirement pension paid by the Social Security Organisation.

Sec. 32. Where the termination of an employment contract is the result of a workrelated impairment of the physical or mental capabilities of the worker concerned (to be assessed by the Medical Committee of the Regional Health Care Organisation on the recommendation of the Islamic Labour Council or the worker's legal representative), the employer shall pay the worker an amount equivalent to two months' wages, at his most recent rate of pay, for each year of service completed.

Sec. 33. Cases of total or partial disability or disease, arising from work or otherwise, and the extent of the employer's failure to fulfil his statutory duties shall be determined on the basis of criteria and standards approved by the Council of Ministers, on the recommendation of the Minister of Labour and Social Affairs.

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## **CHAPTER III. WORKING CONDITIONS**

### **Division I. Remuneration**

Sec. 34. All lawful income received by a worker pursuant to his employment contract, including wages, salary, family benefits, housing allowance, foodstuffs, free transportation and other benefits in kind, productionincrease bonuses, shares of annual profits and the like, shall be considered remuneration.

Sec. 35. The term "wage" includes all cash payments in kind or nonpecuniary allowances, or combination thereof, that are paid to a worker in return for the performance of work.

**Note 1.** Where a wage is based on hours of work, it is called an hourly wage; where it is based on the amount of the work done or volume produced, it is called a piecework wage; and where it is based on the volume produced or the amount of work done during a specified period of time, it is called an hourly piecework wage.

**Note 2.** The standards and benefits relating to hourly wage, hourly piecework wage and piecework wage shall be determined by recommendation of the Supreme Labour Council and approved by the Minister of Labour and Social Affairs. Maximum working time shall not exceed the statutory maximum hours of work.

Sec. 36. The fixed wage consists of the sum of the wage for a job and of the fixed benefits paid for that job.

**Note 1.** In workplaces which do not apply a job classification and assessment scheme, fixed allowances paid for a job are benefits that are paid because of the nature of work or work environment, or as a wage adjustment during ordinary working time, such as supplements for arduous work, benefits for supervision, job allowance, etc.

**Note 2.** In workplaces where a job classification scheme is applied, the wage for a given category and step shall constitute the basic wage.

**Note 3.** Social benefits and incentives, such as housing allowances, benefits in kind, family allowances, production increase bonuses and shares of annual profits are not considered part of the fixed wage and basic wage.

Sec. 37. Wages shall be paid at regular intervals, during working hours and in the currency of the country or, by mutual consent, by cheque payable at a bank, with due regard to the following conditions:

- (a) where wages are paid on a daily or hourly basis, by contract, custom or workplace practice, each payment shall be calculated and effected at the end of the day, week or fortnight according to the number of hours or days worked;
- (b) where wages are paid monthly by contract, custom, or workplace practice, payment shall take place at the end of each month. In this case the wage shall be called a salary.

**Note.** In months of 31 days, salary and allowances shall be calculated and paid to the worker on the basis of 31 days.

Sec. 38. Equal wages shall be paid to men and women performing work of equal value in a workplace under the same conditions. Any discrimination in wage determination on the basis of age, gender, race, ethnic origin and political and religious convictions shall be prohibited.

Sec. 39. The wages and benefits of workers engaged on a parttime basis or working less than the statutory hours of work shall be calculated and paid in proportion to hours of work performed.

Sec. 40. Where part of the wage is paid in kind by mutual consent, the equivalent in cash of such payments shall be equitable and reasonable.

Sec. 41. The Supreme Labour Council shall be responsible every year for fixing minimum wages for the various regions of the country according to the sectors of industry, with regard to the following criteria:

- (1) The minimum wage of workers shall be fixed taking account of the rate of inflation announced by the Central Bank of the Islamic Republic of Iran;
- (2) Regardless of the physical and intellectual abilities of workers and the characteristics of the work assigned, the minimum wage shall be sufficient to meet the living expenses of a family, whose average number of members shall be specified by the appropriate authorities.

**Note.** No employer shall pay any worker a wage which is less than the fixed minimum wage for work performed during statutory hours of work. In the event of a violation of this rule, the employer must pay the difference between the wage paid and the most recent minimum wage.

Sec. 42. The minimum wage referred to in section 41 of this Code shall be paid exclusively in cash. Such payments in kind as may be provided for in employment contracts shall be in addition to the minimum wage.

Sec. 43. Piecework wage workers shall be entitled to receive wages for Fridays, official holidays and leave, calculated on the basis of the piecework wage they earned for their working days during their last month of work. In any event, the amount paid shall not be less than the statutory minimum wage.

Sec. 44. Where a worker owes money to his employer, only the amount in excess of the minimum wage may, by judicial decision, be withheld to cover his debt. In any event, such an amount shall not exceed onequarter of a worker's total wage.

**Note.** Maintenance payments to a worker's dependants are excluded from the application of the above section and are subject to the provisions of the Civil Code.

Sec. 45. An employer may withhold part of a worker's wage only in the following cases:

- (a) where expressly permitted by law;
- (b) where the employer has paid the worker a sum of money as an advance;
- (c) as an instalment in repayment of a loan by the employer to the worker, according to the applicable criteria;
- (d) in the event of previous overpayment as the result of miscalculation;
- (e) to cover the rent of organisational or communal housing in an amount fixed by mutual consent, if such housing is rented;
- (f) to settle amounts due by the worker to the consumer cooperative society of the workplace for purchasing household necessities.

**Note.** In paying back a loan under paragraph (c) above, the amount of instalments shall be fixed by mutual consent.

Sec. 46. Any worker who, by contract or subsequent agreement, is assigned to a post away from the workplace shall be entitled to an assignment allowance. This allowance shall not be less than the fixed wage or basic wage of the worker. Furthermore, the employer shall be required to provide transport or to cover travel costs.

**Note.** The above arrangement shall apply where the worker must travel 50 kilometres or more from his principal workplace in order to discharge his duties, or where he must spend at least one night at the place of assignment.

Sec. 47. In order to provide an incentive to increase production, improve quality, stimulate interest, and raise the workers' income level, the parties to a contract shall enter into an agreement on the payment of a production increase bonus in accordance with rules to be established by the Minister of Labour and Social Affairs.

Sec. 48. In order to prevent exploitation of a person's labour, the Ministry of Labour and Social Affairs shall draw up and implement a job classification and assessment scheme based on the occupational standards and common practice of the country.

Sec. 49. In order to establish an appropriate relationship between each workplace and the labour market with respect to wages, and to clarify the description of duties and responsibilities of the various occupations at each workplace, employers subject to this Code shall draw up a job classification scheme in cooperation with the job classification committee of the workplace or other appropriate bodies, and shall apply such scheme, subject to the approval of the Ministry of Labour and Social Affairs.



**Note 1.** With regard to workplaces covered by this section, the Ministry of Labour and Social Affairs shall draw up and publish instructions and regulations for implementation regarding job classification schemes applicable to workers and the date of entry into effect of such schemes.

**Note 2.** The authority and qualifications of individuals and bodies involved in the drawing up of the job classification scheme shall be determined by the Ministry of Labour and Social Affairs.

**Note 3.** Disputes arising from the implementation of a job classification scheme may be referred to the Disputes Board, subject to the agreement of the Ministry of Labour and Social Affairs.

Sec. 50. Where an employer subject to this Code fails to draw up a classification of jobs in his workplace within the period prescribed by the Ministry of Labour and Social Affairs, the said Ministry shall entrust this task to a technical consulting bureau for job classification or to a qualified person (as provided for in section 49, Note 2).

**Note.** In addition to the expenses for drawing up the classification, the employer shall pay a fine equivalent to 50 per cent of the consultancy fee, to be deposited in the public income account of the public treasury. Effective on such date as may be specified by the Ministry of Labour and Social Affairs, the employer concerned shall pay the wage difference resulting from the implementation of the job classification scheme.

## **Division II. Hours of work**

Sec. 51. For the purposes of this Code, hours of work means the period during which a worker is at the disposal of his employer for the purpose of performing work, save as otherwise specified in this Code. A worker's hours of work shall not exceed eight hours per day.

**Note 1.** Subject to the agreement of the workers concerned or of their legal representatives, an employer may reduce hours of work on some days of the week and increase them on other days of the week, provided that they do not exceed 44 hours in any week.

**Note 2.** For the purposes of agricultural work, an employer may, subject to the agreement of the workers concerned or of their legal representatives, arrange daily hours of work according to the nature of the work, common practice, and the seasons.

Sec. 52. With regard to arduous, unhealthy and underground work, hours of work shall not exceed six hours per day or 36 hours per week.

**Note.** The various types of arduous, unhealthy and underground work shall be specified in regulations drawn up by the Supreme Council for Occupational Safety and Health and the Supreme Labour Council, and approved by the Minister of Labour and Social Affairs and the Minister of Health, Therapeutic Care and Medical Training.

Sec. 53. Day work means work performed between 6 a.m. and 10 p.m. Night work means work performed between 10 p.m. and 6 a.m. Mixed work means work performed partly during the day and partly during the night. A worker performing mixed work shall be entitled, in respect of hours of night work, to the supplement provided for in section 58.

Sec. 54. Split work means work which is not generally performed during a continuous period, but during certain hours of the day or night.

