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GUIDE TO EMPLOYMENT RIGHTS IN THE KURDISH REGION OF IRAQ



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Contents

1.	SUMMARY AND USAGE OF INFORMATION	4
2.	INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON WORK RIGHTS	5
3.	KRI NATIONAL LEGAL FRAMEWORK ON WORK RIGHTS	6
4.	EMPLOYMENT RIGHTS, TERMS AND CONDITIONS	7
4.1	Employment Relationship	7
4.2	Protections against discrimination, sexual harassment, forced labour and other practices	7
4.3	Basic work rights	8
4.4	Employer and worker obligations:	8
4.5	Part-time, temporary and casual employees	9
4.6	Work contracts	9
5.	WAGES	10
6.	HEALTH, SAFETY AND WORKPLACE CONDITIONS	10
7.	SOCIAL SECURITY, HEALTH AND WORKPLACE INSURANCE	11
8.	WORKING HOURS	12
8.1	Working hours	12
8.2	Overtime	13
9.	LEAVE ENTITLEMENTS	14
9.1	Annual leave:	14
9.2	Sick leave	14
9.3	Maternity leave	15
9.4	Special personal leave	15
9.5	Public Holidays	15
10.	TAXATION	16
11.	DISCIPLINARY PROCEDURES	16
12.	DISMISSAL AND TERMINATION OF EMPLOYMENT	17
12.1	Grounds for dismissal or termination	17
12.2	Procedures	19
13.	WORKPLACE DISPUTES AND APPEALS	19
14.	SPECIAL EMPLOYEE CATEGORIES AND PROTECTIONS	20
14.1	Youth/Minors	20
14.2	Women	21
14.3	Day labourers, self-employed contractors or gig-workers	22
14.4	Volunteers	22
15.	VOCATIONAL TRAINING	23
16.	WORKER'S ASSOCIATIONS AND TRADE UNIONS	24
17.	FOREIGN WORKERS	24
17.1	Eligibility for Work Permits	25
17.2	Procedures for obtaining work permits	25
17.3	Other issues for foreign workers	26
18.	INFORMATION AND AVAILABLE RESOURCES	27



Farming in Bardarash (Photo; Beate Simarud/NRC)Kaka/NRC)



1 | SUMMARY AND USAGE OF INFORMATION

This legal guide covers the **laws, regulations and procedures governing employment rights in the Kurdistan Region of Iraq (KRI) for Iraqi and foreign nationals, including refugees.** It is intended as a **reference guide for legal practitioners,** including NRC's Information, Counseling and Legal Assistance (ICLA) staff, as well as **other organisations and individuals working on employment law issues in Iraq.** A separate guide is available on the employment law regime in the Federal Iraq which uses a different Labour Law.

The Labour law used in KRI is the **1987 Iraqi Labour Code,** although a new labour law for KRI has been drafted and is under discussion. Federal Iraq uses a 2015 Labour Law. Whilst there are similarities between both laws there are also substantial differences.

This report is offered for information purposes only. It is not legal advice. Readers are urged to seek advice from qualified legal counsel in relation to their specific circumstances.

The report's contents are intended to be correct and up to date at the time of publication, but the accuracy or completeness of the information cannot be guaranteed, particularly as circumstances may change after publication. NRC, Al Tamimi & Co Lawyers and the Thomson Reuters Foundation, accept no liability or responsibility for actions taken or not taken or any losses arising from reliance on this report or any inaccuracies herein.

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2 | INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON WORK RIGHTS

Whilst Iraq has not signed the Refugee Convention, it has signed other **Conventions and Treaties** containing work rights protections under international law. These treaties are binding on the KRI. Many of these Conventions fall under the supervision of the **International Labour Organisation (ILO)**. Treaties Iraq has signed include the following:

- ✓ Abolition of Forced Labour Convention
- ✓ Discrimination (Employment and Occupation) Convention
- ✓ Equal Remuneration Convention
- ✓ Equality of Treatment (Social Security) Convention
- ✓ Constitution of the International Labour Organisation
- ✓ Labour Inspection Convention
- ✓ Right to Organise and Collective Bargaining Convention
- ✓ Minimum Age Convention
- ✓ Worst Forms of Child Labour Convention
- ✓ Convention on the Rights of the Child
- ✓ International Convention on Civil and Political Rights
- ✓ International Convention on Economic, Social and Cultural Rights

