

THE LABOUR LAW

CHAPTER ONE: GENERAL DEFINITIONS AND PRINCIPLES

Article 1: All employers, workers, workshops and production, industrial, services and agricultural institutes shall be obligated to observe the provisions of this Law.

Article 2: For the purpose of this Law, a worker is one who works in any capacity against receipt of remuneration including wages, salary, share of profit, and other benefits at the request of the employer.

Article 3: An Employer is a natural person or a juridical entity at whose request and account a worker works against receipt of remuneration. The directors, officials and in general, all those individuals who are assigned with the task of administering workshops shall be deemed to be representatives of the employer. An employer shall be responsible for all commitments made by the said representatives towards workers. Should the employer's representative undertake any commitment outside the scope of his powers and such commitments shall not be acceptable to the employer, he will be responsible towards the employer.

Article 4: Workshop is a place like industrial, agricultural, mining, construction, transportation, passenger transport, services, commercial and production institutes, public premises and their likes, where the worker in which performs his work at the request of the employer or his representative.

All facilities, belonging to a workshop such as prayer-room, canteen, cooperative shop, nursery, kindergarten, clinic, bath, vocational training institute, reading room, literacy classes and other training centres as well as premises of the Islamic council and society, and Workers' Mobilization Unit, gymnasium, and means of transportation and their likes, with due regard to the type of the work shall be considered as parts of the workshop.

Article 5: All workers, employers, representatives thereof, and trainees, and also the workshops shall be governed by provisions of this Law.

Article 6: By virtue of Clause 4 of Article 43, Clause 6 of Article 2, and Articles 19, 20 and 28 of the Constitution of the Islamic Republic of Iran, it shall be prohibited to compel individuals into performance of a specific work, and to exploit them. The people of Iran, of any tribe and ethnic group, shall enjoy equal rights. Colour, race, language and their likes shall not be treated as a privilege, as all people, whether male or female shall be equally protected by law. Every person has the right to choose his desired occupation provided that it is not contrary to Islam and public interests, and does not infringe upon others' rights.

CHAPTER TWO: EMPLOYMENT AGREEMENT

SECTION ONE: EMPLOYMENT AGREEMENT AND BASIC CONDITIONS

GOVERNING ITS CONCLUSION

Article 7: An employment agreement is a written or oral agreement under which a worker performs a job 'for the employer against receipt of remuneration for a definite (temporary) or indefinite period.

Note 1: Maximum definite period for jobs of non-permanent nature shall be determined by the Ministry of Labour and Social Affairs, and approved by the Council of Ministers.

Note 2: Jobs of continuous nature, shall be considered indefinite in case no period shall be mentioned in the employment agreement.

Article 8: The terms laid down in the employment agreement or later amendments thereof shall come into force only in case the benefits stipulated therein for the worker shall not be less than those provided in the instant Law.

Article 9: In order to be valid, an employment agreement must observe the following conditions at the time of conclusion:

- a) Legitimacy of the object of the agreement.
- b) Specification of the object of the agreement.
- c) Non-prohibition under the law and Sharia of the parties to possess property or to perform of the specified work.

Note: All employment agreements shall be legally binding and valid unless their nullification by competent authorities shall be established.

Article 10: In an employment agreement the following points must be inserted in addition to insertion of full particulars of the parties:

- a) Type of work, vocation or duty which must be performed by the worker.
- b) Basic salary or wages, and fringe benefits.
- c) Working hours, holidays and vacations.
- d) The location in which the work shall be performed.
- e) Date of conclusion of agreement.
- f) Duration of agreement, in case the work is to be performed for a definite period.
- g) Other matters which are required to be included by the custom and practice of the job or the locality.

Note: in cases where an employment agreement shall be in written form, it shall be drawn up in four copies, and one copy each shall be provided to the local Labour Department, the worker himself, the employer, and the Islamic labour council . In workshops devoid of such council, to the workers' representative.

Article 11: The parties may, through mutual agreement, determine a period as "probation period". In the course of this period, either party shall have the right to terminate the agreement without prior notice and without any obligation to indemnify damages. Should the work relationship be terminated by the employer, he would be under the obligation to pay the salary for the whole probation period. If such a move is taken by the worker, he shall be entitled to collect salary only for the period of performance of work.

Note: The duration of the "Probation Period" must be stated in the employment agreement. This period shall not exceed one month in case of unskilled and semi-skilled workers, and three months in case of skilled workers possessing high level specialization.

Article 12 Any legal change in the proprietary status of a workshop such as the sale or transfer in any form, a shift in the production line, merger with another institute, nationalization, demise of the owner and their likes shall not affect the contractual relations of those workers whose contracts have been finalized, and the new employer shall become the successor to the obligations and rights of the former employer.

Article 13: In cases where a work is performed through a contract, the assignor of contractual works shall be obligated to insert some provisions in the contract he enters into with the contractor whereby the contractor shall undertake to comply with all the provisions of this Law in respect of his workers.

Note 1: The amounts due to workers shall be deemed to be preferred debts, and the assignors are obligated to pay the debts of their contractors to their respective workers out of the claims of the contractor. Such claim include amounts payable to a contractor under the good performance bond which may be paid to workers in accordance with the verdict of judicial authorities.

Note 2: Should the assignor of the work, contrary to the aforesaid provision, conclude a contract with a contractor or settle accounts prior to the expiry of 45 days from the date of provisional delivery, he would be obligated to pay the contractor's debts owed to the workers.

PART TWO

SUSPENSION OF EMPLOYMENT AGREEMENT

Article 14: In cases where performance of obligations of any one of the parties shall be temporarily halted due to the reasons stated in the following articles, the employment agreement shall be suspended. After removal of such causes, the employment agreement (with regard to retirement and wage increase) shall be revived with due calculation of the previous service record,

Note: The period of compulsory military service (active, contingency and reserve) and also the period of voluntary participation of workers in the war front, shall be considered to be a part of their service record.

Article 15: In cases where due to force majeure or unpredictable events occurring beyond the control of the parties, the whole or a part of the workshop is closed down or where performance of the obligations of a worker or an employer becomes temporarily impossible, the employment agreements concluded with the workers of the whole or such part of the workshop which is closed down shall be suspended. The Ministry of Labour and Social Affairs shall determine the above said cases.

Article 16: The employment agreements concluded with those workers who benefit from academic study leave or other leaves without salary or wages under this Law shall be suspended in the course of such leave for a two-year period.

Note: Leave for academic study may be extended for a further two-year period.

Article 17: The employment of a worker who is under detention not leading to conviction, shall be suspended during the detention period. The worker shall resume work upon his release.

Article 18: Should a worker's detention result from a complaint filed by the employer and such complaint shall fail to lead to conviction by the dispute settlement authorities, the detention period shall be considered to be a part of the worker's service record, and the employer shall be obligated, apart from compensating for losses so inflicted (which shall be paid to the workers under the court verdict) to also pay the wages and benefits for the period of detention to the worker(s) concerned.

Note: Until the fate of such worker has not been determined by the above said authorities, the employer shall be under the obligation to pay on account, at least 50% of the monthly salary of the worker to his family in order to meet their requirements.

Article 19: During the compulsory military service, the labour contract shall become suspended, but the worker must return to his former work within a period not exceeding two months after the completion of the draft. In the event of elimination of his job, he shall be engaged in a similar position.

Article 20: In any of the cases stated in Articles 15, 16, 17 and 19, should the employer refrain from reinstating the worker, at the end of the state of suspension, such act shall be considered as illegal dismissal, and the worker shall have the right to refer to the fact finding board within a period of 30 days. (Provided that the worker has no valid justification). In the event the employer cannot prove that non-reinstatement of the worker has been due to some plausible justification, he shall be under the obligation, as to be decided by the above said board, to reinstate the worker and pay his salary or wages as of the date of his referral to the workshop. However, if he may. prove the same, the employer must pay to the worker an amount equivalent to 45 days of the last wages for each year of service.

Note: Should a worker fail, without any valid reason, to notify the employer of his readiness to return to work within 30 days after the end of the state of suspension, or fail to refer to the fact finding board after his referral to the employer and refusal on his part, he shall be considered to have resigned. In s case, the worker shall be entitled to receive severance pay equivalent to one month of his last salary for each year of service.

Part Three: Termination of Employment Agreement

Article 21: The employment agreement may be terminated in any of the following cases:

- a) Death of worker.
- b) Retirement of worker.
- c) Total disability of worker
- d) Expiry of duration of definite employment agreements and their non-renewal explicitly or implicitly.
- e) Completion of work in the contracts for specific task.
- f) Resignation of worker.

Note: Any worker tendering his resignation shall be obligated to remain on the job for one month, and to initially notify the employer of his resignation in writing. Should a worker notify the employer of his intention to withdraw his earlier resignation in writing within a period of 15 days, such resignation shall he deemed to be void, and the worker

shall be required to submit copies of his resignation letter and the subsequent letter withdrawing his earlier decision to the Islamic Council of the workshop or the guild society or the workers' representative.

Article 22: Upon completion of work, all claims arising out of the employment agreement and the period of employment in the above cases shall be paid to the worker, and in the event of his death, to his legal heirs.

Note: So long as the heirs are not legally known and administrative procedures, have not been carried out, the Social Security Organization (SSO), shall be under the obligation to pay on account, the salary of the deceased to his dependent family members for a period of three months at the rate of his last salary.

Article 23: In terms of receipt of salary or pension arising out of death, sickness, retirement, unemployment, suspension, total or partial disability or protective regulations and conditions relating to them, workers shall be covered by the SSO.

Article 24: In the event of termination of the agreement, completion of definite works or expiry of definite agreements, the employer shall be required to pay to a worker who has worked on the job for one year or in excess of it under an agreement, an amount equivalent to one month salary for each year of continuous or alternate service at the rate of the last salary as severance benefits.

Article 25: In cases where an employment agreement has been concluded for a definite period or for performance of a specific work, neither party may cancel it unilaterally.

Note: Disputes arising out of such employments shall be decided by the fact-finding board and dispute settlement board.

Article 26: Any major change in the working conditions contrary to the common practice of the workshop or the place of work shall be enforced after the written agreement of the local Labour and social welfare department.

In case of a dispute, the decision of the dispute settlement board shall be final and binding.

Article 27: Should a worker neglect performance of the assigned obligations or breach the disciplinary by-laws of the workshop despite written notices, the employer, based on the assenting opinion of the Islamic Labour council, shall have the right to terminate the employment agreement, and pay to the worker an amount equivalent to one month of the last salary as annuity in addition to his outstanding claims and salary.

In the units devoid of an Islamic Labour council, the assenting opinion of the guild society must be obtained. Nevertheless, in the above said cases, in the event of a matter not being settled through mutual agreement, it shall be referred to the fact finding board. In case the board fails to resolve it, the matter shall be considered and decided upon by the dispute settlement board. During the period of examination by the dispute settlement authorities, the employment agreement shall remain suspended.