**Note.** The intervals between hours of split work are at the disposal of the worker, and his presence at the workplace during such intervals is not compulsory. In respect of split work, the total hours of work, intervals, and overtime shall not exceed 15 hours per day from the beginning of work until the end of work. The beginning and end of the workday and the intervals shall be determined by agreement, with due regard to the type of work and the custom and common practice of the workplace.

Sec. 55. Shift work means work performed on the basis of a rota, in such a way that shifts may begin in the morning, in the evening, or at night.

Sec. 56. A worker performing shift work during a given month shall, in addition to his wage, receive a shiftwork allowance equivalent to 10, 15 or 22.5 per cent of his wage respectively, for work on the morning and evening shifts; the morning, evening and night shifts; or the morning and night shifts or the evening and night shifts.

Sec. 57. Hours of shift work may exceed eight hours per day or 44 hours per week, provided that the total hours of work during four consecutive weeks shall not exceed 176.

Sec. 58. Nonshift workers shall be paid a 35percent wage supplement for every hour of night work performed.

Sec. 59. In ordinary circumstances, a worker may be required to work overtime on condition that:

- (a)the worker consents;
- (b)the worker is paid a 40 per cent supplement to the standard hourly wage.

**Note.** A worker's overtime shall not exceed four hours per day (save in exceptional cases and subject to agreement).

Sec. 60. Overtime in excess of four hours per day shall be permissible, at the discretion of the employer and subject to a maximum of eight hours per day (save in exceptional cases and by mutual consent), provided that the supplement prescribed in section 59(b), is paid and that such overtime is required for a limited period only:

- (a)to prevent a foreseeable event or to repair damages resulting from such event;
- (b)to resume the activities of the workplace following their interruption because of the occurrence of a natural disaster, such as an earthquake, a flood or other unforeseeable events.

**Note 1.** Where overtime is performed in such circumstances, the employer shall notify the district Labour and Social Affairs Officer within 48 hours in order to establish the need for such overtime and its duration.

**Note 2.** Where the district Labour and Social Affairs Officer does not confirm that such overtime is needed, the employer shall pay compensation to the workers.

Sec. 61. It shall be prohibited to assign overtime work to workers performing night work or dangerous, arduous and harmful types of work.

### **Division III. Holidays and leave**

Sec. 62. Friday shall be the workers' day of weekly rest with pay.

**Note 1.** In public services, such as water, electricity and transport, and in workplaces in which because of the nature and exigencies of work or by mutual consent, another day is fixed as the day of weekly rest, such other day as may be determined shall be taken as the day of weekly rest. In any event, one definite day of weekly rest shall be compulsory.

Workers who would not usually work on such other day shall receive a 40 per cent wage supplement for not taking Friday as their day of weekly rest.

**Note 2.** Where a worker works less than six days per week, his wage for the day of weekly rest shall be onesixth of his total wage or salary for the working week.

**Note 3.** In workplaces operating on the statutory basis of a fiveday week and 44 hours of work with two days of weekly rest, a worker's wage for either day of weekly rest shall be equal to his daily wage.

Sec. 63. In addition to the official holidays observed in the Islamic Republic of Iran, Labour Day (1st May) shall be considered an official holiday for workers.

Sec. 64. A worker's annual paid leave entitlement shall be a total of one month, including four Fridays. Other holidays shall not be considered part of such leave. Where work is performed for a period of less than one year, leave shall be calculated in proportion to actual length of service.

Sec. 65. Workers performing arduous or harmful work shall be entitled to five weeks of annual leave. Such leave shall be taken, if possible, in two portions, during each consecutive sixmonth period.

Sec. 66. A worker shall not carry over more than nine days of his annual leave.

Sec. 67. Every worker shall be entitled to take one full month of his paid leave or one month of unpaid leave once during his working life in order to perform the pilgrimage to Mecca.

Sec. 68. The leave entitlement of seasonal workers shall be determined on the basis of the number of months worked.

Sec. 69. The date on which leave is taken shall be fixed by agreement between each worker and his employer. In the event of disagreement between a worker and his employer, the matter shall be referred to the Office of Labour and Social Affairs for final decision.

**Note.** With regard to continuous chaintype work and any work requiring the presence of a minimum number of workers on working days, the employer shall, in the last quarter of each year, draw up a timetable for the taking of leave by workers in the following year and shall notify them of the timetable after confirmation by the Islamic Labour Council or the Guild Society or the workers' representatives.

Sec. 70. Leave for less than one working day shall be considered part of entitled leave.

Sec. 71. In the event of the cancellation or termination of a worker's employment contract or the retirement or total disability of a worker or the cessation of the operations of the workplace, the worker's leave entitlement shall be paid to him or in the event of his death, to his heirs.

Sec. 72. The procedure for taking unpaid leave, the duration of such leave, and the conditions for returning to work after taking such leave shall be determined by written agreement between the workers or their legal representatives and the employer.

Sec. 73. Each worker shall be entitled to three days of paid leave in the event of:

- (a)his marriage;
- (b)the death of his spouse, father, mother, or one of his children.

Sec. 74. Subject to confirmation by the Social Security Organisation, any period of sick leave shall be considered part of the effective and pensionable service of the worker concerned.

#### **Division IV. Working conditions of women**

Sec. 75. Women shall not be employed to perform dangerous, arduous or harmful work or to carry, manually and without mechanical means, loads heavier than the authorised maximum. Instructions regarding types of such prohibited work and degrees of prohibition shall be approved by the Minister of Labour and Social Affairs on recommendation by the Supreme Labour Council.<sup>2</sup>

Sec. 76. Women workers shall be entitled to 90 days of maternity leave of which 45 days shall, if possible, be taken after delivery. The said maternity leave entitlement shall be extended by 14 days for women giving birth to twins.

**Note 1.** On termination of maternity leave, a woman worker shall return to her former work, the duration of such leave being considered part of her effective service, subject to confirmation by the

Social Security Organisation.

**Note 2.** During maternity leave, wages shall be paid in accordance with the provisions of the Social Security Organisations Act.

Sec. 77. Where, on the advice of a physician of the Social Security Organisation, a type of work is deemed dangerous or arduous for a pregnant worker, the employer shall, without reducing her remuneration, provide her with more suitable and easier work until the end of her pregnancy.

Sec. 78. In workplaces employing women workers, nursing mothers shall be granted a halfhour break every three hours to enable them to nurse their children until they reach two years of age; such breaks shall be regarded as part of the hours of work. Furthermore, the employer shall set up children's care centres (such as day nurseries, kindergartens, and the like) according to the number of children, with due regard to their age.

**Note:** Implementing rules and standards for the establishment and management of day nurseries and kindergartens shall be drawn up by the State Welfare Organisation and put into effect after approval by the Minister of Labour and Social Affairs.

### **Division V. Working conditions of young persons**

Sec. 79. It shall be prohibited to employ any person under 15 years of age.

Sec. 80. A worker between 15 and 18 years of age, hereinafter referred to as a "young worker", shall undergo a medical examination by the Social Security Organisation prior to commencing employment.

Sec. 81. The medical examination of a young worker shall be repeated at least once a year, and the relevant documents shall be recorded in his service file. The physician shall express an opinion on the suitability of the type of work performed by a young worker according to his abilities. Should he consider the work to be unsuitable, the employer shall, to the greatest possible extent, reassign the worker to another position.

Sec. 82. Daily working time for young workers shall be one halfanhour shorter than ordinary hours of work. Arrangements for this purpose shall be made by agreement between the worker and the employer.

Sec. 83. It shall be prohibited to assign overtime work, shift work, or arduous, harmful or dangerous work to young workers or to require them to carry loads heavier than the authorised maximum weight without using mechanical means.<sup>3</sup>

Sec. 84. In occupations and jobs which, on account of their nature or of the conditions in which they are performed, may be prejudicial to the health or morals of trainees or young workers, the minimum working age shall be 18 years. Such cases shall be determined at the discretion of the Ministry of Labour and Social Affairs.

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## **CHAPTER IV. OCCUPATIONAL SAFETY AND HEALTH**

### **Division I. General**

Sec. 85. In order to protect the human and material resources of the Islamic Republic of Iran, all workplaces, employers, workers, and trainees shall observe such instructions as may be drawn up by the High Council for Occupational Safety (with regard to occupational safety) and by the Ministry of Health, Therapeutic Care and Medical Training (with regard to the prevention of occupational diseases and the maintenance of occupational health and workers' health and the work environment).

**Note.** Family workshops are also subject to the provisions of this Chapter and shall observe the principles of occupational safety and health.

Sec. 86. The High Council for Occupational Safety shall be responsible for drawing up regulations and standards governing occupational safety and shall be composed of the following members:

- (1) The Minister of Labour and Social Affairs or his deputy, as Chairman of the Council;
- (2) The UnderSecretary of the Ministry of Industry;
- (3) The UnderSecretary of the Ministry of Heavy Industry;
- (4) The UnderSecretary of the Ministry of Agriculture;
- (5) The UnderSecretary of the Ministry of Oil;
- (6) The UnderSecretary of the Ministry of Mines and Metal Resources;
- (7) The UnderSecretary of the Ministry of Reconstruction "Jihed";
- (8) The President of the Organisation for Environmental Protection;
- (9) Two university professors experienced in technical fields;
- (10) Two industry managers;
- (11) Two workers' representatives;
- (12) The DirectorGeneral of the Labour Inspection Department of the Ministry of Labour and Social Affairs, as Secretary of the Council.