Information about additional ILO treaties signed by Iraq is available on the ILO Iraq country page.¹

¹ ILO Normlex, Information Systems on International Labour Standards, Ratifications for Iraq, [ILO Ratifications for Iraq](#)



Shafgar's Mobile Phone Shop (Photo: Ahmed Kaka/NRC)



3 | KRI NATIONAL LEGAL FRAMEWORK ON WORK RIGHTS

The regulatory framework with respect to work rights in KRI is primarily the **Iraqi Constitution** as well as the **Labour Code** and its amendments ('the Labour Code') [IRAQ \(ilo.org\)](http://ilo.org)

The most relevant laws and regulations governing employment rights in the Kurdish Region of Iraq are the following:

- ✓ **Labor Code No 71 of 1987** (hereafter "Labor Code") which regulates work rights, conditions, entitlements, procedures and employee/employer obligations in KRI.
- ✓ **Regulation No. 7 of 2017** on Visas and Residency for Foreigners issued by the Kurdistan Regional Government (KRG) Ministry of Interior in accordance with Iraqi Law No. 118 of 1978 on Residency of Foreigners in Iraq. This regulation specifies the conditions on which foreign nationals, including refugees, can reside and work in the KRI
- ✓ **Workers Pension and Social Security Law No 39 of 1971** as amended, which set out the social security entitlements for employees as well as compulsory contributions to the national fund from employers/employees.

For a complete set of relevant legislation see the ILO website for Iraq: [ILO Iraq Labour Regulations](#)

Government Ministries and agencies with responsibility for workplace issues include the following:

- ✓ Ministry of Labour and Social Affairs (Labour and Social Security Directorate)
- ✓ Department of Social Security and Workers Pensions
- ✓ Social Security Agency
- ✓ Employment Offices of the Labour Service
- ✓ National Centre for Vocational Training
- ✓ Department of Occupational Health and Safety

Workplaces are subject to regular inspection by officers of the Labour Directorates, under the supervision of the Ministry of Labour.²

Iraqi citizens that are non-residents of the KRI, are required to apply for residence cards in order to legally work in the KRI.



4 | EMPLOYMENT RIGHTS, TERMS AND CONDITIONS

4 1 | Employment Relationship

A “**worker**” is defined in the law as any person who performs work for a wage and is subordinate in his or her work to the employer’s authority and supervision, whilst an “**employer**” means any individual or legal entity Who employs one or more workers in return for wages³.

4 2 | Protections against discrimination, sexual harassment, forced labour & other practices

The law guarantees the **right to work**, under equal conditions and with equal opportunity, to all citizens who are able to work, **without any discrimination** on the basis of sex, race, language or religion.⁴ The law prohibits discrimination in hiring and contains provisions on maternity leave.

2 Chapter V of Labour Code

3 Article 8 of Labour Code

4 Article 2 of Labour Code



4 3 Basic work rights

The Labour Code contains the following basic statutory rights for employees:⁵

- **Wage payment for the work performed.**
- **Safe work conditions and a healthy work environment.**
- **Daily and weekly breaks**
- **Equal work opportunities and treatment without any form of discrimination.**
- **A work environment free of harassment.**
- **Respectable work relationships.**
- **Participation in vocational programs.**
- **Consultation on matters that have a direct effect on the employee's work.**
- **Negotiations to improve work terms and conditions.**
- **Strikes, in accordance with the provisions of the law.**
- **Freedom to establish trade unions and to join them.**

4 4 Employer and worker obligations:

Employers are obliged to:

- Ensure **equal opportunities** for all staff and provide a workplace free from discrimination or harassment, including sexual harassment.
- Provide the worker with the possibility and means of enhancing his or her cultural knowledge and **technical skills**.
- Ensure **healthy work conditions** and take sufficient safety measures to protect workers.
- Give the worker, at the **end of the contract of employment**, a certificate specifying the date on which the worker took up employment, the expiry dates of the contract and the type of work performed.
- Sign a **discharge statement** at the end of the period of service, provided that the employee has met all his or her obligations.
- Deal promptly with any **complaints or grievances** by employees without exposing workers to any penalty⁶

5 Article 34 of the Labour Code lists some of the rights whilst others are contained throughout the Code.

6 Article 34 of Labour Code

Workers are entitled to bargain in order to improve their work terms and conditions. They are obliged to:

- > Follow all necessary **workplace instructions** from employers as well as the health and safety regulations in the workplace and are not allowed to work for third parties during their working hours.⁷
- > Take care of the **employer's possessions**. They are responsible for any harm they have caused to the employer's property whether caused voluntarily or as a result of the worker's mistake.⁸

New employers who buy or take over an existing business are responsible for fulfilling the obligations of the previous employer towards the worker in accordance with the provisions of this law.⁹

4 5 Part-time, temporary and casual employees

Temporary work means any work which is to be performed in a fixed period whilst seasonal work means any work which must be performed during particular seasons of the year. Both types of work are fixed-term.¹⁰ The temporary employment contract must be for a specific project (task) that is stated in the contract or the employer must show that it has seasonal demand. Otherwise the contract reverts to a continuing contract by default.

The Code does not define part-time or casual work.

4 6 Work contracts

A contract of employment must be drawn up in writing and shall state the type of work to be performed and the amount of wages to be paid. If there is no written contract, the worker shall bear the burden of proof to show that the contract exists and to present evidence in support of any claims arising under the contract.¹¹

7 Articles 35 and 123 of Labor Code

8 Article 124 of Labour Code

9 Article 14 of Labour Code

10 Article 32 of Labour Code

11 Article 30 of Labour Code



Female Tailor (Photo; Ahmed Kaka/NRC)

5 | WAGES

Wages are defined as in the law as “any amount, however calculated, which an employer engaging a worker owes to him in return for work performed”.¹²

The **minimum wage** for employees in the KRI is IQD 350,000. Wages are to be paid on a monthly basis and can be calculated by any means, including by a fixed-piece system, provided that the wage does not fall below the minimum wage set by law.¹³ Employers must keep a wage register and workers must sign for wages received.¹⁴

6 | HEALTH, SAFETY AND WORKPLACE CONDITIONS

Employers are responsible for ensuring **minimum occupational health and safety requirements** in the workforce in accordance with the instructions set by authorities.¹⁵ In particular employers are obliged to:

- Inform the worker, in writing and before starting work, of the occupational hazards in the workplace and the measures of protection to be taken.
- Prominently post instructions about the occupational hazards and the measures of protection to be taken in accordance with instructions drawn up by the Ministry of Labor and Social Affairs.¹⁶
- Take the necessary measures to ensure the on-the-job protection of workers against hazards which are harmful to their health and against dangers posed by the work and by machinery.
- Provide means of protection against occupational hazard at the employers expense.¹⁷
- Provide means of first aid suitable to the type of work.¹⁸

12 Article 41 of Labour Code
13 Article 45 of Labour Code
14 Article 52 of Labour Code
15 Article 107 of Labour Code
16 Article 107 of Labour Code
17 Article 108 of Labour Code
18 Article 108(1)(c) of Labour Code

Workers must follow all occupational health and safety standards in the workplace.¹⁹ Provisions on occupational injuries contained in the Law on Workers Pensions and Social Security shall also apply to non-insured workers.²⁰

The Department of Occupational Health and Safety is responsible for setting occupational health and safety standards, supervising workplaces and issuing instructions in relation to protective equipment and measures in the workplace.²¹ There are particular protections for persons working in mines and quarries.²²



7 | SOCIAL SECURITY, HEALTH AND WORKPLACE INSURANCE

Employers are required to register their employees for **social security** and make payments to the Social Security Agency. The employer contribution is 9.1% of the employee's salary whilst the employee must contribute an additional 4.1%.

Social security payments made by an employee can be re-claimed from the Social Security Agency if the employee loses his or her job. In the cases of company closure or downsizing, death of the employer or employee, mutual termination of a contract, employee resignation or retirement, prolonged illness (more than six months) or incapacity (at least 75%) the employer must pay severance pay of two weeks' pay for each year of service.²³

Social security contributions cover old age pension, disability pension, survivor benefits for spouses and orphans, sickness benefits, maternity leave, medical benefits for workers and dependents.²⁴ Employers are obliged to cover the medical expenses of employees injured in workplace accidents.

All Iraqis are insured under Iraq's national health scheme although some employers may organize additional health insurance for their employees through payment into a separate fund. Workers or professional organisations (such as the Bar Association or Pharmacy Association) may organize separate health insurance on behalf of members.

Compensation for workplace injuries is covered under the **Pension and Social Security Law**, including for non-insured workers. Different levels of compensation are payable for partial or full-incapacity or death.