Note 1: In workshops not governed by the Islamic Labour Councils Law or where there does not exist an Islamic Labour Council or a guild society or there is a lack of a Labour representative, the assenting opinion of the fact-finding board (subject of Article 158 of this Law) shall be required to terminate the employment.

The cases of negligence and the procedures and disciplinary by-laws of the workshops shall be drawn up and approved by the Minister of Labour and Social Affairs upon a proposal to be made by the Labour High Council.

Article 28: Legal representatives of workers and members of Islamic Labour councils, and also the candidates eligible for representation of workers and Islamic Labour councils shall continue their functions, during various stages of elections and prior to an announcement of the final opinion of the fact-finding board (subject of Article 22 of the Islamic Labour Councils Law), in the same unit, and perform their assigned obligations and routine work.

Note 1: The fact-finding board and the dispute settlement board, after receiving a plaint concerning a dispute between the legal representative(s) of the workers and the employer, shall immediately and out of turn investigate the case, and announce their final decision. At any rate, the dispute settlement board shall be under the obligation to investigate the case within a period not exceeding one month from the date of receipt of the plaint.

Note 2: In workshops devoid of an Islamic Labour council or in the regions where a fact-finding board (subject of Article 22 of the Islamic Labour Councils Law) has not been set up, or the relevant workshop is not governed by the Islamic Labour Councils Law, the representatives of workers or representatives of the guild society shall continue (until the issuance of final verdict by the fact-finding board and final decision of the dispute settlement board) to perform their functions in the same unit, engage in work, and perform the duties and affairs assigned to them.

Part Four: Indemnification of Any Type of' Damages and Payment of Severance Benefits

Article 29: Should, on the basis of the verdict of the dispute settlement board, the employer be considered to be responsible for suspension of employment by the worker, the worker will be entitled to receive the damages arising out of such suspension, and the employer shall be obligated to reinstate the suspended worker.

Article 30: Should the workshop, as a result of force majeure (earthquake, flood and their likes) or unforeseeable incidents (war and its likes), be closed down rendering its workers jobless, the employer shall be required, following the resumption of the workshop operations, to reinstate the jobless workers in their original jobs in the same restructured unit and in the jobs created therein.

Note: The Government shall be under the obligation, by virtue of Article 29 of the Constitution and with the help of public revenues and the incomes earned through public participation, and also by establishing an unemployment insurance fund, to provide livelihood for jobless workers subject of Article 4 of this Law, and to create, under Clause 2, Article 43 of the Constitution, necessary facilities for their re-employment.

Article 31: Should the employment agreement be terminated due to total disability or retirement of a worker, the employer must pay to such worker an amount equivalent to 30 days of his last wages for each year of his fully paid service. This amount is in addition to the disability or retirement pension paid to workers by SSO.

Article 32: Should an employment be terminated due to a decline in the physical and mental capabilities of a worker in his work (as assessed by the medical committee of the regional health organization upon the recommendation of the Islamic Labour council or the legal representatives of the workers), the employer will be obligated to pay him an amount equivalent to two months of his last salary for each year of service.

Article 33: Cases of total or partial disability or ailments arising out of work or otherwise, death of a worker and the extent of negligence on the part of an employer in performing the duties assigned under the law which lead to termination of employment shall be determined on the basis of the criteria to be approved by the Council of Ministers upon a proposal by the Minister of Labour and Social Affairs.

Chapter Three: Working Conditions

Part 1: Emoluments

Article 34: All official receipts collected by a worker by virtue of the employment agreement including the wages, salary, family allowances, and housing, food and transport expenses, aid in kind, bonus for production increase, annual 1 and their likes are known as emoluments.

Article 35: Wages comprise the cash amount, aid in kind or their total which are paid to the worker against performance of work.

Note 1: Should wages be paid on the basis of hours of performance of work, these will be called "hourly wages". In the event these are based on the volume of work performed or pieces of a product produced, these will be termed as "commission. If these are in accordance with the product produced or the volume of work performed during a fixed period, such will be called "hourly commission".

Note 2: The criteria and benefits related to the "hourly wages", "hourly commission", "commission", and the jobs covered by this Article shall be determined upon a proposal by the Labour High Council and approval by the Minister of Labour and Social Affairs. The maximum working hours, subject of this Article, should not exceed the maximum official working hours.

Article 36: "Fixed Wages" consist of the total amount of the wages for the job and fixed benefits payable on that job.

Note 1: In workshops which are not governed by a job classification and evaluation plan, fixed benefits payable on that job are those benefits which are paid according to the nature of the job, environment of work, and for adjusting wages during normal working hours. These include hazardous work benefits, supervisory allowances and job allowances.

Note 2: In workshops where the job classification plan has been enforced, the group and base wages form the basic wages.

Note 3: Benefits and incentives such as housing, food and family allowances, production hike bonus and annual profit share shall not be considered as part of the fixed wages and basic wages.

Article 37: The wages must be paid at regular intervals on working days and during working hours in cash and in the currency of the country, or through mutual agreement of the parties by a bank cheque duly observing the following conditions:

a. Should, under the employment agreement or the common practice of a workshop, the amount of wages be determined on a daily or hourly basis, its payment must take place after calculation at the end of the day, the week or the fortnight in proportion to the hours or days of work so performed.

b. Should the wages be paid monthly on the basis of an agreement or common practice of the workshop, such payment must be made at the end of the month. In such a case, these wages shall be called "salary".

Note: In months having 31 days, the benefits and salary must be calculated and paid to workers on the basis of 31 days.

Article 38: In compensating for equal work performed under equal conditions at a workshop, equal wages must be paid to men and women. Discrimination in determining the wages on the basis of age, sex, race, nationality, and political and religious beliefs shall be prohibited.

Article 39 The wages and benefits payable to the workers who are engaged in work on part-time basis or for hours less than the officially determined working hours, shall be calculated and paid in proportion to the hours of work actually performed.

Article 40: In cases where a part of wages were paid, through mutual agreement of the parties in kind, the cash value set for such payments must be fair and logical.

Article 41: The high Labour Council shall be under the obligation to annually determine the minimum wages of the workers in different parts of the country or in various industries in accordance with the following criteria:

1. The minimum wages of workers in consideration of the percentage of inflation announced by the Central Bank of the Islamic Republic of Iran.
2. The minimum wages, without considering the physical and mental characteristics of the workers and the specificity of the work assigned to them must be to the extent that it may support a family whose average number shall be announced by official authorities.

Note: The employers shall be duty-bound to pay to the workers an amount not less than the newly announced minimum wages against performance of work during the official working hours. In case of violation, the employer shall be obligated to guarantee payment of the difference between the wages paid and the new minimum wages.

Article 42: The minimum wages, subject of Article 41 of this Law, must exclusively be paid in cash. The payment in kind, stipulated in any form in employment agreements, shall be treated as payments in excess of the minimum wages.

Article 43: The workers, engaged in commission basis work, shall be entitled to receive wages for Fridays, official holidays and vacations. The basis of calculation shall be the average of their commission on the days of work during their last working month. In any case, the amount thus paid must not be less than the official minimum wages.

Article 44: Should a worker be indebted to his employer, only the amount in excess of his minimum wages may be deducted against such indebtedness on a court ruling. In any case, the amount of such deduction must not exceed one-fourth of the worker's total wages.

Note: The alimony and clothing of the dependents of the worker entitled to alimony shall be exempted from the above said rule, and governed by the provisions of the Civil Code of Iran.

Article 45: Only in the following cases an employer may make deductions from a worker's wages:

- a) Instances expressly provided under a law.
- b) Where the employer has paid an amount to the worker as advance payment
- c) Installments of loans extended by the employer to the worker in accordance with the applicable regulations.
- d) In case of excess payment being made due to an error in computation.
- e) The charges for accommodation provided by the management (whose amount has been determined mutually by the parties). Should the accommodation be rented out to an employee, the rental shall be fixed through mutual agreement of the parties.
- f) Amounts whose payment has been undertaken by the worker for the purchase of essential goods from the consumer cooperative society of the workshop.

Note: Upon receiving a loan, subject of Paragraph c above, the amount of installments must be specified through mutual agreement of the parties.

Article 46: The workers who may be sent on official duty outside the place of service in accordance with the employment agreement or subsequent agreement shall receive assignment allowance. Such allowance must not be less than the fixed or basic daily wages of the worker. Also, the employer shall be under the obligation to provide transportation or conveyance allowance to such workers.

Note: Official duty means the cases where a worker has to proceed to a distance of at least 50 kilometers from the place of the original workshop for performance of work, or where he has to stay at least for one night at the place of performing the official duty.

Article 47: In order to create incentive for greater production with better quality, less wastage, enhancement of interest and hike in the workers level of income, the parties shall conclude the production increase bonus agreement under the by-laws to be approved by the Minister of Labour and Social Affairs.

Article 48: For preventing the exploitation of the work of others, the Ministry of Labour and Social Affairs shall be obligated to formulate and enforce a job evaluation and classification system with the help of job standards and common practice for the jobs prevalent in the country.

Article 49: In order to establish a proper relationship between workshops and the job market concerning wages, and specific of job descriptions, and also the scope of responsibility in various jobs in workshops, the employers, subject to this Law, shall be

obligated to draw up a job classification plan in cooperation with job classification committee of the workshop or competent institutes and implement it after confirmation by the Ministry of Labour and Social Affairs.

Note 1: The Ministry of Labour and Social Affairs shall determine and notify the directive and executive by—laws of the job evaluation plan of the workshops, subject of this Article concerning the number of workers and the date of enforcement of the Plan.

Note 2: The competence of institutes and individuals undertaking the formulation of job classification plans in workshops must be confirmed by the Ministry of Labour and Social Affairs.

Note 3: The disputes arising out of the implementation of the job classification plan shall be investigated by the dispute settlement board upon the recommendation of the Ministry of Labour and Social Affairs.

Article 50: Should the employers, subject of this Law, fail to complete assessment of the jobs in their workshops within the deadlines set by the Ministry of Labour and Social Affairs, the Ministry shall assign this task to a job assessment technical consulting bureau or a competent individual (subject of Note 2, Article 49).

Note: Apart from payment of the related expenses, the employer shall be obligated to pay a fine equivalent to 50% of the consultation fee to the Public Revenue Account with the Treasury. As of the date to be specified by the Ministry of Labour and Social Affairs, the employers must pay the contingent wage differential resulting from the enforcement of the job assessment plan.

Part Two: The Duration of Work

Article 51: For the purpose of this Law, “working hours” constitute the period during which a worker places his energy or time at the disposal of an employer for the performance of work. Barring the cases excepted in this Law, the working hours per day must not exceed 8 hours.