**Note 1.** The proposals of the Council shall be submitted for approval to the Minister of Labour and Social Affairs, and the Council may, if necessary, set up specialised committees of experts for the drawing up of regulations on occupational safety and for the purposes of the other functions of the Council.

**Note 2.** The standing orders of the High Council for Occupational Safety shall be approved by the Minister of Labour and Social Affairs on recommendation by the Council.

**Note 3.** The university professors, the workers' representatives, and industry managers shall be selected according to instructions and rules drawn up by the High Council for Occupational Safety and approved by the Minister of Labour and Social Affairs.

Sec. 87. Any legal or natural person wishing to set up a new workplace or to expand an existing one shall first submit a programme of work, building plans, and project proposals for approval to the Ministry of Labour and Social Affairs, to ensure that occupational safety and health requirements are met. The Ministry shall express its opinion thereon within one month. The operation of any such workplace shall be subject to observance of the relevant safety and health provisions.

Sec. 88. Legal or natural persons who manufacture, import, and supply machinery shall observe relevant safety and health regulations.

Sec. 89. Before installing and operating any machinery, equipment, or tools which are required to be tested under the regulations adopted by the High Council for Occupational Safety, employers shall arrange for the necessary tests to be carried out at the laboratories and the centres approved by the High Council for Occupational Safety, and shall obtain the appropriate certification and send a copy thereof to the Ministry of Labour and Social Affairs for information.

Sec. 90. Any legal or natural person wishing to import or manufacture protective equipment shall, prior to doing so, send the specifications of such equipment together with samples to the Ministry of Labour and Social Affairs and to the Ministry of Health, Therapeutic Care and Medical Training for approval.

Sec. 91. The employers and responsible officials of all workplaces covered by section 85 of this Code shall, in accordance with the decisions made by the High Council for Occupational Safety, obtain such facilities and equipment that may be required for the occupational safety and health of workers in their workplaces and put the same at their disposal, and shall instruct them in the use and operation of such equipment, and shall oversee the observance of safety and health regulations by the workers. The workers shall be required to use and maintain their individual protective equipment and to observe the relevant instructions at the workplace.

Sec. 92. All workplaces covered by section 85 of this Code whose personnel are, because of the nature of their work, exposed to occupational diseases shall keep medical records on all the workers concerned and

require them to undergo the necessary tests and examinations at the health and therapeutic centres at least once a year, and shall record the results of such tests and examinations in the appropriate files.

**Note 1.** Where the Medical Council finds that a person examined suffers from or is exposed to an occupational disease, the employer and responsible managers shall be required to transfer him to another suitable post without reducing his wage, in accordance with the advice of the said Medical Council.

**Note 2.** Where such cases are diagnosed, the Ministry of Labour and Social Affairs shall be requested to inspect the workplace and reconfirm the technical, health and safety conditions therein.

Sec. 93. In order to supervise the proper implementation of safety and health regulations at the workplace, to promote workers' participation in this regard and to prevent accidents and diseases, an Occupational Safety and Health Committee shall be set up in such workplaces as may be designated by the Ministry of Labour and Social Affairs and by the Ministry of Health, Therapeutic Care and Medical Training.

**Note 1.** The said Committee shall be composed of experts in the field of occupational safety and health or technical fields. Two qualified members of the Committee shall be appointed and entrusted with the duty of establishing contact between the Committee and the employer and with the Ministries. Their appointment shall be confirmed by the Ministry of Labour and Social Affairs and by the Ministry of Health, Therapeutic Care and Medical Training.

**Note 2.** The procedure for establishing the said Committee and its composition shall be prescribed in instructions and regulations to be drawn up and published by the Ministry of Labour and Social Affairs and the Ministry of Health, Therapeutic Care and Medical Training.

Sec. 94. Where one or more workers or employees of a workplace covered by section 85 of this Code foresee the occurrence of an industrial accident or occupational disease in their workplace or unit, they shall bring the matter to the attention of the Occupational Safety and Health Committee or to the person responsible for the Occupational Safety and Health Office. Their report shall be recorded in a book kept for this purpose by the body or person thus informed.

**Note.** Where the employer or the responsible official of the workplace concerned questions the likelihood of the occurrence of the industrial accident or occupational disease thus foreseen, he shall report the matter, together with his reasons, to the nearest Labour and Social Affairs Office as soon as possible, whereupon the said Office shall appoint labour inspectors to investigate the matter and to take the appropriate action as soon as possible.

Sec. 95. The employer or person in charge of a workplace covered by section 85 shall be responsible for the implementation of occupational safety and health regulations and standards. Where any accident occurs as a result of noncompliance with the said regulations by the employer or the responsible manager of a workplace, the employer or other responsible official shall bear criminal responsibility and be subject to the penalties prescribed in this Code.

**Note 1.** An employer or responsible official referred to under section 85 of this Code shall record all industrial accidents in a special book, the form of which shall be prescribed by the Ministry of Labour and Social Affairs, and shall make a written report thereon to the local Labour and Social Affairs Office as soon as possible.

**Note 2.** Where an employer or responsible official referred to under section 85 of this Code provides the necessary protective equipment to a worker for the purposes of occupational health and safety, but such worker, in disregard of applicable instructions and regulations, fails to use the said equipment in spite of his training and advance warnings, the employer shall not be responsible. In the event of a dispute, the decision of the Disputes Board shall be final.

## **Division II. Labour inspection**

Sec. 96. For the purposes of the application of this Code and relevant occupational safety standards, a Labour Inspection Department has been established under the Ministry of Labour and Social Affairs with the following functions:

- (a) to supervise the implementation of regulations governing working conditions, particularly protective regulations for arduous, harmful and dangerous work, working time, wages, workers' welfare, and the employment of women and young workers;
- (b) to supervise the implementation of labour law provisions, as well as bylaws, instructions, and directions related to occupational health and safety;
- (c) to provide training and guidance in matters connected with occupational safety to workers, employers, and all persons exposed to the risk of industrial accidents and injuries;
- (d) to carry out inspection and research on matters relating to the implementation of occupational safety and protection regulations, and to make proposals to rectify and improve standards and instructions related to such matters in the light of technological developments and innovations;
- (e) to investigate industrial accidents at workplaces covered by this Code and to conduct general and statistical examinations in order to prevent such accidents.

**Note 1.** The Ministry of Health, Therapeutic Care and Medical Training shall be responsible for planning, control, evaluation and inspection in the field of occupational health and occupational medicine and shall take such action as may be necessary in this regard.

**Note 2.** Inspection shall be carried out on a continuous and regular basis, and warnings shall be given in respect of problems, defects and shortcomings, and, where circumstances so require, the appropriate authority shall be requested to take legal action against violators and offenders.

Sec. 97. Employment in the capacity of labour inspector shall be subject to successful completion of theoretical and practical training courses at the commencement of employment.

**Note.** The regulations governing the conditions of employment of labour inspectors and occupational health experts shall be approved by the Council of Ministers on joint recommendation by the Ministry of Labour and Social Affairs, the Ministry of Health, Therapeutic Care and Medical Training, and the State Organisation for Administrative and Employment Affairs. The said conditions of employment shall be designed to ensure the employment stability and independence of inspectors, and to protect them against all forms of violation and harm.

Sec. 98. Labour inspectors and health experts shall in the performance of their duties be entitled to enter and inspect any premises referred to under section 85 of this Code without prior notice, at any time of the day or night; furthermore they shall have access to the relevant books and documents of the establishment and shall, if necessary, take photocopies of such documents in full or in part.

**Note.** A labour inspector may enter a family enterprise only if he has written permission issued by the local office of the public prosecutor.

Sec. 99. In order to obtain information on the composition of substances with which workers are in contact or which they use in performing their work, labour inspectors and occupational health experts may, against a receipt, take samples of such substances in such quantity as may be necessary for a test, and shall submit the said substances to their immediate superiors.

**Note.** Other provisions concerning labour inspection procedures shall be made in regulations approved by the Minister of Labour and Social Affairs and the Minister of Health, Therapeutic Care and Medical Training, as the case may be, at the suggestion of the High Council for Occupational Safety and Health.

Sec. 100. All labour inspectors and occupational health experts shall hold a special card which, as the case may be, shall bear either the signature of the Minister of Labour and Social Affairs or that of the Minister of Health, Therapeutic Care and Medical Training. During inspection, they shall carry such cards and produce them at the request of the appropriate authorities or of the person in charge of the workplace.

Sec. 101. The reports of labour inspectors and occupational health experts shall, insofar as they relate to matters within the scope of their powers, have the same validity as the reports of officers of the courts.

**Note 1.** Labour inspectors and occupational health experts may participate in the meetings of the disputesettlement authorities as experts and qualified persons.

**Note 2.** Labour inspectors and occupational health experts shall not participate in decisionmaking by the disputesettlement authorities in the cases on which they, as inspectors, have already expressed their opinions.

Sec. 102. Labour inspectors and occupational health experts shall not inspect in any workplace in which one of their blood relatives up to the third degree or one of their relatives by marriage in the first degree has a direct interest.

Sec. 103. Labour inspectors and occupational health experts shall not, under any circumstances, divulge, even after leaving the government service, any secrets or information which have come to their knowledge by virtue of their office, nor shall they disclose the names of persons who have reported violations to them.