19 Article 109 of Labour Code

20 Article 112 of Labour Code

21 Article 110 of Labour Code

22 Chapter 3, Articles 98-106 of Labour Code

23 Iraq; Social Administration Programmes throughout the world; [Iraq Social Administration Systems](#)

24 Iraq; Social Administration Programmes throughout the world; [Iraq Social Administration Systems](#)





Stockyard in Dohuk (Photo Ahmed Kaka/NRC)



8 | WORKING HOURS

8 1 Working hours

Working hours must not exceed eight (8) hours per day,²⁵ although they may be extended in urgent situations or for various other reasons such as an exceptional increase in work or the need to repair equipment.²⁶ Other conditions are as follows:

- In double-shift and interrupted types of labour, working hours must not exceed 12 hours provided that the actual working time does not exceed eight (8) hours daily.²⁷
- The maximum permitted daily and weekly working hours in relation to hard and harmful types of labour shall be lower and are determined by Instructions issued by the Minister of Labour and Social Affairs based on the recommendation of the Department of Occupational Health and Safety.²⁸
- Working hours commence at the time the employee arrives at the workplace. The employee is entitled to a 30 to 60 minutes break in-between daily working hours.²⁹
- The employee is entitled to a fully-paid continuous 24 hour day of rest a week.³⁰
- The Labour Code determines shifts of work to be: (i) day shift (from 6 am till 9 pm), (ii) night shift: (from 9 pm till 6 am), (iii) mixed shift: (when the night and day shifts are interconnected).³¹

25 Article 55 of Labour Code

26 See Articles 62-63 of the Labour Code for the exceptions.

27 Article 56 of Labour Code

28 Article 57 of Labour Code

29 Article 58 of Labour Code

30 Article 60 of Labour Code

31 Article 59 of Labour Code

If work stops entirely or in part owing to exceptional circumstances or force majeure, the employer must pay the worker his or her wages for the period of the stoppage, for up to 30 days. However the employer may give the worker other similar work, or, in order to make up for the time lost, give the worker additional unpaid work not exceeding two (2) hours per day for up to 30 days a year. However if the stoppage is caused by the employer, the employee must be paid their wages in full.³²

8 2 Overtime

Any work performed beyond normal working hours, including on rest days or public holidays, is considered overtime. Wages for **overtime** work are 50% higher during the day and doubled for work at night or for arduous work. Persons working on their day of rest are entitled to another compensatory day off.³³

32 Article 65 of Labour Code.
However these provisions do not apply to agricultural or domestic workers.

33 Article 64 of Labour Code





Factory in Erbil, (Photo: Ahmed Kaka/NRC)



9 | LEAVE ENTITLEMENTS

The following types of leave exist under the Labour Code:

9 1 Annual leave

Workers are entitled to 20 days of fully paid **annual leave**³⁴ plus two (2) extra days of annual leave for every five (5) years of employment.³⁵ Persons working in employment which is arduous or hazardous to health shall receive 30 days of leave.³⁶ Workers shall receive leave on a pro rata or proportional basis for fractions of years worked. Workers may be granted unpaid leave at the discretion of the employer and are not permitted to work for other employers during periods of annual leave.³⁷ Leave that is not taken at the time of termination of employment shall be paid out to the worker.³⁸

9 2 Sick leave

The employee is entitled to 30 days paid **sick leave** per annum. For sick leave exceeding 30 days, the employer must check with the Labour and Social Security Directorate for the wage payable to the employee. Sick leave can be accumulated to reach 180 days. An employee is granted sick leave based on medical reports issued by a medical authority accredited by the employer or an official medical department.³⁹

A female worker with one or more children under the age of six (6) may take unpaid sick leave for up to three (3) days whenever one of her children is sick and needs her care.⁴⁰

34 Article 67 of Labour Code
35 Article 68 of Labour Code
36 Article 67 of Labour Code
37 Articles 68-70 of Labour Code
38 Article 72 of Labour Code
39 Articles 77 and 78 of Labour Code
40 Article 87 of Labour Code



9 3 Maternity leave

Female employees are entitled to full pay **maternity leave** for a total period of 72 days, including thirty 30 days before their expected delivery date as stated in an accredited medical report.⁴¹ An accredited medical institution can request that the maternity leave be extended to a period not exceeding nine (9) months in cases where complications occur during delivery or where the employee gives birth to more than one child. Days beyond this period will be counted as unpaid leave unless the female worker is subject to the Worker's Pension and Social Security Law.⁴²

Female employees are further entitled to take up to one (1) hour a day for nursing their new-born baby.⁴³ Finally, female employees shall be entitled to a maximum of one (1) year unpaid leave to bring up their children if the child is less than one (1) year old. Their employment contract will be on hold during this time.⁴⁴

However female employees may not work for another employer during their maternity leave or it will be cancelled.⁴⁵

9 4 Special personal leave

The labour law applicable in the KRI does not specifically address bereavement leave.