Note 1: The employers, with the consent of the workers or their representative (s), may set working hours less than the statutory hours on certain days a more than the statutory hours on other days of the week provided that the total working hours does not exceed 44 hours per week.

Note 2: In farm work, the employer, with the consent of the workers or their legal representative(s), may regulate the working hours per day with due regard to the type of the work, custom and different seasons.

Article 52 : In hard, hazardous and underground jobs, working hours must not exceed six hours per day and 36 hours per week.

Note: Hard, hazardous and underground jobs shall be determined in accordance with the by—laws which shall be prepared by the High Council of Technical Safety and Labour Hygiene, and the High Council of Labour, and approved by the Ministers of Labour and Social Affairs, and Health and Medical Education.

Article 53: Day time work is the work whose period of performance is from 6 a.m. to 10 p.m., and night time work is the work which is performed between 10 p.m. and 6 a.m.

Mixed time work is the work whose period of performance is partly during day time and partly during night time

In mixed time work, the workers shall be entitled to the allowance, set forth under Article 58 below, for the hours of night time work.

Article 54 : Alternate work is the work which is not typically performed in consecutive hours but during specific hours of the day.

Note: The intervals between alternate work shall be at the discretion of the worker, and his presence at the workshop shall not be obligatory. In alternate jobs, the total working hours, intervals and overtime work from the start to the finish must not exceed 15 hours per day.

The starting and finishing hours of work, and the intervals shall be determined with the mutual agreement of the parties, type of work and practice prevalent at the workshop.

Article 55 : Shift work is the work which rotates during the month in such a manner that the shifts occur during the morning, afternoon or at night.

Article 56 : Workers performing shift work during one month with shifts in the morning and afternoon shall receive 10%, with shifts in the morning and at night, or in the afternoon and at night 22.5% of the wages as shift allowance in addition to the wages.

Article 57: Working hours in shift work may exceed 8 hours per day and 44 hours per week, but the total working hours in four consecutive weeks may not exceed 176 hours.

Article 58: For every hour of night time work, 35 percent in addition to the wages for normal working hours shall be paid to non workers only.

Article 59 :Under normal conditions, assignment of overtime work to workers shall be permitted with the following conditions:

a) Consent of the worker.

b) Payment of 40% in addition to the wages for every hour.

Note : Overtime work assigned to workers must not exceed 4 hours per day (other than in exceptional cases with the mutual agreement of the parties).

Article 60 :Assignment of overtime work at the discretion of the employer, for the period required to tackle with the following circumstances, shall be permissible on the condition of payment of overtime pay (subject of Para "b", Article 59) and the maximum overtime, subject of this Article, shall be 8 hours per day (other than in exceptional cases with the mutual agreement of the parties):

A) Prevention of anticipated events or indemnification of the losses caused by these events.

B) Resumption of the activity of the workshop in case such activity has been ceased due to the occurrence of a mishap or natural calamities such as flood, earthquake or other unforeseeable events.

Note 1: Following the performance of overtime work in the above cases, the employer shall notify the Department of Labour and Social Affairs within a maximum period of 48 hours so that the exigency of overtime work and duration thereof may be confirmed.

Note2: Should the exigency of overtime work not be confirmed by the local Department of Labour and Social Affairs, the employer shall be under the obligation to indemnify the losses and damages caused to workers.

Article 61: Assignment of overtime work to the workers doing night time work or dangerous, hard and hazardous work is prohibited.

PART THREE : HOLIDAYS AND VACATIONS

Article 62: Friday is the weekly holiday for workers, allowing payment of wages.

Note 1: Jobs related to public services such as water, electricity, bus service, or in workshops where, based on the type of work or mutual agreement of the parties, another day is regularly set as a holiday, such day shall be deemed as the weekly holiday. In any case, a specific day shall compulsively be set as a holiday per week.

The workers who, on any ground, work on Fridays shall receive an amount equivalent to 40% of the wages in addition to their usual wages for non utilization of the holiday on Friday.

Note 2: Should the weekly working days be less than six, the wages for the weekly holiday of the worker will be equivalent to one-sixth of the total wages or salary thus received by him on the working days during the week.

Note 3 : in the workshops where workers enjoy two holidays by working five days and for 44 lic a week, the wages for each of these two weekly holidays shall be equivalent to the daily wages.

Article 63: Apart from the official holidays, the Labour Day (May 1) shall also be considered as a part of the workers' official holidays.

Article 64: The annual privilege vacations of the workers, with full wages and including four Fridays, total one month. Other holidays shall not be treated as a part of privilege vacations. For a working period of less than one year, the said vacations shall be calculated in proportion to the period of work actually performed.

Article 65: The annual privilege vacations of workers engaged in hard and hazardous work are five weeks. Such vacations shall be utilized, as much as possible, on two occasions and at the end of every six months of work.

Article 66: A worker may not accumulate more than 9 days of his annual privilege vacation.

Article 67: Every worker shall have the right to benefit from one month of privilege vacation or vacation without pay for performing the obligatory Hajj pilgrimage only once during the entire period of his work.

Article 68: The amount of privilege vacation of seasonal workers shall be determined on the basis of the months of actual work.

Article 69 : The date of utilization of vacation shall be determined with the mutual agreement of the worker and the employer. In case of dispute between a worker and an employer, the decision of the local Labour department shall be binding.

Note: in case of inter-connected tasks as well as all the jobs which necessitate constant presence of at least a specific number of workers during working days, the employer shall, be obligated to prepare a time table for utilization of vacations by the workers during the last quarter of every year for the following year, and to announce the same after confirmation by the Islamic Labour council, guild society, or the workers' representative.

Article 70: Vacation of less than one working day shall be considered a part of the privilege vacation.

Article 71: in cases of termination of an employment agreement, ret or total disability of a worker, or closing down o a workshop, the amounts payable to workers on account of privilege vacation shall be paid to the worker arid in case of their death, to their heirs.

Article 72: The manner of utilization of unpaid vacations by a worker, its duration and conditions governing resumption of work by him following utilization of vacation shall be determined with the written agreement of the worker or his legal representative, and the employer.

Article 73: All workers shall be entitled to three days of vacation with wages in the following cases:

- a) Permanent marriage
- b) Death of spouse, father, mother or children.

Article 74: The period of sick leave shall be considered a part of the service record and retirement of workers with the approval of the Social Security Organization.

Part Four: Working Conditions of Women

Article 75: it is prohibited for female workers to perform dangerous, hard and hazardous works as well as to physically lift loads in excess of the authorized limit without the use of mechanical devices. The procedure for and the type and amount involved in such cases shall be approved by the Minister of Labour and Social Affairs upon the proposal of the High Labour Council.

Article 76: The female workers' maternity leave totally comes to 90 days. At least 45 days of this leave, as much as possible, must be utilized after delivery. In case of multiple delivery, 14 days shall be added to the period of leave.

Note 1: At the end of the maternity leave, a female worker shall resume the former work. This period, upon approval by the Social Security Organization, shall be considered a part of her service record.

Note 2: The salary for the period of maternity leave shall be paid in accordance with the provisions of the Social Security Act.

Article 77: In cases where the physician of the Social Security Organization considers the work to be hazardous or hard for a pregnant worker, the employer shall be required to assign a lighter and more suitable work to her until the completion of her pregnancy without reduction of the compensation.

Article 78: In workshops having female workers, the employer shall be obligated to allow half an hour to the mother for nursing the baby after every three hours up to the end of the Child's second year. Such period shall be considered a part of the female's working hours. Also the employer shall be duty bound to set up centres related to child care (such as nursery, kindergarten, etc.) proportionate to the number of children considering their age groups.

Note: The executive by-laws, and regulations governing establishment and administration of nurseries and kindergartens shall be formulated by the General Social Welfare Organization, and enforced after approval by the Minister of Labour and Social Affairs.

Part Five: Working Conditions for Youths

Article 79: It is prohibited to employ individuals of below 15 years of age.

Article 80 :Any worker aged between 15 and 18 years is called a "young worker" who must go through medical examination by the Social Security Organization at the outset of employment.

Article 81 Medical examination of a young worker must be renewed at least once every year, and the related documents preserved in the employment file. The physician shall comment on the harmony of the type of work with the capability of the young worker. Should the physician consider the related work unsuitable, the employer shall be required to change the worker's job to the extent possible.

Article 82: The daily working hours of a young worker shall be half an hour less than the normal working hours of workers. The manner of benefiting from this privilege shall be determined with the mutual agreement of the worker and the employer.

Article 83: Assignment of any type of extra work, night time work, and also hard, hazardous and dangerous work as well as tasks involving lifting of load in excess of the authorized limit without using mechanical devices to young workers shall be prohibited.

Article 84: In case of such jobs and tasks whose performance, due to their nature or conditions governing them, is hazardous for the health or moral character of the trainees and youths, the minimum age shall be 18 years. The Ministry of Labour and Social Affairs shall determine this matter.

CHAPTER FOUR: SAFETY & LABOUR HYGIENE

PART ONE: GENERALITIES

A In order to preserve the workforce and financial resources of the country, observance of the instructions formulated by the High Council of Technical Safety (for provision of technical safety) and the Ministry of Health and Medical Education (for prevention of vocation-related diseases, and provision of Labour, worker and working environment hygiene) shall be binding for all workshops, employers, workers and trainees.

Note: Domestically operated workshops shall also be governed by provisions of this chapter and shall be obligated to observe the technical and Labour hygiene principles.

Article 86: The high Council of Technical Safety shall be responsible for drawing up technical safety criteria and by-laws, and shall comprise the following members:

1. Minister of Labour and Social Affairs or his deputy as the head of the Council.
2. Deputy Minister of Industries.
3. Deputy Minister of Heavy Industries.
4. Deputy Minister of Agriculture. 5. Deputy Minister of Oil,
6. Deputy Minister of Mines and Metals.
7. Deputy Minister of Construction Jihad.
8. Head of Environmental Protection Organization.
9. Two university professors experienced in technical fields
10. Two directors of industries
11. Two representatives of the workers
12. General Director, Labour Inspection, Ministry of Labour and Social Affairs who shall be the Council Secretary.

Note 1: The Council's proposal shall be approved by the Ministry of Labour and Social Affairs. In case the Council shall consider it necessary, it may form specialized committees for preparation of draft by-laws relating to the technical safety of workers in the working environment, and the performance of other functions involving the Council.

Note 2: The internal by-laws of the Council shall be approved by the Minister of Labour and Social Affairs upon the proposal of the High Council of Technical Safety.

Note 3 :Appointment of university professors, workers representatives, and the representatives of the directors of industries shall be in accordance with a procedure to be prepared by the High Council of Technical Safety, and approved by the Minister of Labour and Social Affairs.