**Note.** Any person who violates the provisions of this section shall be subject to the prescribed statutory penalties.

Sec. 104. Any employer or other person who prevents a labour inspector or occupational health expert from entering a workplace subject to this Code, or who hinders the fulfilment of their duties, or who withholds from them such information or documents as they request, shall be subject to the penalties prescribed in this Code.

Sec. 105. Where, in the course of inspection, a labour inspector or an occupational health expert determines that an accident is likely to occur, the labour inspector or occupational health expert shall inform the employer or his representative and his own immediate superiors immediately and in writing.

**Note 1.** On the basis of a report by a labour inspector or occupational health expert, the Ministry of Labour and Social Affairs and the Ministry of Health, Therapeutic Care and Medical Training may request the local office of the public prosecutor or, as the case may be, the general court of the locality to issue immediately a warrant for the cessation of operations, closing and sealing of all or part of the workplace. The prosecutor shall issue such warrant immediately, and the said warrant shall be enforceable upon notification. An order for the end of suspension of activities shall be issued by the same authorities when the labour inspector or vocational health expert or the judicial experts concerned have determined that any defects or shortcomings have been remedied.

**Note 2.** During a suspension of activities on the above grounds, the employer shall continue to pay the wages of the workers concerned.

**Note 3.** Where a party detrimentally affected by the issue of a warrant under this section objects to the report of the labour inspector or occupational health expert or to the stoppage of the activities of the workplace, he may lodge a complaint and take action before the appropriate court. The court shall give priority to such cases and investigate them immediately. The court's decision shall be final and binding.

Sec. 106. The regulations and instructions referred to in this Chapter shall be drawn up jointly by the Ministry of Labour and Social Affairs and the Ministry of Health, Therapeutic Care and Medical Training, and approved by the Council of Ministers.

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## CHAPTER V. TRAINING AND EMPLOYMENT

### Division I. Trainees and training centres

#### 1. Training centres



Sec. 107. In furtherance of the objectives of the Constitution and for the purposes of employing jobseekers in a productive and continuous way and of improving the technical skills of workers, the Ministry of Labour and Social Affairs shall establish training facilities.

**Note.** The ministries and organisations concerned shall cooperate with the Ministry of Labour and Social Affairs as may be required.

Sec. 108. With due regard to the needs of the industries established throughout the country, the Ministry of Labour and Social Affairs shall set up and develop the following training centres, covering the various levels of skill:

- (a) centres for the basic training of unskilled workers and jobseekers;
- (b) training centres to improve skills and teach specialised subjects to semiskilled and skilled workers, jobseekers and vocational training instructors;
- (c) training centres for the instructors of training centres;
- (d) special training centres for the disabled, to be established in cooperation with the ministries and organisations concerned (such as the Ministry of Health, Therapeutic Care and Medical Training, the Martyrs' Foundation, the "Mostazafan and Janbezan" Foundation, etc.).

Sec. 109. The training centres referred to in section 108 of this Code shall enjoy financial and administrative independence and, with due regard to the Public Accounting Act, shall be administered under the supervision of the Ministry of Labour and Social Affairs.

Sec. 110. For the purpose of ensuring participation in such training by their skilled and semiskilled workers, industrial, productive and service enterprises shall cooperate as may be necessary with the Ministry of Labour and Social Affairs in establishing training centres within their workplaces and otherwise.

**Note 1.** The Ministry of Labour and Social Affairs shall set training standards and prepare the relevant documents for training centres to be established within workplaces and shall train and assign instructors for the said centres.

**Note 2.** Instructions and regulations on the establishment of workshops and other training centres shall, as may be necessary, be drawn up by the Minister of Labour and Social Affairs, and approved by the Council of Ministers.

Sec. 111. In addition to the establishment of training centres by the Ministry of Labour and Social Affairs, any legal or natural person may, subject to approval of the Ministry of Labour and Social Affairs, open private technical and vocational schools for the purposes of specific vocations and occupations.

**Note.** The regulations governing the technical qualifications of such training schools and the qualifications of their directors and instructors as well as procedures for their supervision by the Ministry of Labour and Social Affairs shall be drawn up by the Minister of Labour and Social Affairs, and approved by the Council of Ministers.

## 2. Trainees and training contracts

Sec. 112. For the purposes of this Code, the term "trainee" shall mean:

- (a) persons who follow a training course at a training centre or private school for a specified period of time to learn a specific trade or to improve their skills;
- (b) persons who, pursuant to a training contract and in order to learn a specific trade, are engaged in training while working in a specific workplace for a specified period not exceeding three years, provided they are not under 15 and not over 18 years of age.

**Note 1.** Trainees, as referred to in paragraph (a) above, shall include both workers who, pursuant to a written agreement with their employer, are sent to a training centre, and volunteers who are unemployed and who register with a training centre on their own initiative.

**Note 2.** Instructions and regulations on requirements during training periods with regard to admission, wages and the obligations of persons covered by paragraph (b) above shall be drawn up by the Supreme Labour Council and approved by the Minister of Labour and Social Affairs.

Sec. 113. Workers admitted for training at a training centre in accordance with Note 1 of section 112 shall enjoy the following rights:

- (a) during the training period, a worker's employment relationship shall continue, and such period shall count towards the worker's length of service in every respect;
- (b) a worker's wage during the training period shall not be less than the basic wage or the fixed wage;
- (c) any benefits in kind, grants and allowances that are paid to the worker in order to cover his living expenses and meet his family responsibilities shall continue to be paid during the training period.

Where, prior to the expiry of such period, the employer, without a valid reason, hinders the process of training and, by so doing, causes prejudice to the worker, the latter may have recourse to, and claim damages from, the disputesettlement authorities provided for in this Code.

Sec. 114. A worker admitted for training at a training centre in accordance with Note 1 of section 112 above:

- (a) shall continue his training until the end of the prescribed period, participate regularly in the training programmes, comply with the regulations of the training centre and successfully complete the training course;
- (b) after having completed the training course, shall work in the same workplace for a period at least twice as long as his training period.

**Note.** Where a trainee having completed his training course refuses to continue working in the workplace, his employer may, for the purpose of claiming damages under the training contract, have recourse to the disputesettlement authorities provided for in this Code.

Sec. 115. Trainees covered by section 112(b) shall be subject to the provisions on young workers in sections 79 to 84 of this Code, but their working time shall not exceed six hours per day.

Sec. 116. A training contract shall, in addition to the particulars of the parties thereto, specify the following:

- (a) undertakings of the parties;
- (b) the trainee's age;
- (c) the trainee's wage;
- (d) the place of training;
- (e) the trade or occupation which is to be taught in accordance with approved standards;
- (f) the conditions governing rescission of the contract (if necessary);
- (g) such other conditions as the parties may wish to provide for in the contract, subject to applicable statutory limitations.

Sec. 117. Inservice training shall be authorised for young workers up to the age of 18 years, provided that such training is neither beyond their capabilities nor damaging to their health or physical and intellectual development (see section 80 above).

Sec. 118. Training centres shall, in conformity with the training standards of the Ministry of Labour and Social Affairs, provide trainees with any equipment required for the purposes of their training and shall teach them the occupations or trades in question regularly and comprehensively. Furthermore, the said centres shall provide the necessary means to ensure the health and safety of trainees in the training environment.

## Division II. Employment

Sec. 119. The Ministry of Labour and Social Affairs shall establish employment service centres throughout the country. Such centres shall explore employment possibilities and draw up plans for creating employment. They shall also register the names of unemployed persons and introduce them for employment to training centres (where training is needed) or to production, industrial, agricultural and service establishments.

**Note 1.** Employment service centres in the provincial capitals shall establish an office called the Bureau of Planning and Protection of Employment for the Disabled. All establishments mentioned in this section shall cooperate with the said Bureaus.

**Note 2.** The Government shall assist the disabled by establishing cooperative societies (production, agriculture, industry and distribution), by granting longterm interestfree loans, by providing necessary training, by establishing facilities for the performance of work and by protecting their production and services. Furthermore, the Government shall remove architectural obstacles from all centres covered by this section and the relevant Notes, in which disabled persons are present.

**Note 3.** The Ministry of Labour and Social Affairs shall draw up the necessary regulations to provide any welfare facilities that may be needed by disabled persons employed in workplaces, in consultation with the Iranian Society for the Disabled and the State Welfare Organisation, and shall submit the said regulations to the Minister of Labour and Social Affairs for approval.

### **Division III. Employment of foreign citizens**

Sec. 120. Foreign citizens shall not be employed to work in Iran unless they have an entry visa specifically entitling them to work and have obtained a work permit in accordance with the relevant statutory regulations.

**Note.** The following foreign citizens are not subject to the provisions of section 120:

- o (a) Foreign citizens exclusively employed by diplomatic and consular missions, subject to confirmation by the Ministry of Foreign Affairs;
- o (b) The personnel and experts of the United Nations and its specialised agencies, subject to confirmation by the Ministry of Foreign Affairs;
- o (c) The correspondents of foreign news agencies and press, subject to reciprocity and confirmation by the Ministry of Culture and Islamic Guidance.

Sec. 121. The Ministry of Labour and Social Affairs shall issue a visa authorising the bearer to work, together with a work permit, provided that:

- (a) according to the information available to the Ministry of Labour and Social Affairs, there are no qualified Iranian citizens with similar specialisation who are ready to perform the work in question;
- (b) the foreign citizen possesses sufficient skills and specialisation for the job in question;
- (c) the expertise of the foreign citizen is used to train Iranians with a view to the eventual substitution of the foreign citizen by a trained Iranian.