9 5 Public Holidays

Employees are entitled to full pay for feast days and official **holidays** that are officially adopted by the government.

- 41 Article 84(1) of Labour Code
- 42 Article 84 of Labour Code
- 43 Article 87 of Labour Code
- 44 Article 86 of Labour Code
- 45 Articles 85-86 of Labour Code





Vegetable Market, Bardarash Camp



10 | TAXATION

Income taxation in KRI is 5% of the monthly income for persons earning more than IQD,1,000,000 per month.⁴⁶



11 | DISCIPLINARY PROCEDURES

Employers can take **disciplinary action** against employees for breaches of the employment rules. These rules must be made publicly available to all workers in the workplace.⁴⁷ The Minister of Labor and Social Affairs shall draw up model disciplinary rules which shall serve as a guide to employers.

Disciplinary penalties include written warnings, suspension of work for up to three (3) days, loss of the annual wage increase for no more than six (6) months, demotion and wage deduction and dismissal.⁴⁸ Challenges to any disciplinary penalties imposed on workers must be filed in the Labour Courts within 15 days of the worker being notified by the employer of the penalty. Employers are responsible for proving any violations.

46 See KRG Ministry of Labour and Social Services webpage, [KRI Ministry of Labour and Social Security](#)

47 Article 125 of Labour Code

48 Article 126 of Labour Code



Hussein, Blacksmith Shop in Dohuk (Photo: Ahmed)



12 | DISMISSAL AND TERMINATION OF EMPLOYMENT

12.1 Grounds for dismissal or termination

There are various grounds for dismissal from work or termination of employment contracts under the Labour Code. **Dismissal** from work involves some fault on behalf of the employee whilst **termination** of employment may be for broader reasons including a workers reaching retirement age or liquidation of the business. Some issues allow immediate dismissal without notice whilst a series of warnings or a period of notice is required in other cases.

The Labor Code is predisposed to continued employment, making it difficult for employers to terminate an employment relationship. Under the Labor Code, an employment contract may only be **terminated** in one of the following cases:

- › By written, mutual agreement between the parties.
- › On the expiry of the contract period.
- › When the employee decides to terminate an indefinite-term contract of employment, subject to having given the employer at least thirty 30 days advance notice. If the employee quits without notice on or before the expiry of the prescribed notice period, the employee shall be required to pay the employer compensation amounting to his or her wages for the remaining fraction of the notice period.
- › When the employee has contracted an illness which makes him or her unable to work and has not been cured within six (6) months, as substantiated by an official medical report.
- › When the employee has become incapacitated to the extent of 75% or more and is unable to work, as substantiated by an official medical report.
- › When the working conditions in the establishment call for a reduction in the volume of work, on the condition that notice is given to the Ministry of Labor and Social Affairs.⁴⁹



An employee may **unilaterally terminate** a contract of employment without any advance notice in the following two instances:

- When the employer has not fulfilled one of his or her duties set forth in the Labor Code, regulations, a collective labor agreement, and/or an individual contract of employment; or
- When the employer has committed a misdemeanor or a crime against the employee or a member of his family either within or outside working hours.⁵⁰

The circumstances in which an employer may **dismiss** an employee are as follows:

- When the employee has engaged in serious misconduct leading to material damage. In such a case the employer must have notified the labor office within 24 hours of the occurrence of the incident.
- When the employee has disclosed a professional secret and such disclosure has prejudiced the employer.
- When the employee has failed on more than one occasion to follow instructions regarding occupational safety, provided these instructions have been drawn up in writing and prominently posted in the workplace.
- When the employee has on more than one occasion been at the workplace in a state of obvious drunkenness or under the influence of drugs.
- When the employee has on more than one occasion engaged in conduct which is not compatible with respect for work.
- When the employee has inflicted physical harm on the employer personally or on the employer's representative or supervisors, whether or not at work, provided the employer has advised the labor office of the incident within 24 hours of its occurrence.
- When an employee commits a misdemeanor or a crime at work involving one of his or her co-workers and has been found guilty by a court in a final judgement;
- When an employee has been sentenced by the final judgement of a court to imprisonment for a period of more than one year.
- When an employee has been absent from work without justification for ten (10) consecutive days, or for 20 non-consecutive days in a given year, provided the employer has, in the first case posted a warning at the workplace during the first five (5) days of the absence and sent the competent trade union organization a copy on the same day and, in the second case given written notice to the employee at the workplace once he has been absent for 15 non-consecutive days during the work year.⁵¹

Remaining wages are to be paid to worker within seven (7) days of their end of employment.⁵²

50 Article 37 of Labour Code

51 Article 127 of Labour Code

52 Article 48 of Labour Code

Action against workers for alleged infringements that could lead to dismissal must be made within 15 days of the incident and an inquiry must take place during which the worker may be represented by a member of the trade union.⁵³

A decision to impose a dismissal penalty must be made within 15 days of the inquiry and shall be set forth in writing and the employee shall be notified of the decision. The employee may appeal the decision to the competent labor court within 15 days of having received the notification. The decision of the court shall be final except in a dismissal case, in which case the decision may be appealed to the court of cassation.⁵⁴



13 | WORKPLACE DISPUTES AND APPEALS

The Labor Code governs employment relationships. There are special Courts of First Instance dedicated to **labor disputes** in the KRI. Normal litigation procedures are followed in courts. However, labor disputes are considered somewhat expedited and the courts have developed the practice of ordering that the employer provide the employment file with the last salary, employment contract, and other information before setting a date for the first hearing to avoid having continuous adjournments later for presentation of evidence. Claims must be filed within three (3) years of the incident.⁵⁵ If a worker has been dismissed from his or her job by the employer on the basis of a mistake or bad faith, the court may order the re-instatement of the employees with back payment of wages from the time of dismissal.⁵⁶

Labor disputes do not go through appeal and move from first instance to Cassation directly.⁵⁷ A labor dispute in court is normally expected to take about six months in normal circumstances. Labour disputes are also frequently resolved extra judicially.

53 Article 128 of Labour Code
54 Article 129 of Labour Code
55 Article 145 of Labour Code
56 Article 40 of Labour Code
57 See Articles 137-139, 143 of Labour Code



Shepherd in Dohuk (Photo Noor Taher/NRC)



14 | SPECIAL EMPLOYEE CATEGORIES AND PROTECTIONS

14.1 Youth/Minors

The Labour Code defines a '**minor**' as any person who has not reached 18 years of age. Minors cannot be employed in any work which can lead to occupational or contagious disease or to serious contamination or work which presents a danger to the life, morality or health of the person.⁵⁸

The **minimum age of employment** in KRI is 15 years old.⁵⁹ Minors who have reached 15 years of age may be employed in day work, but not more than seven (7) hours per day. Minors who are 17 years of age may also be employed in night-work and overtime work. A minor may be employed only if his physical aptitude has been medically attested in a certificate issued by a competent service.⁶⁰

Minors are entitled to 30 days of leave and must not work more than four (4) consecutive hours without a break. Employers must maintain a register listing which minors are employed in the workplace.⁶¹ Wages for youth are to be paid directly to them.⁶²

Minors, even under the age of 15, who are engaged in a family enterprise are allowed to work provided they are under the authority or supervision of the minor's spouse, father, mother or sibling.⁶³

The Ministry of Labor is responsible for investigating cases of child labour. In situations in which minors are working under age, the employer must pay the minor the minimum wage and cover any work accidents or injuries suffered by the minor, regardless of who was at fault.⁶⁴ They may also be subject to imprisonment and fines.