Article 87: Natural persons and judicial entities seeking to set up new workshops or expand the existing ones shall be under the obligations to initially present the plan of work, the building plans, and the desired projects in respect of technical safety and Labour hygiene for comments and approval to the Ministry of Labour and Social Affairs. The Ministry of Labour and Social Affairs shall be obligated to announce its opinion within one month. The operation of the above said workshops shall be subject to observance of safety and hygienic regulations.

Article 88 :Natural persons and judicial entities, engaged in the manufacture or import and supply of machineries, shall be required to observe appropriate safety and protection cases.

Article 89: Prior to putting into operation such machineries, instruments, devices and equipment whose testing has been considered essential under the by—laws approved by the High Council of Technical Safety, (HCTS) the employers shall be obligated to carry out the necessary tests through the LICTS approved Laboratories and centres, to retain the related documents, and to submit copies of these documents to the Ministry of Labour and Social Affairs for information.

Article 90 :All natural persons or judicial persons, desirous of importing or manufacturing technical safety and hygiene equipment, must submit the specifications of those equipment together with their specimens, as the case may be, to the Ministers of Labour and Social Affairs, and Health and Medical Education, and undertake to manufacture or import such equipment after such confirmation.

Article 91: Employers and officials of all units, subject of Article 85 of this Law, shall be obligated, on the basis of the approvals of the High Council of Technical Safety, to Provide necessary facilities for the safety, health and hygiene of the workers in the working environment, and put the same at their disposal. They must teach them the mode of operating the aforesaid equipment, and supervise observance of safety and hygiene regulations. The above said persons shall also be obligated to benefit from and maintain the individual safety and hygiene equipment, and enforce the relevant directives of the workshop.

Article 92: All the units, subject of Article 85 of this Law, where the serving individuals are exposed to the diseases arising out of work due to the type of the work involved, must open a medical file for every of them, get them medically examined and tested by medical and health centres at least once a year, and preserve the results in the related files.

Note Should the diagnosis of the medical council say that the examined individual is suffering from or is exposed to a disease arising out of work, the employer and relevant officials shall be required to assign him work in another suitable section on the basis of the medical council's opinion without any cut in the compensation.

Note 2: In the event of observing such patients, the Ministry of Labour and Social Affairs shall be obligated to inspect and reaffirm the technical, hygiene and safety conditions of the working environment.

Article 93: In order to solicit the participation of workers, supervision over proper implementation of safety and hygiene regulations in the working environment, and prevention of mishaps and diseases, a technical safety and Labour hygiene committee shall be set up in workshops which are deemed necessary by the Ministries of Labour and Social Affairs, and Health and Medical Education.

Note 1: The above said committee shall comprise individuals expert in the field of technical safety and vocational hygiene and technical affairs of the workshop. Out of the members, two qualified individuals approved by the Ministries of Labour and social affairs, and Health and Medical Education shall be named whose function shall be to establish contact of the above said committee with the employer, and the Ministries of Labour and Social Affairs, and Health and Medical Education.

Note 2:The manner of formation of the committee and composition of its member shall be in accordance with the procedure to be prepared and notified by the Ministries of Labour and Social Affairs, and health and Medical Education.

Article 94: In cases where one or several workers or employees of the units, subject of Article 85 of this Law, anticipate the probable occurrence of an incident or a disease arising out of work in a workshop or relevant unit, they may report the matter to the technical safety and Labour hygiene committee or the official in charge of technical

safety and Labour hygiene. This in must also be recorded by the individual so informed in a register maintained for this purpose.

Note: Should the employer or the official in charge of the unit not deem the occurrence of the accident or disease on account of work, he must speedily report the matter duly giving the reasons and views to the nearest Labour and social affairs department. The said department shall be required to get the matter investigated by Labour inspectors without delay and take necessary measures.

Article 95: The employer or the officials of the units mentioned in Article 85 of this Law shall be responsible for the enforcement of the technical and Labour hygiene regulations and criteria. Should there occur an accident as a result of non—observance of these regulations by the employer or the officials in charge of the unit, the said employer or the officials shall be liable in penal and legal terms and also in respect of the penalties laid down in this Law.

Note 1: The employer or the officials of the units, subject of Article 85 of this Law, shall be under the obligation to record all the accidents, arising out of work, in a special register whose format shall be provided by the Ministry of Labour and Social Affairs, and to speedily notify the matter in writing to the local Labour and social affairs department in writing.

Note 2: In the event the employer or managers of the units, subject of Article 85 of this Law, may have put necessary implements and facilities at the disposal of the worker for technical safety and Labour hygiene, and the worker despite necessary training and prior instructions may not have used them disregarding the existing directives and regulations, the employer shall bear no responsibility. In case of a dispute, the decision of the dispute settlement board shall prevail.

PART TWO: LABOUR INSPECTION

Article 96 In order to properly implement this Law and the technical safety criteria, the General Department for Inspection, Ministry of Labour and Social Affairs shall be established to perform the following functions:

- a. Supervision over enforcement of the regulations governing the working conditions, especially the regulations aimed at providing protection against hard, hazardous and dangerous works, duration of work, wages, labour welfare, employment of women and youngsters.
- b. Supervision over proper enforcement of the provisions of the Labour Law, and the by-laws and instructions pertaining to technical safety.
- c. Training matters pertaining to technical safety and guidance of workers, employers and all the individuals who are exposed to injury and impairment as a result of the accidents and dangers arising out of work.
- d. Study and research with regard to the problems caused by the enforcement of technical safety regulations, and formulation of necessary proposals to amend the standards and directives related to the said cases, proportionate to technological progress and advancement

e. investigation of accidents arising out of work in the applicable workshops, and conducting general and statistical analysis of such cases in order to prevent accidents.

Note 1: The Ministry of Health and Medical Education shall be responsible for planning, controlling, evaluating and inspecting matters relating to Labour hygiene and workers' medical treatment. The Ministry shall be under the obligation to adopt necessary measures in this regard.

Note 2 :Regular inspections shall be carried out, duly pointing out the problems, defects and constraints and calling for the prosecution of the offenders by competent authorities, if necessary.

Article 97: A Labour inspector's appointment shall be subject to completion of theoretical and practical training courses at the outset.

Note: The by-laws governing the employment conditions of Labour inspectors and Labour hygiene experts shall be approved by the Council of Ministers upon the joint proposal of the Ministries of Labour and Social Affairs, and Health and Medical Education, and the State Organization for Administrative and Employment Affairs. These conditions shall be formulated in a manner that these secure the inspectors' professional stability and independence, and make them immune from every sort of aggression.

Article 98 :Labour inspectors and Labour hygiene experts shall have the right, within the scope of their duties, to enter the institutes, falling under this Law, without prior notice and at any time round the clock, and engage in inspection. They may also refer to relevant books and documents in those institutes, and acquire copies of all or part of them, if necessary.

Note: Entry of Labour inspectors require a written permission prosecutor.

Article 99 :In order to acquire information composition of the substances with which contact or which are used by them during Labour inspectors and Labour hygiene experts right to obtain specimen against receipt needed for testing, and to hand it over to officers.

Note :Other regulations concerning the manner of Labour inspection shall be in conformity with the by-laws to be approved by the Ministers of Labour and Social Affairs, and Health and Medical Education upon the proposal of the High council of Technical Safety and Labour Hygiene, as the case may be.

Article 100: All Labour inspectors and professional hygiene exports shall possess a special card bearing the signature of the Minister of Health and Medical Education, as the case may be. They must carry such cards at the time of inspection, and produce the same to the official authorities or officials of a workshop upon request.

Article 101: The reports of the Labour inspectors and Labour hygiene experts in matters related to the scope of their duties and authorities, shall be tantamount to the reports of the enforcement officials of the Ministry of Justice.

Note 1: The Labour inspectors and Labour hygiene experts may participate in the meeting's of the dispute settlement bodies in their capacity as informed authorities and experts.

Note 2: The Labour inspectors and Labour hygiene experts may not participate in the decision-making sessions of the dispute settlement bodies in such cases where they have previously expressed opinion as inspectors.

Article 102: Labour inspectors and Labour hygiene experts may not carry out inspection of the workshop where they themselves, one of their blood relatives up to the third degree, or one of their first—degree relatives through marriage are direct beneficiaries.

Article 103: Labour inspectors and Labour hygiene experts shall not have the right, even after being removed from the government service, to disclose the secrets and information secured by them as a result of their position or the names of those persons who have furnished such information or the case of violation.

Note: Those violating the provisions of this Article shall be punished under the relevant laws.

Article 104: Employers and other persons blocking the entry of Labour inspectors and Labour hygiene experts into the workshops covered by this Law, preventing the performance of their duties, or refraining from provision of the essential information and documents to them shall be condemned to the punishments stipulated in this Law, as the case may be.

Article 105: Should there be the probability of occurrence of an accident or a hazardous mishap in the workshop during the inspection, as deemed by the Labour inspector or the Labour hygiene expert, the Labour inspector or the Labour hygiene expert shall be under the obligation to immediately report the matter in writing to the employer or his representative and also to his own official in charge.

Note: The Ministries of Labour and Social Affairs, and health and Medical Education, based on the reports of the Labour inspector and Labour hygiene experts, shall ask the local public prosecutor's office, and in the event of non existence of public prosecutor's office, the local public court to immediately issue an order on closing and sealing the whole or a part of the workshop. The prosecutor shall, without any delay, issue the above said order which shall be enforceable after being served.

An order on terminating the closure shall be issued by the said authority only when the Labour inspector, the Labour hygiene expert or relevant experts of the Justice Ministry confirm that the existing defects and shortcomings have been removed.

Note 2 The employer shall be required to pay the wages of the workers in the workshop for the days when the work was suspended due to the above reason.

note 3 :Those affected by the orders subject of this Article, in the event of their objection to the report of the Labour inspector or Labour hygiene expert, and also to the closure of the workshop, may file a plaint against the said authorities with a competent court. The court shall be under the obligation to investigate the matter immediately and out of turn. The court's decision shall be final and enforceable.

Article 106: The directives and executive by-laws pertaining to this chapter shall be approved by the Council of Ministers upon a joint proposal by the Ministries of Labour and Social Affairs, and Health and Medical Education.

Chapter Five: Apprenticeship and Employment

Part One: Apprentices and Training Centres

1. Training Centres

Article 107: In implementation of the objectives of the Constitution, and in order to provide creative and continuous employment to job-seekers as well as to upgrade the workers' technical knowledge, the Ministry of Labour and Social Affairs shall be obligated to provide the essential training facilities.

Note: The ministries and organizations concerned shall be required to forge necessary cooperation with the Ministry of Labour and Social Affairs.