**Note.** The Technical Board for Employment shall decide whether the conditions specified in this section are fulfilled. The rules governing the number of members of the Board, the conditions of their selection and the procedure for holding the sessions of the Board shall be drawn up by the Ministry of Labour and Social Affairs, and approved by the Council of Ministers.

Sec. 122. The Ministry of Labour and Social Affairs may extend or renew the work permit of:

- (a) a foreign citizen who has continuously resided in Iran for at least ten years;
- (b) a foreign citizen married to an Iranian;
- (c) immigrants from foreign countries, particularly Islamic countries, and political refugees, provided that they have a valid immigration or refugee card, and subject to the written agreement of the Ministry of the Interior and the Ministry of Foreign Affairs.

Sec. 123. The Ministry of Labour and Social Affairs may, if necessary and subject to reciprocity, exempt the citizens of certain countries and stateless persons (provided that their status is not optional and voluntary) from payment of the fee for a work permit or for the extension or renewal thereof, subject to confirmation by the Ministry of Foreign Affairs and approval by the Council of Ministers.

Sec. 124. In accordance with the provisions of this Code, a work permit shall be issued or extended or renewed for a maximum period of one year.

Sec. 125. Where, whatever the circumstances, an employment relationship between a foreign citizen and an employer is terminated, the employer shall notify the Ministry of Labour and Social Affairs thereof within 15 days. The foreign citizen shall surrender his work permit to the said Ministry against a receipt within 15 days. If necessary, the Ministry shall request the appropriate authorities to expel the foreign citizen from the country.

Sec. 126. Where it is considered necessary to recruit a foreign citizen urgently on an exceptional basis because of the needs of the industry of the country, the minister concerned shall notify the Ministry of Labour and Social Affairs accordingly and, subject to the latter's approval, a provisional work permit shall be issued to the foreign citizen concerned, without compliance with the formalities normally required for the issue of a visa entitling the bearer to work.

**Note.** A provisional work permit shall be valid for three months at the most, any extension thereof being subject to confirmation by the Technical Board for the Employment of Foreign Citizens.

Sec. 127. The conditions of employment of foreign technical experts and specialists needed by the Government shall be drawn up with due regard to their nationalities, length of service, level of remuneration and the availability of domestic manpower. The said conditions shall be subject to ratification by the Islamic Consultative Assembly, following consideration and advice by the Ministry of Labour and Social Affairs and the State Organisation for Administrative and Employment Affairs. In any event, a work permit for the employment of a foreign expert shall be issued by the Ministry of Labour and Social Affairs only with the approval of the Islamic Consultative Assembly.

Sec. 128. Prior to signing any contract likely to entail the employment of foreign experts, an employer shall apply to the Ministry of Labour and Social Affairs for authorisation to employ foreign citizens.

Sec. 129. The regulations on the employment of foreign citizens, including procedures for issuing, extending, renewing and cancelling work permits and for the selection of the members of the Technical Board for the Employment of Foreign Citizens, as referred to in section 121 of this Code, shall be drawn up by the Minister of Labour and Social Affairs, and approved by the Council of Ministers.

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## CHAPTER VI. WORKERS' AND EMPLOYERS' ORGANISATIONS

Sec. 130. In order to propagate and disseminate Islamic culture, to defend the achievements of the Islamic revolution and to further the implementation of section 26 of the Constitution of the Islamic Republic of Iran, the workers of production, industrial, agricultural, service and guild units may establish Islamic societies and associations.

**Note 1.** In order to coordinate the fulfilment of their duties and methods for propagation, the said Islamic societies may set up coordination centres at the provincial level and a High Coordination Centre at the national level.

**Note 2.** Regulations pertaining to the establishment, scope of duties, powers and functions of the Islamic societies referred to in this section shall be drawn up by the Ministry of the Interior, the Ministry of Labour and Social Affairs and the Islamic Information Organisation, and approved by the Council of Ministers.

Sec. 131. In compliance with section 26 of the Constitution of the Islamic Republic of Iran and in order to protect the legitimate and statutory rights and interests of workers and employers and to improve their

economic situation, in a manner guaranteeing the protection of the interests of society as a whole, the workers subject to the Labour Code and the employers of a given profession, or industry may establish guild societies.

**Note 1.** In order to coordinate the fulfilment of their assigned statutory functions, the guild societies may set up guild society centres in the provinces and a Supreme Council of Guild Societies at the national level.

**Note 2.** All guild societies and their centres shall, on being established, draw up their bylaws taking account of applicable statutory provisions and shall submit them to their respective general meetings for approval and to the Ministry of Labour and Social Affairs for registration.

**Note 3.** All employer representatives of Iran on the Supreme Labour Council, the Supreme Social Security Council, the Occupational Safety and Health High Council, the International Labour Conference and other similar bodies shall be elected by the Supreme Centre of Guild Societies of Employers or otherwise designated by the Minister of Labour and Social Affairs.

**Note 4.** The workers of any given unit may establish an Islamic Labour Council, a guild society or workers' representatives.

**Note 5.** Regulations pertaining to the establishment, scope of duties and powers, and the functions of trade societies and related centres shall be drawn up by the Supreme Labour Council not later than one month after the date of ratification of this Code, and shall be approved by the Council of Ministers.

**Note 6.** The regulations concerning procedures for the election of representatives under Note 3 in this section shall be approved by the Minister of Labour and Social Affairs within one month of the ratification of this Code.<sup>4</sup>

Sec. 132. For the purpose of supervising and assisting the implementation of section 31 of the Constitution of the Islamic Republic of Iran, in accordance with the relevant provisions of section 43 of the Constitution, the workers of production, guild, industrial, service, and agricultural units covered by this Code may establish cooperative housing societies.

**Note.** The workers' cooperative housing societies in each province may establish a coordination centre at the provincial level; the coordination centres in the provinces may establish a High Coordination Centre for the cooperative housing societies of the country (the "Central Union for Workers' Housing Cooperatives" or "Eskan").

The Ministry of Labour and Social Affairs, the Ministry of Housing and Urban Development, and the Ministry of Economic Affairs and Finance shall cooperate with Eskan; the bylaws of the said societies shall be registered by the Ministry of Labour and Social Affairs.

Sec. 133. For the purpose of supervising and assisting the implementation of the provisions for consumer affairs and distribution set out in sections 43 and 44 of the Constitution of the Islamic Republic of Iran, the workers of production, guild, industrial, service and agricultural units covered by this Code, may establish cooperative consumer or distribution societies.

**Note.** Workers' cooperative consumer or distribution societies may establish a coordination centre for workers' cooperative consumer or distribution societies in their respective provinces. The provincial coordination centres for workers' cooperative consumer or distribution societies may establish a High Coordination Centre for Workers' Cooperative Consumer or Distribution Societies (the "Central Union of Workers' Consumer or Distribution Societies" or "Emkan"). The Ministry of Labour and Social Affairs, the Ministry of Commerce, and the Ministry of Industry shall cooperate with Emkan as may be necessary. The bylaws of the said cooperative societies shall be registered by the Ministry of Labour and Social Affairs.

Sec. 134. In order to examine and follow up guild-related, occupational and social issues and difficulties, and for the purposes of the provisions of section 29 of the Constitution guaranteeing the protection of rights, the safeguarding of interests, and entitlement to health services and medical care, retired workers

and directors may set up separate centres for retired workers and directors at the district and provincial levels.

**Note 1.** Provincial centres for retired workers and directors may establish High Centres for Retired Workers and Directors at the national level.

**Note 2.** The Ministry of Labour and Social Affairs, the Ministry of Health, Therapeutic Care and Medical Training, and the Social Security Organisation shall cooperate with the High Centres for Retired Workers and Directors.

Sec. 135. In order to promote unity in method and coordination and to exchange views on the discharging of their duties and the exercise of their powers, Islamic Labour Councils may set up provincial councils for the coordination of Islamic Labour Councils and a national High Coordination Council of Islamic Labour Councils.

**Note.** The regulations concerning procedures for the establishment, functions, scope of powers and operation of the centres for Islamic Labour Councils as provided for under this section shall be drawn up by the Ministry of Labour and Social Affairs, the Ministry of the Interior and the Islamic Information Organisation, and approved by the Council of Ministers.

Sec. 136. All official representatives of the workers of the Islamic Republic of Iran to the International Labour Organisation, the Boards of Inquiry, the Disputes Boards, the High Council of Social Security, the High Council for Occupational Safety and the like, shall, as the case may be, be elected by the High Centre of Islamic Labour Councils, the High Centre of Workers' Guild Societies or by the assembly of workers' representatives.

**Note 1.** The regulations under this section shall be approved by the Council of Ministers on the recommendation of the Supreme Labour Council.

**Note 2.** Pending the establishment of the workers' and employers' organisations provided for in this Chapter, the Minister of Labour and Social Affairs shall select and appoint the said representatives to assemblies, councils, and high centres.

Sec. 137. In order to ensure coordination and the proper performance of their duties, the workers' and employers' organisations provided for in this Chapter may establish separate central organisations.

**Note.** The regulations on elections to the Central Council and on the constitution of the central organisations of employers and workers shall be drawn up separately by a committee composed of representatives of the Supreme Labour Council, the Ministry of the Interior, and the Ministry of Labour and Social Affairs, and shall be approved by the Council of Ministers.