58 Article 90 of Labour Code

59 Article 91 of Labour Code

60 Article 91 of Labour Code

61 Articles 93-94 of Labour Code

62 Article 49 of Labour Code

63 Article 96 of Labour Code

64 Article 95 of Labour Code



Female Entrepreneur (Photo: Noor Taher/NRC)

14 2 Women

Part IV, Chapter I of the Labour Code covers protections and entitlements for **female workers**, although the entitlements do not apply to women who are working in a family business in which only family members work and which is under the authority and supervision of the woman's spouse, father, mother or brother.⁶⁵

Discrimination in hiring practices is prohibited and women are entitled to maternity leave (see leave section) as well as one hour per day for nursing infant children.⁶⁶ Female workers on maternity leave are not permitted to engage in remunerative work or in any activity likely to endanger her health.⁶⁷

Female workers with one or more children under the age of six (6) may take up to three (3) days unpaid leave whenever one of the children is sick and needs their care.⁶⁸ A working mother may, with the consent of her employer, take a special unpaid maternity leave for a period of up to one year in order to take care of her child, provided the child has not reached one year of age.⁶⁹

Every employer employing women must provide them with special facilities in relation to the particular requirements of their work.⁷⁰

65 Article 89 of Labour Code

66 Article 87 of Labour Code

67 Article 85 of Labour Code

68 Article 87 of Labour Code

69 Article 86(1) of Labour Code

70 Article 88 of Labour Code

14 3 Day labourers, self-employed contractors or gig-workers

Day labourers, self-employed contractors or gig workers⁷¹ may or may not be covered by the Labour Code depending on whether or not they are in an 'employment relationship' as defined in the Code and as interpreted by the courts. For example a plumber is not formally 'employed' when they are asked to fix a leak in the bathroom. Instead there is a contractual relationship between them as a self-employed person or business and the home owner which is governed by the Iraqi Civil Code and Commercial Code provisions.

Whether a person is considered to be an 'employee' depends on whether they 'perform work in return for wages, in the service of an employer and under the employer's authority and supervision'.⁷² Iraqi courts will take account of the facts of the performance of work, the remuneration paid and any description of the relationship in agreements between the parties.

14 4 Volunteers

Volunteers are considered to be persons who work voluntarily without receiving a wage although they may receive a small allowance to cover basic costs such as transport and food. There is no prohibition against the use of volunteers in the workplace in Iraq. However, payment of a regular allowance can be taken as evidence of the existence of employment relationship if the allowance is of some value.⁷³ A work relationship will arise whenever a person has an obligation to carry out work in specified times under the direction or supervision of the employer. There are no specific rules in relation to the employment of volunteers. However, it is worth noting that working as a volunteer is always a temporary state of affairs.

71 Gig workers include independent contractors, online platform workers, contract firm workers, on-call workers or temporary workers. This can include persons such as Careem or Talabat drivers, persons working in call centres or contracted transport workers.

72 Article 8 of Labour Code

73 Article 41 of Labour Code



Nadia, Vocational Trainee (Photo: Ahmed Kaka/NRC)



15 | VOCATIONAL TRAINING

Vocational training is defined as (1) the provision of training for young persons in areas of technical expertise for different kinds of work in order to supply the various business sectors with the necessary technical skills, as well as (2) for retraining unemployed persons to raise their occupational and productive capacity.⁷⁴

The Ministry of Labour determines the occupations for which vocational training is to be provided, the period of training for each occupation, the curricula in relation to theoretical and practical knowledge, the application of the training quality standards, the examination system, the certificates awarded and the information which should appear on those certificates.⁷⁵

The relationship between the trainee and the body providing the training should be governed by a written contract which specifies the objectives, stages and duration of the training, as well as the rights and obligations of the trainee and the body providing the training, including any training at the work place.⁷⁶

Vocational trainees shall be covered under the Worker's Pension and Social Security Law and employer contributions shall be paid to the Vocational Training Service.⁷⁷

Trainees may unilaterally terminate their training contracts at any time. Vocational training centres may terminate the training contract if trainee does not sufficiently comply with the training, misbehaves or does not achieve a substantial progress according to the periodic evaluation reports.⁷⁸

74 Article 25 of Labour Code
 75 Article 26 of Labour Code
 76 Article 27 of Labour Code
 77 Article 27 of Labour Code
 78 Article 28 of Labour Code



Water Engineer, Bardarash Camp (Photo: NRC)



16 | WORKER'S ASSOCIATIONS AND TRADE UNIONS

The Labor Code has provisions governing **unions** guaranteeing the right of workers to associate and participate in them.⁷⁹ Different professional regulatory bodies such as the Lawyers Association, the Accountants Association, the Pharmacists Syndicate, each have their own laws. They are not a part of any collective bargaining scheme but they do offer their members some benefits such as pension schemes.