Article 108 The Ministry of Labour and Social Affairs, on the basis of requirements of various industries in different parts of the country, shall be obligated to establish and expand the following training centres at various levels of skill:

- a. Basic training centres for imparting training to unskilled workers and job-seekers.
- b. Training centres for supplementing the skills and specialization in every field for retraining, elevating the level of skill, and imparting advanced expertise to the skilled and semi-skilled workers and job-seekers, and vocational training teachers.
- c. Teacher training centres for producing teachers of the training centres.
- d. Special training centres for the cripples and self-sacrifice with the cooperation of related ministries and organizations (such as the Ministry of Health and Medical Education, the Martyrs Foundation, the Foundation for the cripples, etc. . .

Article 109: The training centres, subject of Article 108 of this Law, shall be financial and administratively managed independently with due observance of the Public Accounts Law under the supervision of the Ministry of Labour and Social Affairs.

Article 110: The industrial , production and service units, in order to participate in the training of skilled and unskilled workers required by them, shall be obligated to set up training centres in the vicinity of workshop or on inter—workshop basis with the necessary cooperation of the Ministry of Labour and Social Affairs.

Note 1: Tire Ministry of Labour and Social Affairs shall prepare the brochures and standards fop training in the workshops located in the vicinity of training centres and on inter-workshop basis, and take measures to train and provide instructors for those centres.

Note 2 :The directives and regulations concerning the establishment of training centres in the vicinity of workshops or on inter—workshop basis, as the case may be, shall be approved by the Council of Ministers upon a proposal by the minister of Labour and Social Affairs.

Article 111: part from the establishment of training centres by the Ministry of Labour and Social Affairs, free technical and vocational training institutes shall also be set up by natural persons and juridical entities for the training of a special industry or vocation after securing license from the Ministry of Labour and Social Affairs.

Note :The by-laws determining the technical competence of free training institutes and that of official in charge and instructors, and also the manner of supervision of the

Ministry of Labour and Social Affairs over these institutes shall be approved by the Council of Ministers upon a proposal by the Minister of Labour and Social Affairs.

2. Apprentices and Apprenticeship Agreement

article 112: For the purposes of this Law, the term “apprentice” shall apply to the following individuals:

- a. Those individuals who undergo training solely for learning a specific vocation, retraining or boosting skill for a fixed period in training centres or free training institutes.
- h. Those individuals who, under an apprenticeship agreement, engage in a specific workshop in training simultaneous with their service for learning a special vocation within a period not exceeding three years provided that their age shall not be less than 15 or more than full 18 years.

Note 1: The apprentices in Para (a) may be the workers who are introduced to the training centres in accordance with a written agreement to the employer, or the applicants not employed who directly check with the training centres.

Note 2: The directives concerning the conditions for acceptance, salary and obligations during the training period of the applicants mentioned in Para (b) shall be approved by the Minister of Labour and Social Affairs upon a proposal of by High Labour Council.

Article 113: The employed workers who are admitted to a training centre for training under Note 1, Article 112, shall enjoy the following benefits:

- a. The employment relationship of the worker shall not be terminated during the training period, and the training period shall be considered a part of the service record in all respects.
- b. During the training period, the worker’s wages shall not be less than the fixed wages or the basic wages.
- c. The non pecuniary benefits, aids and allowances paid to a worker to compensate for the cost of living and to meet family responsibilities, shall continue to be paid during the training period.

Should an employer prevent continuation of the training prior to the completion of the training period without any plausible justification, thus inflicting damages upon a worker, the worker may refer to the dispute settlement authorities mentioned in this Law, and claim the damages.

Article 114: Workers admitted to one of the training centres in accordance with Note I of Article 112 shall be under the obligation:

- a. to engage in the training until the end of the stipulated period, regularly attend the training programs, to observe the regulations and by—laws of the training unit,• and to successfully finish the training course.
- b. To work in the same workshop upon completion of the training course for at least twice the training period.

Note: Should t apprentice wish to quit work in the workshop after completion of the training, the employer may refer to the dispute settlement authorities, subject of this Law to claim the damages stated in the apprenticeship agreement.

Article 115: The apprentices, mentioned in Paragraph (b) of Article 112, shall be governed by the regulations concerning young workers stipulated in Articles 79 to 84 of this Law, but their working hours shall not exceed six hours per day.

Article 116: The apprenticeship agreement, apart from the particulars of the parties, must also include the following points:

- a) Obligations of the parties.
- b) Age of the apprentice.
- c) Wages of the apprentice.
- d) Place of training
- e) Vocation or profession to be taught under the approved standard.
- f) Termination clauses (if necessary)

Article 117: The in-service training age of full 18 years (subject of shall be allowed provided that this capability, arid not detrimental to and mental development.

Article 118: The training centres shall be under the obligation to provide equipment and with the training the Ministry Social Affairs to train the apprentices, and vocation in a regular and complete manner. Centres must provide the necessary facilities in the training environment for catering to the health of t apprentices.

Part Two: Employment

Article 119: The Ministry of Labour and Social Affairs shall be obligated to set up employment service centres throughout the country. These service centres, in the course of exploring the avenues for creation of jobs and planning employment opportunities, shall he required to register and introduce the jobless to the training centres (in case of the need for training), and/or refer them to the production, industrial, agricultural and services centres.

Note 1:the employment service centre in provincial centre shall be under the obligation to set up a bureau under the title of the bureau for planning and protecting the employment of the disabled “. All institutes mentioned in this article shall be required to cooperate with these bureaus.

Note 2: The Government shall be under the obligation to support the disabled in the formation of cooperative (production, agricultural, industrial and distribution) societies through granting long-term interest—free loans, imparting necessary training, establishing facilities for performance of work, and protecting their products or services. It shall also take measures to remove architectural obstacles at all the centres, subject of this Article and its Notes where the disabled are present.

Note 3 :The Ministry of Labour and Social Affairs shall be under the obligation to formulate the necessary by-laws for setting tip the welfare facilities needed by the

disabled employed in the job sites through consulting the Iran * Society for the Disabled, and the State Social Welfare Organization, and to get them approved by the Minister of Labour and Social Affairs.

Part Three: Employment of Foreign Nationals

Article 120: Foreign nationals may not work in Iran unless they initially hold an entry visa with the right to engage in a specific job, and secondly obtain a work permit under relevant laws and by—laws.

Note :The under mentioned foreign nationals shall not be covered by the provisions of Article 120:

- a. The foreign nationals exclusively in the service of diplomatic and consular missions with the approval of the Ministry of Foreign Affairs.
- b. The personnel and experts of the United Nations and its affiliated organizations, duly approved by the Ministry of Foreign Affairs.
- c. Correspondents of foreign news agencies and press on the condition of mutual dealings and with the confirmation of the Ministry of Culture and Islamic Guidance.

Article 121: The Ministry of Labour and Social Affairs shall issue of the visas with the right to engage in specific jobs for foreign nationals, and shall also issue work permits by duly observing the following conditions:

- a. Based on the information existing at the Ministry of Labour and Social Affairs, there are no individuals desirous of work and having similar educational qualifications and specialization.
- b. The applicant foreign national possesses adequate knowledge and specialization for employment in a desired job.
- c. The foreign national's specialization may be utilized for the training of and subsequent replacement by Iranians.

Note: The Technical Employment Board (TEB) shall determine the conditions laid down in this Article. The criteria related to the number of TEB members and the terms for their selections as well as the manner of convening the TEB meetings' shall be in accordance with the by—laws to be approved by the council of Ministers upon the proposal of the Ministry of Labour and Social Affairs.

Article 122: The Ministry of Labour and Social Affairs may issue, extend any renew the work permits of the following individuals:

- a) A foreign national with at least ten years of continuous residence in Iran.
- b) A foreign national having Iranian spouse.
- c) Immigrants from foreign countries in particular Islamic states and those seeking political asylum subject to holding valid immigration or refugee cards, and after the written approval of the Ministries of Interior and Foreign Affairs.

Article 123: The Ministry of Labour and Social Affairs, may where it deems e or as a reciprocal measure, exempt the nationals of certain countries or stateless persons (subject to their status not being voluntary) from paying the fee for issuance, extension and

renewal of the work permit after confirmation by the Foreign Ministry and approval by the Council of Ministers.

Article 121: Work permits shall be issued, renewed or extended for a period not exceeding one year with due observance of the provisions of this Law.

Article 125: Should the employment relationship of a foreign national with the employer be severed due any reason, the employer will be obligated to notify the matter to the Ministry of Labour and Social Affairs within 15 days. Also the foreign national shall be under the obligation to surrender his work permit to the Ministry of Labour and Social Affairs against a receipt within 15 days. The Ministry of Labour and Social Affairs shall request the competent authorities to deport the foreign national, if necessary.

Article 126: Where the interests of national industries demand the immediate employment of a foreign national in an exceptional case, the minister concerned shall notify the matter to the Ministry of Labour and Social Affairs, and a temporary work permit shall be issued to the foreign national with the approval of the Ministry of Labour and Social Affairs without observance of related formalities on the issuance of visa with the right to work.

Note :The validity of a temporary work permit shall be for a period not exceeding three months, and its renewal shall be subject to confirmation by the Technical Board for Employment of Foreign Nationals.

Article 127: Employment of foreign specialists and technical experts required by the Government shall take place, in consideration of the nationality, period of service and the amount of their wages, and with due regard to the domestic specialized work force, after examination by and comments of the Ministry of Labour and Social Affairs, and the Organization for Administrative and Employment (OAE) and with the approval of the ICA. Work permits for employment of foreign experts, in such cases, shall be issued by the Ministry of Labour and Social Affairs after approval by the ICA.

Article 128: Prior to concluding any contract leading to the employment of foreign experts, employers shall be required to seek the opinion of the Ministry of Labour and Social Affairs about the authorization for employment of foreign nationals.

Article 129: The executive by-laws on foreign nationals' employment, including the manner of issuance, extension, renewal and cancellation of work permit, and also the conditions governing the selection of members of the Technical Board for Employment of Foreign Nationals referred to in Article 121 of this Law, shall be approved by the Council of Ministers upon the proposal to be made by the Minister of Labour and Social Affairs.

Chapter Six: Workers and Employers Organizations

Article 130 :In order to propagate and promote Islamic culture, safeguard the achievements of the Islamic Revolution, and implement Article 26 of the Constitution of the Islamic Republic of Iran, workers in production, industrial, agricultural, services and guilds units may form Islamic societies.

Note 1: In order to coordinate the performance of duties and propagation methods, Islamic societies may establish units to coordinate themselves at provincial level, and form the High Association for coordination of Islamic societies at national level.

Note 2 :The by-laws on the manner of formation, scope of functions and powers as well as the modus of operation of the Islamic societies, subject of this Article, must be formulated by the Ministries of Interior, and Labour and Social Affairs, and the Islamic Propagation Organization, and approved by the Council of Ministers.