Sec. 138. The holder of the office of Velayat Faghih (Supreme Authority of the Islamic Resolution), may, if necessary, appoint a representative to any of the abovementioned organisations or societies.

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## CHAPTER VII. COLLECTIVE BARGAINING AND AGREEMENTS

Sec. 139. The objective of collective bargaining shall be to prevent or to settle occupational and professional problems or to improve the working conditions or welfare of workers. This objective shall be achieved by setting standards and criteria designed to counter and overcome such problems, to promote participation in the solution of problems and in the determination and improvement of working and other conditions at the workshop, occupation and industry levels, subject to agreement by both parties involved. The demands set forth by any party shall be based on documentary evidence.

**Note 1.** Any matter in labour relations which may involve the making of rules or the establishment of criteria by collective bargaining may be raised and discussed through such bargaining provided that decisionmaking on the said matter does not contravene the current regulations of the country, or the policies of the Government.

Collective bargaining and negotiations shall be pursued with the aim of reaching agreement and the

peaceful settlement of disputes, with due regard to the dignity of parties, selfrestraint and avoidance of any act likely to disrupt the orderly proceedings of bargaining sessions.

**Note 2.** Where the parties to collective bargaining so agree, they may request the Ministry of Labour and Social Affairs to designate and introduce to them an impartial person wellversed in labour matters and capable of coordinating negotiations, to serve as an expert in collective bargaining. The role of the said expert shall be to assist both parties in their collective bargaining and advance the bargaining process.

Sec. 140. A collective agreement shall be a written agreement determining working conditions between one or several workers' councils or guild societies or the workers' legal representatives, on the one hand, and one or several employers or their legal representatives, on the other hand, or between workers' centres and high centres, and employers' centres and high centres.

**Note.** Where collective bargaining results in the conclusion of a collective agreement, the text of the agreement shall be drawn up in three copies and signed by both parties. Two copies of the agreement shall be kept by the parties having concluded the collective agreement, and the third copy shall, within three days of the conclusion of the agreement be transmitted, against a receipt, to the Ministry of Labour and Social Affairs for the purposes of investigation and confirmation.

Sec. 141. Collective agreements shall be legally binding and enforceable subject to the fulfilment of the following conditions:

- (a) the benefits and privileges provided for therein shall not be inferior to those prescribed in this Code;
- (b) they shall not be contrary to the laws and regulations of the country, nor to the decisions and decrees of the Government;
- (c) the Ministry of Labour and Social Affairs shall confirm that the subjectmatter of the agreement is not inconsistent with the requirements of paragraphs (a) and (b) above.

**Note 1.** The Ministry of Labour and Social Affairs shall communicate its views in writing to the contracting parties within 30 days as to whether the subjectmatter of the agreement is consistent or inconsistent with the requirements of paragraphs (a) and (b) above.

**Note 2.** The view of the Ministry of Labour and Social Affairs regarding the consistency of a collective agreement with the requirements of paragraphs (a) and (b) above shall be based on legal grounds and on the regulations of the country. Any documentary evidence and cases shall be communicated in writing to the parties to the agreement within the timelimit prescribed in Note 1 of this section.

Sec. 142. Where a dispute over any section of this Code, an earlier agreement or any term requested by the parties for the conclusion of a new contract results in the stoppage of work while the workers are present in the workplace or in deliberate reduction of production by the workers, the Board of Inquiry shall, at the request of either party or of the workers' and employers' organisations, investigate the dispute without delay and state its opinion thereon.

**Note.** Should either party to a collective agreement refuse to accept the said opinion, it may have recourse to the Disputes Board provided for in Chapter IX of this Code, within ten days of the date of notification of the opinion of the Board of Inquiry (see section 158), and request the Disputes Board to investigate the matter and make a decision.

Upon receipt of a request to that effect, the Disputes Board shall examine the collective agreement immediately and make a decision thereon.

Sec. 143. Where the proposals of the Disputes Board are not accepted by the parties within three days, the Chief of the Office of Labour and Social Affairs shall report the matter forthwith to the Ministry of Labour and Social Affairs who shall make any necessary decisions. If necessary and as long as the dispute is not settled, the Council of Ministers may operate the workplace in question as it deems appropriate and charge any resulting expenses to the employer.

Sec. 144. Under a collective agreement concluded for a fixed term, neither party may unilaterally request any changes to be made therein prior to its expiry unless such changes are called for by exceptional circumstances to be assessed by the Ministry of Labour and Social Affairs.

Sec. 145. Neither the death of the employer nor a transfer of his ownership shall affect the application of a collective agreement, and, where work continues, a new employer shall be considered the successor to the former employer.

Sec. 146. The provisions of a collective agreement shall be enforceable with regard to all individual labour contracts signed by the employer either before or after the conclusion of the collective agreement, except where an individual contract provides for higher wages or benefits than those specified in the collective agreement.

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## CHAPTER VIII. WORKERS' WELFARE SERVICES

Sec. 147. The Government shall provide health and medical services for workers and farmers covered by this Code and their families.

Sec. 148. Employers whose workplaces are subject to this Code shall insure their workers under the Social Security Act.

Sec. 149. Employers shall, whenever necessary, cooperate with housing cooperatives if they exist and, if not, cooperate directly with homeless workers in order to provide them with suitable private housing. Furthermore, the employers of large workplaces and enterprises are required to build housing facilities in the vicinity of the workplace or in other suitable places.

**Note 1.** In this regard the Government shall, as may be necessary, cooperate through banking facilities as well as through the Ministry of Housing and Urban Development, municipalities and other organisations concerned.

**Note 2.** The methods and the extent of cooperation and participation of workers, employers and governmental organisations, as well as the large workplaces covered by this section, shall be prescribed in regulations drawn up by the Ministry of Labour and Social Affairs and the Ministry of Housing and Urban Development, and approved by the Council of Ministers.

Sec. 150. All employers covered by this Code shall allocate a suitable place in the workplace for performing prayers. During the month of Ramadhan, for the purposes of religious rites and taking account of the needs of fasting workers, employers shall, in cooperation with the Islamic societies, the Islamic Labour Councils and other legal representatives of the workers, arrange working conditions and working time in such a way as to ensure that hours of work do not hinder the observance of fasting. Moreover, they should set aside part of working time for prayers, the breaking of the fast at sunset, and a meal at dawn before the commencement of fasting.

Sec. 151. In workplaces located far from residential areas and at other worksites intended for the performance of a specific type of work for a definite period (road building and the like), employers shall provide their workers with three suitable lowcost meals (breakfast, lunch and dinner), at least one of which shall consist of hot food. At such worksites, depending on the season, the location and time, a suitable dormitory shall be established for workers.

Sec. 152. Where a worksite is very remote and not readily accessible by public transport, the employer shall make suitable vehicles available to his workers for commuting to and from the workplace.

Sec. 153. Employers shall provide the necessary facilities, such as premises, working instruments and tools for the establishment and administration of their workers' cooperative societies.

**Note.** The procedural regulations for the application of this section shall be drawn up by the Supreme Labour Council and approved by the Minister of Labour and Social Affairs.



Sec. 154. In cooperation with the Ministry of Labour and Social Affairs and the Physical Education Organisation, all employers shall provide suitable places for the sports activities of their workers.

**Note.** The regulations on the procedure for establishing such suitable places and standards relating thereto, workers' participation in sport or artistic competitions, and the schedule for such activities shall be drawn up by the Ministry of Labour and Social Affairs and the Physical Education Organisation and approved by the Council of Ministers.

Sec. 155. By notification of the Ministry of Labour and Social Affairs and under the supervision of the said Ministry and other organisations responsible for adult literacy, all workplaces shall set up literacy classes to teach reading and writing to adults. Standards relating to compliance with this obligation, procedures for the organisation of classes, workers' attendance at such classes, the selection of teachers and other matters shall be prescribed in regulations drawn up jointly by the Ministry of Labour and Social Affairs and the Literacy Movement, and approved by the Council of Ministers.

**Note.** In order to be admitted to courses in training centres, workers must have obtained a literacy certificate or its equivalent.

Sec. 156. The regulations governing the standards of health and hygiene to be observed in the ancillary premises of workplaces, such as dining halls, lavatories and washrooms, shall be approved by the Ministry of Health, Therapeutic Care and Medical Training.

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## CHAPTER IX. SETTLEMENT OF DISPUTES

Sec. 157. In the event of a dispute between an employer and a worker or a trainee concerning the application of this Code or other labour regulations, or in relation to a training contract, a workplace agreement or a collective agreement, a settlement shall, in the first instance, be sought by direct compromise between the employer and worker or trainee or his representative on the Islamic Labour Council; if such a council does not exist in the workplace, a compromise shall be sought by the employer and the workers' guild society or the legal representatives of workers and the employer. Where no compromise can be reached, the dispute shall be examined and settled by the Board of Inquiry or the Disputes Board in the manner described hereunder.

Sec. 158. The Boards of Inquiry provided for in this Code shall be composed of:

- (1) one representative of the Ministry of Labour and Social Affairs;
- (2) one representative of the workers to be selected and appointed by the Provincial Coordination Council of the Islamic Labour Councils;
- (3) one representative of the managers of industries, to be selected by the Provincial Centre of Employers' Guild Societies.

If necessary and having due regard to the volume of work of the Boards of Inquiry, the Ministry of Labour and Social Affairs may set up several Boards of Inquiry in any province.