17 | FOREIGN WORKERS

All **foreign workers** require work permits in accordance with the procedures established by the Ministry of Labour.⁸⁰ Under the Code, Arab workers employed in Iraq are to be treated on an equal footing with Iraqi workers in regard to their work rights and duties.⁸¹ There are no special agreements between the KRI and the Syrian Arab Republic in relation to workers from each country.

79 See Article 6 of Labour Code

80 Article 23 of Labour Code

81 Article 7 of Labour Code

Anyone who wants to work in KRI must have a valid **residency card**. There are no special rules for refugees, foreign workers, seasonal workers, skilled or unskilled workers in KRI.

In order to obtain a work permit it is necessary to have a residency card. The procedures for applying for a residency card and permission to work in KRI are as follows:

- For many nationalities (EU, US and GCC)⁸² an entry visa is given at the point of entry for thirty (30) days. Other nationalities must obtain a visa beforehand. This requires a local guarantor and an invitation letter.
- The employer will need to provide an official letter to the residency office to request approval for the employment of the worker.
- The worker then needs to undergo a blood test.
- If the blood test is clear then a six month residency card will be awarded.
- The six-month residency card can be renewed for up to one year, once it has expired.
- Security authorities will also conduct background checks on the applicant as part of the work permit process.

The foreigner's passport must have at least six (6) month's validity. Foreigners that do not hold passports from the countries listed above are required to apply for work-permits before entering the country and this is possible through the KRG's e-visa portal.

Syrian refugees in KRI with valid residency permits are currently permitted to work in private employment and as self-employment persons on a de facto basis, although this right is not set out in any law or formal legal framework.⁸³

82 According to Regulation No. (7) of 2017 issued by the KRI Ministry of Interior in accordance with Iraqi Law No. 118 of 1978

83 NRC, 'Closing the Gap: For Work Rights to Decent Work for Syrian Refugees in KRI', Feb 2022, [NRC Closing the Gap report](#)

A foreign worker is within his or her rights to take an employer to court and the lack of a permit does not invalidate the employment relationship or contract. Labor courts do not automatically inquire about nationality or work permit as a matter of practice. However, if the foreign worker has violated work-permit or residency requirements, which is raised by a party to the litigation this may result in fines to the worker pursuant to Regulation No. 7 of 2017 on

According to Article 18 (2) of the Regulation, for every day a person overstays the duration of his or her visa while failing to apply for a residency card, he or she will be fined IQD 20,000 IQD. In addition to the fines, foreign person(s) who violate visa or residency regulations, including work visa instructions, are at risk of being placed on an Entry Ban list (which bans the person from re-entry into the KRI) for a period of not less than one (1) year. After the expiration of the ban period, a letter may be sent to the KRI Ministry of Interior Affairs for the purposes of officially removing the foreign person(s) name from the list.






18 | INFORMATION AND AVAILABLE RESOURCES

ILO Resources

ILO provides comprehensive and updated information on employment laws, regulations and procedures worldwide through their ILO NORMLEX Information Systems on International Labour Standards. This includes national legislation, international labour treaties ratified by Iraq and relevant country research links. The site also includes information about reports and information submitted by Iraq to international labour standards monitoring bodies, such as the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and reports by such bodies concerning Iraq.

- ▶ ILO Iraq Country Profile  [ILO Iraq Country Profile](#)

See also:

- ▶ Kurdish Regional Government, Ministry of Labour and Social Services  [KRI Ministry of Labour and Social Services](#)

Other selected resources

- ▶ ILO, UNDP, UN Women, IOM, Fafo and CLCI, “A diagnostic of the informal economy in Iraq”(November 2021)  [ILO Diagnostic of Iraqi Economy](#)
- ▶ ILO, “Decent work country programme Iraq: Recovery and reform 2019-2023” (2019),  [NRC Closing the Gap](#)
- ▶ ILO, “Decent work country programme Iraq: Recovery and reform 2019-2023” (2019)  [ILO Decent Work Country Programme Iraq](#)
- ▶ Rand Corporation, Hansen, M.L, et all, ‘Strategies for Private-Sector Development and Civil-Service Reform in the Kurdistan Region—Iraq’, Chapter 3, ‘Employment in the Kurdistan Region - Iraq’ (2014)  [Rand Private Sector Reform Iraq](#)
- ▶ UNESCO, TVET, “Assessment of the Labour Market & Skills Analysis Iraq and Kurdistan Region-Iraq”, (2019)  [UNESCO Assessment of Labour Market Skills KRI](#)



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