Article 131: In order to implement Article 26 of the Constitution of the Islamic Republic of Iran, to safeguard the legitimate rights and interests, and to improve the economic condition of workers and employers which entail protection of the interests of the society, the workers, subject of this Law and employers related to any vocation or industry may establish guild societies.

Article 131: In order to coordinate the performance of the assigned legal functions, guild societies may form the guild associations units at provincial level and the High Council of Guild Societies (HCGS) at national level.

Note 2: All guild societies and related units, at the time of establishment, shall be under the obligation to formulate their articles of association with due observance of the legal provisions, to present them to the general assembly, get them approved by it, and submit them to the Ministry of Labour and Social affairs for registration.

Note 3: All representatives of Iranian employers in the High Labour Council, High Council of Social Security, High Council of Technical Safety and Labour Hygiene, the International Labour Conference, and their likes, shall be selected by the 1-ICGS of Employers, in case of establishment. Otherwise, they shall be introduced by the Minister of Labour and Social Affairs.

Note 4: The workers of a unit may have only one of these three cases: an Islamic Labour council, a guild society or a workers' representative.

Note 5 :The by-laws on the manner of formation, scope of functions and powers, and the modus of operation of the guild societies and related guild associations and units shall be formulated by the High Council of Labour and approved by the council of Ministers in a period not exceeding one month from the enforcement date hereof.

Note 6: the by-laws on the manner of selection of representatives, mentioned in Note 3 of this Article, shall be approved by the Minister of Labour and Social Affairs within one month from the enforcement date hereof.

Article 132: In order to supervise over and participate in the implementation of Article 31 of the Constitution of the Islamic Republic of Iran, and also on the basis of Article 43 of the Constitution, workers of production, guild, industrial, service and agricultural units, subject of the Labour Law, may set up housing cooperative societies.

Note: The workers' housing cooperative societies in each province may form a coordination unit of provincial housing cooperative societies. Also, the said coordination units of provincial housing cooperative societies may set up the high council for coordination of workers housing cooperative societies at national level (or the Central Union of Workers' Housing Cooperative Societies - ESKAN).

The Ministries of Labour and Social Affairs, Housing and Town planning and Economics and Finance shall be under the obligation to cooperate with the ESKAN, and the articles of association of the above said societies shall be registered with the Ministry of Labour and Social Affairs.

Article 133: In order to supervise over and participate in the implementation of the provisions on distribution and consumption stipulated in Articles 43 and 44 of the Constitution of the Islamic Republic of Iran, workers of the production, guild, industrial, service or agricultural units, subject of the Labour Law, may set up worker's consumer (distribution) cooperative societies.

Note :Workers' consumer (distribution) cooperative societies may establish coordination unit of workers' consumer cooperative societies at provincial level. Also, the said coordination units of workers' consumer cooperative societies of provinces may set up the high council for coordination of workers' consumer cooperative societies (Central Union of Workers' Consumer Cooperative Societies — EMKAN).

The Ministries of Labour and Social Affairs and Commerce and also industrial ministries shall be obligated to forge necessary cooperation with EMKAN. The articles of association of the above said cooperative societies shall be registered with the Ministry of Labour and Social Affairs.

Article 134: In order to examine and follow up guild and social issues and problems, and to properly perform that part of the provisions of Article 29 of the Constitution which includes Protection of the rights and interests, and benefiting from the health services and medicare, retired workers and managers may separately establish retired workers and managers associations in major towns and provinces.

Note 1 : Provincial associations of retired workers and managers may set up national high associations of retired workers and managers.

Note 2 :The Ministries of Labour and Social Affairs, and Health and Medical. Education, and the Social Security Organization are duty bound to cooperate with the national high associations of retired workers and managers.

Article 135: In order to create unity of method and coordination .in affairs, and to exchange views on the manner of carrying out. functions and power, Islamic Labour councils may form coordination association of Islamic Labour councils in each province, and the national high association for coordination of Islamic Labour council.

Note: The by—laws on the formation, scope of functions and powers, and the manner of operation of the associations of Islamic Labour councils subject of this Article, must be formulated by the ministries of Interior, and Labour and Social Affairs, and the Islamic Propagation Organization, and approved by the Council of Ministers.

Article 136: A official representatives of workers of the Islamic Republic of Iran in the International Labour Organization, dispute probe boards, dispute settlement boards, the High Council of Technical Safety, the High Council of Social Security and their likes, shall be selected by the high association of the Islamic Labour councils, the high

association of guild societies or the workers' representatives assembly, as the case may be.

Note 1 :The executive by-laws of this Article shall be approved by the Council of Ministers upon the proposal of the High Council of Labour.

Note 2 :Should there not be formed the workers and employers high organizations, subject of this chapter, the Minister of Labour and Social Affairs may select the above said representatives in assemblies, councils and high boards.

Article 137: in order to coordinate and to properly carry out the related functions, the employers and workers organizations subject of this chapter, may act separately to form the central organizations.

Note: The by-laws concerning the central council elections and the articles of association of the central organizations of employers and workers shall be separately formulated by a committee composed of the representatives of the High Council of Labour, the Ministries of Interior, and Labour and Social Affairs, and approved by the Council of Ministers.

Article 138 :The Leader (vali-e-Faghih), wherever felt expedient, may have representative in any of the above said organizations.

Chapter Seven: Collective Labour Negotiations and Contracts

Article 139 :The goal of collective negotiations is to resolve the vocational or occupational problems of workers or to improve their production conditions or welfare affairs. This goal shall be achieved through determining criteria for facing the problems, providing grounds for the participation of the parties in resolving them or through determining or changing the conditions and their likes at workshops, vocations or industries with the mutual agreement of the parties. The demands set forth by the parties must be supported by necessary evidence and documents.

Note 1: Any matter which, in Labour relations, entails formulation of regulations and establishment of criteria through collective negotiations, may be mooted as the subject of negotiations provided that the prevailing regulations in the country, including the Government's planned policies, may not have prohibited adoption of decisions on it.

Collective negotiations must be continued for the purpose of reaching an agreement and amicably settling the disputes with due observance of the prestige of the parties, and refraining from any act that may disrupt the meetings.

Note 2: Should the parties agree to hold collective negotiations, they may request the Ministry of Labour and Social Affairs to introduce to them a neutral individual having expertise in Labour matters and capable of bringing about coordination in the negotiations in his capacity as an expert in collective contracts. The function of this expert shall be to aid the parties in the progress of collective negotiations.

Article 140 :A collective Labour contract is a written contract that is concluded for setting working conditions between one or more council(s), guild association(s), or legal representative(s) of workers, on the one hand, and one or more employer(s) or their legal representative(s) on the other hand, or between worker and employer associations and high associations.

Note :Should collective Labour negotiations lead to the conclusion of a collective Labour contract, the text of the contract must be drawn up in three copies and signed by the parties. Two copies of the contract shall be provided to the parties to the collective contract while the third copy submitted, after obtaining a receipt, to the Ministry of Labour and Social Affairs within three days for examination and confirmation.

Article 141: Collective Labour contracts shall be legally valid and enforceable only when:

- a. The benefits stipulated therein are not less than those provided in the Labour Law.
- b. These are not repugnant to the current laws and regulations of the country and statutory decrees of the Government.
- c. The Ministry of Labour and Social Affairs confirms lack of inconsistency of the subject(s) of the contracts with paragraphs a) and b) of this Article.

Note 1: The opinion of the Ministry of Labour and Social Affairs on lack or inconsistency of the provisions of the collective country with paragraphs a) and b) of this Article must be supported by legal evidence and current regulations of the country. The supported evidence in any case must be notified to the parties to the contract within the period stipulated in Note 1 of this Article.

Article 142:Should any difference of opinion over various articles of this Law, previous contracts or any of the subjects demanded by the parties for concluding a new contract lead to cessation of work with the presence of workers in the workshop or any deliberate cut in output by the workers, the dispute probe board shall be obligated, on the basis of request by either party to the dispute or worker and employer organization, to speedily consider the matter and to announce its opinion.

Note :Should either of the parties to a collective labour contract fail to accept the opinion of the dispute probe board, it may refer the opinion of the dispute probe board (subject to Article 158) to the dispute settlement board within 10 days from the declaration of that opinion as laid down in Chapter Nine of this Law, and request consideration of the matter and issuance of a decision.

The dispute settlement board, following receipt of such a request, shall immediately examine the subject of dispute in the collective contract, and announce its verdict on the collective Labour contract.

Article 143: Should the proposals of the dispute settlement board be refused by the parties within three days, the head of the Labour and social affairs department will be obligated to immediately report the matter to the Ministry of Labour and Social Affairs for adopting necessary decision. If necessary, the Council of Ministers may administer the affairs of the workshop on behalf of the employer, in any manner deemed expedient, so long as the dispute continues.

Article 144: In case of collective Labour contracts concluded for a specific period, neither party may unilaterally seek an amendment thereof prior to expiration of the period, unless in exceptional conditions, at the discretion of the Ministry of Labour and Social Affairs.

Article 145 :Decease of the employer or change of ownership from the employer shall have no effect in the execution of a collective Labour contract. Should the work continue, the new employer will be considered as the successor to the former employer.

Article 146: In all individual Labour contracts concluded by the employer prior to or after the signing of the collective Labour contract, the provisions of the collective Labour contract shall be binding, excluding the cases where individual contracts provide more benefits than those in collective contracts in terms of wages.

Chapter Eight: Welfare Services to Workers

Article 147: The Government shall be under the obligation to provide health and medical services for the workers and farmers, subject of this Law, and also for their families.

Article 148 : Employers of workshops subject of this Law, shall be obligated, in accordance with the Social Security Act, to insure their workers.

Article 149: Employers are required to extend necessary cooperation to housing cooperatives and in the event of absence of such cooperatives, directly to the workers devoid of housing units, in providing suitable private housing for them. Also, employers of large workshops shall be under the obligation to construct official housing units in the vicinity of the workshops or at any other appropriate location.

Note 1: The Government shall be obligated to forge necessary cooperation by utilizing the banking facilities and resources of the Ministry of housing and Town Planning, municipalities, and other organizations concerned.

Note 2: The manner and extent of cooperation and participation of workers, employers and Government units, and also the type of large workshops, subject of this Article, shall be in accordance with the by-laws to be formulated by the Ministries of Labour and Social Affairs and Housing and Town Planning, and approved by the Council of Ministers.

Article 150: All employers, subject; of this Law, shall be under the obligation to provide a proper place in the workshop for performance of daily prayers. Also, during the blessed month of Ramazan, they must, to respect religious rites and those observing fast, arrange the working hours as well as the conditions of work in such a way that working shall not undermine the obligation of fasting such arrangement shall be made in cooperation with the Islamic Society and Islamic Labour Council or other legal representative of workers. Moreover, they must specify a certain period of these working hours for the performance of prayers and breaking the fast at sunset and observing it before sunrise.