**Note.** A worker who is to be dismissed in accordance with the decision of a Board of Inquiry shall be entitled to appeal the decision to the Disputes Board and to file a suit.

Sec. 159. Decisions of the Boards of Inquiry shall be binding 15 days after notification of the parties concerned. If either party objects to the decision within such period, he may lodge a written complaint to the Disputes Board. The decision of the Disputes Board shall be final and binding with immediate effect. The views of Disputes Board members shall be recorded in the file.

Sec. 160. The Disputes Board of a province shall be composed as follows:

- three workers' representatives, to be chosen by the Coordination Centre of the Islamic Labour Councils of the province, or by the Centre of Workers' Guild Societies or by the Assembly of Workers' Representatives of the units of the region;
- three employers' representatives to be chosen by managers of the units in the region;

- three government representatives, namely the DirectorGeneral of Labour and Social Affairs, the Governor, and the Chief of the Justice Department of the locality or their representatives.

Each Disputes Board shall be appointed for a term of two years. If necessary and having due regard to the volume of the work of the Disputes Boards, the Ministry of Labour and Social Affairs may set up several Disputes Boards in any province.

Sec. 161. If necessary and having due regard to the volume of work, Disputes Boards shall be convened in sufficient numbers at the Labour and Social Affairs Offices, and their meetings shall, if possible, be held outside working hours.

Sec. 162. The Dispute Boards shall, by written notice, request the parties to the dispute to appear at the investigation sessions. Failure of either party to appear in person or to be represented by a fully authorised person shall not bar the Board from investigating the matter and making a decision, unless the Board considers his presence to be essential, in which case the request shall be made only once again. In any event, the Board shall, if possible, investigate the case and make the necessary decision within one month of receiving an application.

Sec. 163. The Dispute Boards shall, if necessary, invite any officials, experts, societies and Islamic Labour Councils of production, industrial, service and agricultural units to provide information concerning the case.

Sec. 164. Regulations concerning the election of members of Boards of Inquiry and Disputes Boards and their rules of procedure shall be drawn up by the Supreme Labour Council and approved by the Minister of Labour and Social Affairs.<sup>5</sup>

Sec. 165. Where a Disputes Board finds that the dismissal of the worker is without just grounds, it shall issue an order for his reinstatement and for the payment of his remuneration as of the date of his dismissal. Alternatively, where dismissal is found to be justified, the worker shall be entitled to his lengthofservice allowance in the amount prescribed in section 27 of this Code.

**Note.** Where the worker does not wish to resume his employment, the employer shall pay him 45 days' wages and salary for every year of service completed.

Sec. 166. Final decisions made by the disputesettlement authorities shall be binding and enforced by the Office for the Execution of Judgements of the Ministry of Justice. The relevant standards shall be prescribed in regulations drawn up by the Ministry of Labour and Social Affairs and the Ministry of Justice and approved by the Council of Ministers.<sup>6</sup>

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## CHAPTER X. SUPREME LABOUR COUNCIL

Sec. 167. A council, called the Supreme Labour Council, shall be established within the Ministry of Labour and Social Affairs. The Council shall discharge the obligations entrusted to it under this Code and other relevant statutes. The membership of the Council shall be as follows:

- (a) the Minister of Labour and Social Affairs, as the Chairman of the Council;
- (b) two persons experienced in social and economic matters, to be proposed by the Minister of Labour and Social Affairs and approved by the Council of Ministers. One of the said two persons shall be appointed from among the members of the Supreme Council for Industry;
- (c) three employers' representatives (including one from the agricultural sector), to be elected by the employers;
- (d) three workers' representatives (including one from the agricultural sector), to be elected by the High Centre of the Islamic Labour Councils.

With the exception of the Minister of Labour and Social Affairs, the members of the Supreme Labour Council thus composed shall be appointed or elected for a renewable term of two years.

**Note.** Each member participating in a session shall have one vote.

Sec. 168. The Supreme Labour Council shall meet at least once a month. Where circumstances so require, special sessions shall be held at the invitation of the Chairman or at the request of three or more members of the Council. The sessions of the Council shall be declared open subject to a quorum of seven members, and its decisions shall be made by majority vote.

Sec. 169. The Supreme Labour Council shall have a permanent secretariat. The secretariat's labour, economic, social and technical experts shall carry out studies on labour relations and working conditions, and prepare such other information as may be required for the purposes of the Supreme Labour Council.

**Note.** The Secretariat of the Supreme Labour Council shall be established at the Ministry of Labour and Social Affairs. The Chief of the Secretariat shall be appointed on the proposal of the Minister of Labour and Social Affairs, subject to approval by the Supreme Labour Council. In his capacity as Secretary of the Council, he shall attend its sessions without a voting right.

Sec. 170. The directives and instructions concerning procedures for convening and running the Supreme Labour Council, the functions of the Secretariat of the Council, and the procedure for electing the principal and substitute workers' and employers' representatives to the Council shall be prescribed in regulations drawn up by the Minister of Labour and Social Affairs and approved by the Council of Ministers within two months of the date of ratification of this Code.

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## CHAPTER XI. OFFENCES AND PENALTIES

Sec. 171. Any failure to fulfil the obligations prescribed in this Code shall, as the case may be, be punished by imprisonment or a fine or both, in accordance with the following sections and taking account of the situation and means of the offender and the degree of the offence. Where noncompliance with the said statutory obligations results in bodily harm or a worker's death, the court shall decide the case in accordance with the law applicable thereto, without prejudice to the penalties provided for in this Chapter.

Sec. 172. In accordance with section 6 of this Code, all forms of forced labour shall be prohibited. Any person who commits an offence on that account shall, with due regard to his situation and means and to the degree of the offence, be subject to a term of imprisonment ranging from 91 days to one year and to a fine of between 50 and 200 times the minimum daily wage, in addition to the payment of fair remuneration for work completed and compensation for damages. Where several persons, jointly or on behalf of an organisation, cause a person to perform forced labour, each offender shall be subject to the penalties prescribed above and shall be jointly subject to payment of fair remuneration, unless the person who caused the offence to be committed is superior to an overseer, in which case such person shall be held personally responsible.

**Note.** Where several persons are collectively made to perform forced labour, the offender shall, with due regard to his situation and means and to the degree of the offence, be subject to the maximum penalty provided for in this section in addition to payment of fair remuneration.

Sec. 173. Any person who contravenes sections 149, 151, 152, 153, 154 or 155 or the second part of section 78 shall have to remedy the breach within such timelimit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition and having due regard to the number of workers and the size of the workplace, the offender shall be subject to a fine of between 70 and 150 times the minimum daily wage applicable on the date of judgement for each violation in a workplace employing fewer than 100 workers. For every 100 additional workers in the workplace, the said fine shall be increased by ten times the minimum wage.

Sec. 174. Any person who commits an offence under sections 38, 45 or 59 or under the Note in section 41 shall, in respect of each offence and as the case may be, remedy the offence or pay any amounts due to the worker, or both, within such timelimit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition, the offender shall be subject to the following fines in respect of each worker:

- (1) for up to ten workers, 50 to 70 times the minimum daily wage of a worker;

- (2) for up to 100 workers, in excess of the first ten, 50 to 100 times the minimum daily wage of a worker;
- (3) for more than 100 workers, in respect of the number in excess of 100, two to five times the minimum daily wage of a worker.

Sec. 175. Any person who commits an offence under a provision of sections 78 (first part), 80, 81, 82 or 92 shall, for each offence and as the case may be, remedy the offence or pay any amounts due to workers or both, within such timelimit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition, the offender shall be subject to the following fines in respect of each worker:

- (1) for up to 10 workers, 30 to 100 times the minimum daily wage of a worker;
- (2) for up to 100 persons in excess of the first 10 persons, 5 to 10 times the minimum daily wage of a worker;
- (3) for more than 100 persons in respect of the number in excess of 100, 2 to 5 times the minimum daily wage of a worker.

In the event of a second offence, the offender shall be subject to 1.1 to 1.5 times the maximum cash penalty specified above or to a term of imprisonment ranging from 91 to 120 days.

Sec. 176. Any person who commits an offence under a provision of sections 52, 61, 75, 77, 79, 83, 84 or 91 shall, for every offence and as the case may be, remedy the offence or pay any amounts due to workers, or both, within such timelimit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition the offender shall be subject to the fines prescribed hereunder in respect of each worker:

- (1) for up to 10 workers, 200 to 500 times the minimum daily wage of a worker;
- (2) For up to 100 persons, in excess of the first 10, 20 to 50 times the minimum daily wage of a worker;
- (3) for more than 100 persons, in excess of the first 100, 10 to 20 times the minimum daily wage of a worker.

In the event of a second offence, the offender shall be subject to a term of imprisonment ranging from 91 to 180 days.

Sec. 177. Any person who commits an offence under a provision of sections 87 (first part) or 8890 shall, for every offence and as the case may be, remedy the offence or pay any amounts due to workers, or both, within such timelimit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition the offender shall be subject to a term of imprisonment ranging from 91 to 120 days or to the following fines:

- (1) in workshops employing up to 10 workers, 300 to 600 times the minimum daily wage of a worker;
- (2) in workshops employing 11 to 100 workers, 500 to 1,000 times the minimum daily wage of a worker;
- (3) in workshops employing more than 1,000 workers, 800 to 1,500 times the minimum daily wage of a worker.

In the event of a second offence, the offender shall be subject to a term of imprisonment ranging from 121 to 180 days.

Sec. 178. Any person who resorts to coercion or threats to oblige another to join a workers' or employers' organisation or to prevent him from joining such organisations, and anyone who prevents lawful organisations from being established or their statutory functions from being performed shall, with due regard to his situation and means and to the degree of the offence, be subject to a fine of between 20 and 100 times the minimum daily wage applicable on the date of judgement, or to a term of imprisonment ranging from 91 to 120 days, or to both these penalties.

Sec. 179. Any employer or other person who prevents a labour inspector or an occupational health official from entering and performing his duties in a workplace covered by this Code, or who refuses to supply the necessary information and documents to such inspector or official shall with due regard to his situation and means, be subject to a fine of between 100 and 300 times the minimum daily wage applicable on the date of judgement, and, in the event of a second offence, to a term of imprisonment ranging from 91 to 120 days.

Sec. 180. Any employer who, notwithstanding the provisions of section 159 of this Code, refuses to comply on time with the binding and final decisions of the disputesettlement authorities provided for in this Code shall be ordered to comply with the said decisions. In addition, and with due regard to his situation and means, the offender shall be liable to a fine of between 20 and 200 times the minimum daily wage of a worker.

Sec. 181. Any employer who employs a foreign citizen without a work permit or whose work permit has expired, or who employs a foreign citizen for work other than that specified in his work permit, or who fails to report the termination of an employment relationship with a foreign citizen to the Ministry of Labour and Social Affairs shall, with due regard to his situation and means and to the degree of the offence, be subject to a term of imprisonment ranging from 91 to 180 days.

Sec. 182. Any employer who, notwithstanding the provisions of section 192 of this Code, refuses to submit the required statistics and information to the Ministry of Labour and Social Affairs, shall be required to submit the said statistics and information to the Ministry. In addition and with due regard to his situation and means and to the degree of the offence, the offender shall be subject to a fine of between 50 and 250 times the minimum daily wage of a worker.

Sec. 183. Any employer who, notwithstanding the provisions of section 148 of this Code, fails to insure his workers shall, in addition to having to pay the employer's share of all workers' contributions, be subject to a fine of between two and ten times the applicable insurance premiums, with due regard to the situation and means of the offender and the degree of the offence.

Sec. 184. Where an offence is committed by a legal person, fair remuneration for the work completed and any other claims, amounts due, and damages shall be paid out of the assets of the said legal person. However, the managing director or the responsible manager of the legal person under whose orders the offence was committed shall incur criminal liability and be subject to imprisonment or a fine, or to both these penalties.

Sec. 185. The criminal courts of the Ministry of Justice shall have jurisdiction to investigate offences under sections 171 to 184. Priority shall be given to these investigations by the public prosecutor's office and by the courts.

Sec. 186. The fines provided for in this Code shall be deposited in a special bank account. This fund shall be used, under supervision of the Minister of Labour and Social Affairs and in compliance with regulations to be approved by the Council of Ministers, for workers' educational and cultural social activities.

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## CHAPTER XII. MISCELLANEOUS PROVISIONS

Sec. 187. Upon termination of a worker's contract of employment and at the request of the worker, the employer shall issue to the worker a work certificate, specifying the duration, the dates of commencement and termination of employment, and the type of work performed.

Sec. 188. Any person subject to the Civil Service Act or to other special laws and regulations, and any worker in family workplaces where work is performed exclusively by the employer, his wife and his blood relatives in the first degree, are not subject to the provisions of this Code.

**Note.** The provisions of this section shall be without prejudice to the fulfillment of other obligations explicitly prescribed in Chapters concerning the above cases.

Sec. 189. In the agricultural sector, activities related to growing and management of fruit trees, various plants, forests, pastures, parks, animal husbandry, raising and breeding of poultry and birds, the silkworm industry, breeding of marine animals, beekeeping, cultivation, growing and harvesting and other agricultural activities are exempted from parts of this Code, at the proposal of the Supreme Labour Council, and subject to the approval of the Council of Ministers.

Sec. 190. The duration of work, holidays, leave, wages and salaries of hunters, fishermen, the personnel and employees of transport services (air, land and sea), housekeepers and domestic servants, the handicapped, workers whose work is such that the whole or a part of their wages and income are provided by customers, and of those whose work is generally carried out periodically shall be determined by regulations to be drawn up by the Supreme Labour Council, and approved by the Council of Ministers. In the absence of such regulations, the provisions of this Code shall apply.

Sec. 191. Smallscale enterprises with fewer than ten workers may, as circumstances require, be temporarily excluded from some of the provisions of this Code. Determination as to such exceptional cases shall be in conformity with regulations to be proposed by the Supreme Labour Council and approved by the Council of Ministers.

Sec. 192. Employers shall prepare and submit, within the prescribed period, the statistics and information required by the Ministry of Labour and Social Affairs in accordance with regulations to be approved by the Minister of Labour and Social Affairs.

Sec. 193. In order to secure specialised supervisory personnel where necessary, the Ministry of Labour and Social Affairs and the Ministry of Health, Therapeutic Care and Medical Training, as the case may be, shall provide the necessary training in matters connected with human relations, labour relations and occupational health and safety to persons appointed as supervisors and to those in charge of units.

Sec. 194. With respect to the military training of their workers, the employers of factories shall cooperate as may be necessary with the Basij (Mobilisation) Resistance Force of the Islamic Revolution Guardians Corps.

**Note.** The regulations pertaining to this section shall be drawn up jointly by the Ministry of Labour and Social Affairs and the Ministry of Defence and Armed Forces Logistics and shall be approved by the Council of Ministers.

Sec. 195. In order to encourage productive, specialised, inventive and innovative workers, the Ministry of Labour and Social Affairs shall take action, in appropriate ways, to honour exemplary workers every year.

**Note.** The instructions pertaining to this section, the procedures for encouraging exemplary workers, and implementing procedures and provisions for related expenses shall be determined by the Ministry of Labour and Social Affairs.

Sec. 196. In order to raise workers' awareness and to promote the development of scientific, practical, and specialised work in science, industry, agriculture and services, the Ministry of Labour and Social Affairs shall procure films, slides and other necessary training materials and put such facilities at the disposal of workers by radio, television, the mass media and other means deemed necessary.

Sec. 197. Whenever possible, the Government shall supply the necessary facilities for workers who intend to migrate from cities to villages in order to work in agriculture.

Sec. 198. In order to regulate Iranian labour abroad, and as circumstances require, the Ministry of Labour and Social Affairs may appoint labour attachés to missions and legations of the Islamic Republic of Iran.

**Note 1.** Labour attachés shall be nominated by the Minister of Labour and Social Affairs and appointed and assigned in agreement with the Minister of Foreign Affairs.

**Note 2.** Following the ratification of this Code, the Ministry of Labour and Social Affairs, the Ministry of Foreign Affairs and the State Organisation for Administrative and Employment Affairs

shall draw up regulations under this section and submit them for approval to the Council of Ministers.

Sec. 199. The Ministry of Labour and Social Affairs shall draw up the relevant regulations within six months of the ratification of this Code, and submit them for approval to the appropriate authorities prescribed herein.

**Note.** Pending approval of the regulations, as provided for in this section, the regulations made under the Labour Code approved on 17 March 19597 which are not incompatible with the provisions of this Code shall be enforceable.

Sec. 200. Upon ratification of this Code and the regulations made hereunder, the labour laws and agricultural labour laws that are inconsistent with this Code shall be deemed repealed.

Sec. 201. The Ministry of Labour and Social Affairs shall, by suitable means, inform workers and employers of the rights and obligations prescribed in this Code.

Sec. 202. The Ministry of Labour and Social Affairs shall draw up a chart of its organisation in conformity with this new Labour Code and have the same approved by the State Organisation for Administrative and Employment Affairs.

Sec. 203. The Ministry of Labour and Social Affairs and the Ministry of Justice shall be responsible for the enforcement of this Code.

**Note.** The provisions of this section are without prejudice to the obligations and responsibilities which, pursuant to this Code and other legislation, are entrusted to the ministries concerned and to the government organisations and institutes covered by this Code.

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1 Regulation of 28 April 1991 under section 27 of the Labour Code, concerning Islamic and productivity discipline in the workshops. This text establishes Labour Disciplinary Committees (**Rouznameh Rasmi**, 26 June 1991, No. 13482, p. 5).

2 Regulation of 28 February 1991 under sections 75 and 83 of the Labour Code, concerning women and young persons' work conditions (*ibid.*, 25 June 1991, No. 13481, p. 2).

3 *ibid.*

4 Regulation of 2 May 1991 under section 131 of the Labour Code, concerning election of the employers' representatives to the Supreme Social Security Council, the High Occupational Safety and Health Council, the Supreme Labour Council, and the International Labour Conference (*ibid.*, 26 June 1991, No. 13482, pp. 34).

5 Regulation of 15 March 1991 under section 164 of the Labour Code, concerning the election of workers' and employers' representatives to Boards of Inquiry; and Regulation of 15 March 1991 concerning Disputes Boards (*ibid.*, pp. 46).

6 Regulation of 3 April 1991 under section 166 of the Labour Code, concerning application of Disputes Boards' final decisions (*ibid.*, p.2).



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