Article 151: In workshops which are set up for a limited period and for a specific work (road construction and its like) located far from residential areas, employers shall be obligated to provide their workers with appropriate and low priced meals (breakfast, lunch and dinner) with at least one of them being a hot meal . In such workshops, a suitable rest house, as required by the season, location and duration of work must also be provided for workers.

Article 152: In case of remoteness of the workshop and insufficiency of public transportation, the employer must place appropriate means of transportation at the disposal of the employees thereof.

Article 153: Employers are Duty bound to provide necessary facilities such as premises, means of work and their likes, for the establishment and administration of the workers cooperative societies of their workshops.

Note: The procedure relating to the manner of execution of the provisions of this Article shall be approved by the Council of Ministers upon proposal to be made by the Minister of Labour and Social Affairs.

Article 154: All employers shall be required to establish suitable place for use by workers in various fields of sports, with the participation of the Ministry of Labour and Social Affairs, and the National Physical Education Organization.

Note: The by-laws on the manner of its establishment and the related criteria and also the duration of workers' participation in sports or art championship contests as well as the usual training hours shall be formulated by the Ministry of Labour and Social Affairs and the National Physical Education Organization, and approved by the Council of Ministers.

Article 155 :All workshops shall be obligated to open literacy education classes in accordance with the announcement of the Ministry of T and Social Affairs, and under the supervision of the said Ministry as well as the organizations in charge of adult literacy education. The criteria on the manner of carrying out this obligation, the formation of the classes, the participation of workers in them, the selection of instructors, and other related cases shall be formulated jointly by the Ministry of Labour and Social Affairs, and approved by the Council of Ministers.

Note: The condition for admission of workers to the courses at training centres is to possess at least a certificate from the Literacy Education Movement or its equivalent.

Article 156: The procedure related to the workshop facilities in terms of the hygiene of the working environment, such as canteen, bath and lavatory, shall be in accordance with the by-laws to be approved and enforced by the Ministry of Health and Medical Education.

Chapter Nine: Dispute Settlement Forums

Article 157 :Any dispute between an employer and a worker or an apprentice arising out of the enforcement of this Law and other Labour regulations, training contract, workshop agreements or collective Labour agreements shall, at the outset be settled through a direct compromise between the employer and worker or trainee or their representatives in the Islamic Labour Council. In cases where no Islamic Labour council exists in a unit the dispute shall be settled through the workers' guild society or legal representatives of workers and the employer. Failing to reach an accord, such dispute shall be examined and settled through dispute probe and dispute settlement boards in the following order.

Article 158: The dispute probe team stipulated in this Law shall be composed of the following individuals:

1. A representative of the Ministry of Labour and Social Affairs.

2. A representative of workers to be named by the provincial association for coordination of Islamic Labour councils.

3. A representative of the directors of industries to be named by the provincial association of employers guild societies. If necessary, and in consideration of the volume of work of the boards, the Ministry of Labour and Social Affairs may set up a number of dispute probe boards in each province.

Note: Any worker who is removed in accordance with the opinion of the dispute probe team shall have the right to refer to the dispute settlement board concerning this decision and file a plaint.

Article 159: Decisions of the dispute probe boards shall become binding after 15 days from the date of service. Should either party have an objection to the said decision, a written objection will be submitted to the dispute settlement board within the said period. The decision of the dispute settlement board, following its issuance, shall be final and binding. The comments of the board members must be recorded in the file.

Article 160: the provincial dispute settlement board shall be formed with the composition of three workers representatives to be named by the provincial association for coordination of Islamic Labour councils, association of workers guild societies or the workers representatives assembly of regional units, and three state representatives of the employers to be named by the directors of regional units, and the representatives of the Government (the General Director of Labour and Social Affairs, the local governor, and the head of local Justice Department, or their representatives) for two years. If necessary, or in consideration of the volume of work of the boards, the Ministry of Labour and Social Affairs may form a number of dispute settlement boards in each province.

Article 161: Dispute settlement boards shall hold meetings with due regard to the volume of work and need in the required number at the Labour and social affairs units, and after working hours as much as possible.

Article 162: Dispute settlement boards shall send written notices to the parties to the dispute and shall call them to attend the hearing session. Non-presence of either party or its fully authorized representative at the session shall not preclude the investigation and issuance of verdict by the board unless the board deems the presence of the parties essential. In such a case, the notice shall be renewed only once. In any case, the board shall, as much as possible, investigate the case and render the necessary decision within one month after the receipt of the file in question.

Article 163 :The dispute settlement boards may, if necessary, invite the officials and experts of Islamic Council and societies of industrial, production, service and agricultural units, and hear their views and information on
subject at issue.

Article 164 :The regulations concerning the appointment of the members of the dispute probe and settlement boards, and the manner of convening their sessions shall be formulated by the High Labour Council and approved by the Minister of Labour and Social Affairs.

Article 165: Should the dispute settlement board consider the dismissal of a worker unjustified, it will order reinstatement of the dismissed worker and payment of the compensation to him from the date of the dismissal, otherwise (in case of plausibility of the dismissal), the worker shall be liable to receive gratuity for the years of service at the rate stipulated in Article 27 of this Law.

Note :Should the worker be unwilling to return to the unit concerned, the employer shall be obligated to pay to the worker an amount equivalent to 45 days of wages and salary per annum on the basis of the record of service.

Article 166 Final decisions rendered by the dispute settlement authorities shall be binding and shall be effected through the Justice Ministry's verdict enforcement department. The related criteria shall be in accordance with the by-laws to be proposed by the Ministries of Labour and Social Affairs, and Justice, and approved by the Council of Ministers.

Chapter Ten: High Labour Council

Article 167: A council called the High Labour Council shall be set up at the Ministry of Labour and Social Affairs. The functions of the Council shall be to perform all the obligations assigned to it under this Law and other related laws. The members of the council shall be as follows:

- a. Minister of Labour and Social Affairs who shall chair the council.
- b. Two well—informed individuals having insight in social and economic affairs to be proposed by the Minister of Labour and Social Affairs and approved by the Council of Ministers. One of these individuals shall be selected from among the members of the High Council of Industries.
- c. Three representatives of employers (One of them from agricultural sector) to be chosen by employers.
- d. Three representatives of workers (one of them from the agricultural sector) to be chosen by the high association of Islamic Labour councils.

The High Labour Council comprising the above said individuals, shall be formed. These individuals, except for the Minister of Labour and Social Affairs, shall be named and chosen for two years, and their reappointment shall be allowed.

Note: Each of the members participating in a meeting shall have one vote.

Article 168 :The High Labour council (PLC) shall meet at least once a month.

If necessary, extraordinary meetings shall be convened upon a call by the chairman or, on request, by three of the Council members. The council. meetings shall enter into session with the presence of seven members, and its decision, adopted by a majority o' votes, shall be valid.

Article 169: the HLC shall have a permanent secretariat. The secretariat's experts in Labour, economic, social and technical affairs shall prepare the studies related to Labour relations, working conditions and other necessary information, and put them at the disposal of the PLC.

Note :The PLC secretariat shall be located at the Ministry of Labour and Social Affairs. The official in charge of the secretariat, to be chosen upon a proposal by the Minister of Labour and Social Affairs and approval of the PLC, shall participate in the PLC meetings as the Council's secretary without the right, of vote.

Article 170: The procedures on the manner of formation and administration of the IILC, and the functions of the council secretariat, and also the modus of selection of the principal and alternate members of workers and employers in the IILC shall be governed by the regulation to be formulated by the Minister of Labour and Social Affairs and approved by the Council of Ministers within a period not exceeding two months from the effective date hereof.

Chapter Eleven: Fines and Penalties

Article 171: Individuals violating the obligations stipulated in this Law, as the case may be, shall be sentenced, in accordance with following articles and in consideration of the circumstances, possibilities of the offender, and degree of offence, to imprisonment, cash fine or both.

Should the violation in the performance of legal obligations lead to an incident causing physical disability or death of worker, the court shall be obligated, in addition to the penalties stipulated in this Chapter, to also decide on such cases under the provisions of the Law.

Article 172: Under Article 6 of this Law, performance of any work under compulsion, is prohibited and the offender shall be sentenced, apart from paying the wages for the work performed, and the related compensation, to a jail term ranging between 91 days to one year and/or a cash fine equivalent to 50 to 200 times the minimum daily wages. In the event that an individual is compelled to perform work by a number of individuals collectively or through an institute, each of the offenders shall be sentenced to the above said penalties, and shall be jointly liable to pay the wages, unless where the main offender is more at fault than the accomplice in which case the main offender shall be personally responsible.

Note: Should several persons be collectively compelled to perform work, the offender(s) in addition to payment of the wages, in consideration of the circumstances and possibilities of the offender or offenders and the degree of the offence, shall be sentenced to the maximum penalty stipulated in this Article.

Article 173: Persons violating any of the cases mentioned in Articles 149, 152, 153, 154, 155 and latter part of Article 78, in addition to remedying the violations within the respite set by the court through securing the opinion of the representative of the Ministry of Labour and Social Affairs, with due regard to the number of workers and volume of workshop, shall be sentenced to pay a cash fine ranging between 70 and 150 times the minimum official daily wages of a worker at the time of the issuance of the verdict. (in case of workshops having less than 100 workers). A cash penalty equivalent to 10 times the minimum daily wages shall be added to the aforesaid maximum fine in case of every 100 additional workers in the workshop.

Article 174: Those violating any of the cases stipulated in Articles 38, 45, 59 and Note to Article 41, for every single case of violation, shall be sentenced, (in addition to

remedying the violation or paying the wages of the worker or both within the respite set by court through seeking the opinion of the representative of the Ministry of Labour and Social Affairs) to pay the following penalties in case of each worker:

1. For up to 10 workers, 20 to 50 times the minimum daily wages of a worker.
2. For up to 100 workers in respect of workers exceeding 10 individuals, 5 to 10 times the minimum daily wages of a worker.
3. For more than 100 workers, in respect of workers exceeding 100 individuals, 2 to 5 times the minimum daily wages of a worker.

Article 175: Those violating any of the cases mentioned in Articles 78 (first part), 80, 81, 82 and 90 for every single case of violation, as the case may be, in addition to remedying the violation or paying the wages of the worker or both within the respite set by court through seeking the opinion of the representative of the Ministry of Labour and Social Affairs, shall be sentenced, in case of each worker, as follows:

1. For up to 10 workers, 30 to 100 times the minimum daily wages of a worker.
2. For up to 100 workers, in respect of workers exceeding 10 individuals, 10 to 30 times the minimum daily wages of a worker.
3. For more than 100 workers, in respect of workers exceeding 100 individuals, 5 to 10 times the minimum daily wages of a worker.

Should the violation be repeated, the violators shall be sentenced to amounts ranging between 1.1 to 1.5 times the aforesaid maximum cash fines or to a jail term of 91 to 120 days.

Article 176 :Those violating any of the cases stipulated in Articles 52, 61, 75, 77, 79, 83, 84 and 91 for every single case of violation, (in addition to remedying the violation or paying the wages of the worker or both within the respite set by court through seeking the opinion of the representative of the Ministry of Labour and Social Affairs), shall be sentenced in case of each worker, as follows:

1. For up to 10 workers, 200 to 500 times the minimum daily wages of a worker.
2. For up to 100 workers, in respect of workers exceeding 10 individuals, 20 to 50 times the minimum daily wages of a worker.
3. For more than 100 workers, in respect of workers exceeding 100 individuals 10 to 20 times the minimum daily wages of a worker.

Should the violation be repeated, the violators shall be sentenced to a jail term ranging between 91 to 180 days.

Article 177: Those violating any of the cases stipulated in Articles 87 and 89 (first part of the Article) and Article 90, for every single case of violation, (in addition to remedying the violation and paying the wages of the worker or both within the respite set by court through seeking the opinion of the representative of Social Affairs), shall be sentenced to a jail term ranging between 91 to 120 days or cash fine as follows:

1. In workshops having up to 10 workers, 300 to 600 times the minimum daily wages of a worker.

2. In workshops having 11 to 100 workers, 500 to 1000 times the minimum daily wages of a worker.

3. In workshops having over 1000 workers, 800 to 1500 times the minimum daily wages of a worker.

Should the violation be repeated, the violators shall be sentenced to a jail term ranging between 121 to 180 days.

Article 178: Anyone compelling a person(s) to accept membership of worker or employer organizations or prevent membership in those organizations, and also obstruct the formation of legal organizations and performance of statutory functions, he, in consideration of the circumstances and possibilities of the violator, and also the degree of the offence, shall be sentenced to cash fine equivalent to 20 to 100 times the minimum daily wages of a worker on the date of issuance of the verdict or to a jail term ranging between 91 to 120 days or both.

Article 179: Employers or those who prevent the entry of and performance of duty by Labour inspectors and Labour hygiene officials in the workshops, subject of this Law, or who refuse to provide them with the necessary information and documents, in each case, shall be sentenced, in consideration of the circumstances and possibilities of the offender, to cash fine of 100 to 300 times the minimum daily wages of a worker after finalization of verdict, and in case of repetition to a jail term ranging between 91 to 120 days.

Article 180: Employers who contrary to the provisions of Article 159 of this Act refrain from timely executing the binding verdicts of the dispute settlement authorities provided in this Law, apart from the due execution of the said decisions, in consideration of the circumstances and possibilities of the offender, shall be sentenced to a cash fine of 20 to 200 times the minimum daily wages of a worker.

Article 181 :Employers who employ foreign nationals without obtaining work permits or whose work permits have expired, or assign to foreign nationals jobs other than those specified in their work permits or fail to inform the Ministry of Labour and Social Affairs in cases where employment relationship of the foreign national with the employer has been terminated, shall be sentenced, in consideration of the conditions and possibilities of the offender and the degree of the offence, to a jail term ranging between 91 and 180 days.

Article 182: Employers who contrary to the provisions of Article 192 of this Law refrain from supplying the stipulated information and statistics to the Ministry of Labour and Social Affairs, apart from the compulsion to provide the information and stat needed by the said Ministry, shall he sentenced, in each case, in consideration of the conditions and possibilities of the offender, and degree of the offence, to a cash fine of 50 to 250 times the minimum daily wages of a worker.

Article 183: Employers who contrary to Article 148 of this Act, refrain from insuring their workers, shall be sentenced, apart from paying all the rights related to the worker (employer's share), in consideration of the conditions am possibilities of the offender, and the degree of the offence, to a cash fine equivalent to 2 to 10 times the related insurance premium.

Article 184: in all cases where the offenders are juridical persons, the Lta1 consideration for the work performed as well as the claim and the damages must be paid out of the property of the juridical person. However, the penal responsibility, including imprisonment, cash fine or both, shall be borne by the managing director or the director in charge of the juridical person on whose order the offence has been committed. The penalty shall be enforced in case of the said officials.

Article 185: The Justice Administration's penal courts shall have jurisdiction to investigate the offences referred to in Articles 171 through 104. The public prosecutor's office and court shall undertake such investigation on an extraordinary basis.

Article 186: The cash penalties stipulated in this Law shall be deposited in a special bank account. These amounts shall be disbursed under the supervision of the Minister of Labour and Social Affairs in accordance with the by—laws to be approved by the Council of Ministers on welfare, training and cultural affairs of workers.

Chapter twelve: miscellaneous provision

Article 187: Subsequent to termination of employment agreement, employers shall be required to issue to the worker, upon a request, a service certificate showing the total period of service, including the starting and the concluding dates, and also the type of work performed.

Article 188: The individuals covered by the Civil Servants Act or other special employment laws and regulations, and also the workers in family workshops whose work is performed exclusively by the employer and his spouse and blood relatives of first degree shall not be governed by the provisions of this Law.

Note the provisions of this Article shall not preclude performance of other obligations stipulated in various chapters concerning the above said cases.

Article 189: In the agricultural sector, activities on cultivation of and benefiting from fruit trees, various types of plantations, forests, pastures, parks built in forests, and also animal husbandry, production and raising of poultry and fowls, silk industry, aquaculture and honey bee production, and the process of cultivation and harvesting as well as other operations in this sphere may be exempted from a part of the provisions of this Law upon the proposal of the HLC and approval by the Council of Ministers.

Article 190: Duration of work, holidays, vacations, wages or salary of fishermen, the personnel employed in (air, land and marine) transportation domestic servants, disable individuals, the workers whose work is such that the whole or a part of their wages and income is provided by customers or clients, and also those workers whose work is typically performed at alternating hours, shall be determined by the by-laws to be compiled by the HLC and approved by the Council of Ministers. In mute cases, the provisions of this Law shall govern.

Article 191: Small workshops having less than 10 individuals, as considered expedient, may be temporarily exempted from some of the provisions of this Law. the cases of expediency and exemption shall be in accordance with the by-laws to be proposed by the HLC and approved by the Council of Ministers.

Article 192: Employers shall be under the obligation to prepare and submit within the stipulated time, the statistics and information required by the Ministry of Labour and Social Affairs in accordance with the by-laws to be approved by the Minister of Labour and Social Affairs.

Article 193: In order to procure specialized supervisory staff, the Ministries of Labour and Social Affairs and Health and Medical Education, if they consider necessary, shall impart necessary training to the individuals, appointed as unit supervisors, in matters relating to human relations, and Labour safety and Labour hygiene relations.

The related by-laws shall be formulated by the HLC, and approved by the Ministers of Labour and Social Affairs, and Health and Medical Education, as the case may be.

Article 194: Factory employers shall be obligated to have necessary cooperation with the popular Resistance Force of the Islamic Revolution's Guards Corps for the military training of the workers of their units.

Note: The executive by—laws of this Article shall be formulated with the joint cooperation of the Ministries of Labour and Social Affairs, and Defence and Armed Forces Logistics, and approved by the Council of Ministers.

Article 195: In order to encourage productive, specialist and innovative Labour forces, the Ministry of Labour and Social Affairs shall be required to annually nominate model workers of the year in the desired manner.

Note: The executive by-laws of this Article, manner of encouraging model workers, and modus of their enforcement, and also allocation of the customary expenses in this regard shall be determined by the Ministry of Labour and Social Affairs.

Article 196: In order to create greater awareness in and boost mental growth of workers and also to develop scientific, practical and specialized tasks in scientific, industrial, agricultural and services fields, the Ministry of Labour and Social Affairs shall be obligated to arrange for films, slides and other necessary training facilities, and to put them at their disposal through radio, television and other mass media or in any other manner deemed necessary.

Article 197: In consideration of its resources, the Government shall be obligated to provide necessary facilities to those workers who intend to migrate from cities to villages to engage in farming.

Article 198: In essential cases, the Ministry of Labour and Social Affairs may appoint Labour attaches in diplomatic delegations and missions of the Islamic Republic of Iran to put the Iranian work force abroad on a proper footing.

Note 1: The Labour attaches shall be named by the Minister of Labour and Social Affairs, and appointed and dispatched abroad after approval by the Minister of Foreign Affairs.

Note 2: The Ministries of Labour and Social Affairs, and Foreign Affairs, and the Organization for Administrative and Employment shall be obligated to formulate the

executive by—laws of this Article after enforcement of this Law, and get them approved by the Council of Ministers.

Article 199: The Ministry of Labour and Social Affairs shall be required to formulate the related executive by-laws and get them approved by the authorities stipulated in this Law within six months from the enforcement date hereof.

Note: those executive by-laws of the Labour Law ratified on March 17, 1959, which are not repugnant to the provisions of this Law, shall remain in force until the approval of the by-laws subject of this Article.

Article 200: Within the ratification of this Law and its executive by-laws, the Labour and agriculture Labour laws contrary to this Law shall be cancelled.

Article 201: The Ministry of Labour and Social Affairs must inform the workers and employers of all the rights and obligations stipulated in this Law through appropriate means.

Article 202: The Ministry of Labour and Social Affairs shall be obligated to structure its organization in relation to the new Labour Law, and get it approved by the Organization for Administrative and Employment.

Article 203: The Ministry of Labour and Social Affairs and the Justice Administration shall be responsible for the enforcement of this Law.

Note: The contents of this Article shall not negate the obligations and responsibilities which have been assigned in this Law or other laws to the relevant ministries and government institutes and workshops governed by this Act.

The above Law, which was approved by the ICA in the course of a session dated Sept. 24, 1989, certain parts of which were a matter of dispute between the ICA and the Guardians Council, were examined by the Council for Determination of Expediency (CDE) at several sessions, and after amendment of Articles 3, 7, 8, 12, 15, 20, 24, 26, 27, 29, 31, 32, 33, 41, 46, 51, 52, 53, 56, 58, 59, 60, 62, 64, 65, 66, 67, 69, 70, 73, 81, 105, 108, 110, 111, 112, 113, 114, 118, 119, 130, 131, 135, 136, 137, 138, 143, 151, 154, 155, 158, 159, 160, 166, the whole chapter on Fines and Penalties (Articles 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186), 188, 189, 190, 191, 202 and 203 comprising 203 Articles and 121 Notes was finally ratified by the CDE.

Speaker of the Council for Determination of Expediency

Akbar Hashemi Rafsanjani