Chapter 5 - Cultural Policies Towards Women

The Supreme Council of the Cultural Revolution convened a meeting on 11 August 1992, in which some of the cultural policies of the country were drafted. Those policies represent the cultural priorities of decision-makers within the government and reveal how the established order views and directs Iran's cultural development and orientation.

Cultural Policies and Iranian Women

Priority is given to the betterment of women's status throughout the country, given their supreme dignity and the Muslim woman's fundamental role in strengthening the foundations of the family, as well as strengthening social, scientific, and artistic projects. A closer look at the place of women as viewed by cultural policymakers will reveal their emphasis on family values; a woman's independence, her social situation, and the discriminations leveled against her are never at issue. Policymakers view women as wives and mothers, who need cultural reinforcement and guidance to better fulfill their domestic roles.

As one example, we can take the programming policy of one of the country's most important cultural apparatuses. The Islamic Republic of Iran Broadcasting (IRIB), which controls the nation's radio and television, reaches almost every household - even in the remotest parts of the country - and serves as the most popular form of entertainment and cultural media nationwide. It represents the perspective that the regime propagates towards women and their social position. Article 45 of the law setting IRIB's programming policy (1992), sees the organization's objective as, "The expression and elaboration of the dignified place of woman in Islam, the recognition of her true worth for a return to her Islamic roots, the strengthening of family relations, and wife and her duty to the family. Once again, there is no objective to facilitate the elimination of discrimination against women in society.

The Cultural and Social Council of Women

To set cultural and social policy concerning women, the Cultural and Social Council of Women was established under the auspices of the Supreme Council of the Cultural Revolution. Article 1 of the Council's bylaws (1988) outlines the responsibilities as such:

1. Draft and propose necessary policy to prepare for the development of women's character, expedites the reclamation of human value and worth, secure women's rights based on the authentic principles of Islam, and draft proper models.

2. Draft and propose necessary policy to recognize the positive cultures of ethnic groups and counter their attrition; identify the roots and counter the corrupting manifestations of foreign ideologies and moral deviations, cleanse the relics of backwardness that exist in society in the name of religion and the effects of injustice and discrimination during the taquti regime (the regime of false authority) against women.

3. Draft necessary policy, plan and coordinate programs that further strengthen the sacred foundations of the family by providing for easier matrimonies, safeguarding the sanctity of the family, and solidifying family relationships based on rights and Islamic morals; conduct expert evaluations, and offer suggestions to various executive bodies pertaining to said issues.

4. Draft necessary policy, plan and coordinate programs that offer activities for women and girls in their free time (through athletic, educational, entertainment, and artistic channels, and the use of public media and tools), conduct expert evaluations, and provide programming suggestions to various executive bodies.

5. Establish programs to improve public knowledge and literacy and consider suitable policies and methods for the education and higher education of women.

6. Evaluate women's participation in political, social, economic, cultural, and artistic activities and design steps to eliminate problems and barriers in the way of expanding their participation.

7. Evaluate and draft appropriate programs to support and solve the difficulties of women without male household heads, and assess women's employment situation.

8. Coordinate the activities of centers and organizations for the cultural and social affairs of women, and upon necessity, offer suggestions and plans to the Supreme Council of Cultural Revolution.

9. Make suggestions to qualified centers to conduct studies about important cultural and social affairs of women; support Muslim theoreticians, thinkers, and scientists who propound Islamic viewpoints concerning the family and society and assist with the coordination of research programs.

10. Conduct a sustained study and evaluation of women's cultural and social situation and draft annual reports.

11. Plan for the development of cultural relations with women's revolutionary groups and movements from other - especially Islamic - countries.

12. Offer expert opinion or decisions on matters referred by the Supreme Council of the Cultural Revolution.

13. Suggest rules and criteria for women's activities in cultural centers and methods of supervision.

A representative from the Cultural and Social Council of Women will serve on the Board of Supervision and Evaluation. The Cultural and Social Council of Women may form workgroups to fulfill its duties.

Items 1, 7, 10, and 12 of the duties of the Council will be presented to the Supreme Council of the Cultural Revolution for review and approval.

Even though the above bylaws emphasize the need to "strengthen the sacred foundations of the family" and "safeguard its sanctity," other matters concerning women have also been given importance, including the eradication of regressive
beliefs and superstitions, provision of leisure activities, and expansion of women's participation in political and social arenas.

Members of the Cultural and Social Council of Women constitute:

1. A member of the Supreme Council of the Cultural Revolution or its representative
2. One expert on “Islamic sciences and knowledge” and another expert on “scientific and cultural issues,” both chosen by the Supreme Council of the Cultural Revolution
3. A representative of the President
4. Two women Majles (Parliament) representatives introduced by the Head of the Majles
5. A representative of the Judiciary introduced by the Judiciary Head
6. One woman from a seminary in Qom introduced by the Al-Zahra Society, and another woman, introduced by the Islamic Propaganda Organization
7. A female expert on women's cultural and social issues, introduced by each of the ministries of Culture and Islamic Guidance, Higher Education, Science and Technology, Education, Labor and Social Affairs, Foreign Affairs, Interior, and Health, Treatment and Medical Education
8. A representative from IRIB
9. A representative from the Physical Education Organization
10. A representative from the Islamic Azad University
11. A representative from the Basij Resistance Militia

If the agenda of a Cultural and Social Council of Women meeting concerns one of the ministries or executive bodies, the representative of that body may participate with voting rights.

The Supreme Council of Cultural Revolution must approve all members of the Cultural and Social Council of Women, and the head of the Supreme Council appoints members to their post for three years. The members elect the head of the Women's Cultural and Social Council for a ten-year period.

Chapter 6 - Women and Labor Rights

The best way to measure economic policy is to examine labor laws and the extent of legal protection granted to the laboring and working class. Regardless of race, sex, and religion, human worth manifests itself in labor and the benefits society gains from it. It is obvious that in systems where capital holds the highest value, the legal protection of employees is minimal. Or in systems that more or less subscribe to sexual or racial apartheid, a particular class of people benefit most from the legal system.

In this chapter, official and codified laws will be mainly discussed, and not their practical application and implications. Also, the intention is not to provide a thorough analysis of legal rights, but rather legal issues as they relate to women. Given the fact that occupational laws and government regulations differ according to job sector, we will discuss each separately.

Section I - Female Workers under the Labor Law

What we mean by “female workers” in this section are those individuals that are covered under the Labor Law and who work in private or state-owned factories and workshops. According to Article 38 of the Labor Law (1990), women and men earn equal pay for equal work. By including this article, the legislature was stressing the value of women's work and rejecting discrimination based on falsehoods such as women's emotional instability, her mental incapacity, and suchlike.

Women are legally prohibited from working in heavy occupations that require physical exertion or are physically dangerous. Article 75 of the Labor Law states, “Performing dangerous, strenuous, or harmful work, and also handling heavy loads beyond a certain weight, without the use of mechanical devices is prohibited for women…”

This prohibition must be viewed as an attempt to protect women and maintain occupational efficiency, and not as a form of discrimination against women in the workplace. Women are physically weaker, and many times we have witnessed material needs forcing women to perform work that is not proportionate to their strength. As such, Article 75 protects economically vulnerable women from exploitation by employers who may require them to perform harmful work.

- The maximum load legally permitted for women to handle is set at approximately 20 kg. Carrying loads for women during pregnancy and the first ten weeks after childbirth is prohibited.
- By strenuous and harmful labor, the law intends to include work that lacks physical, chemical, mechanical, or biological safety standards. Under such conditions, the danger levels are much higher than the natural capacities of the worker (mental or physical), and may result in occupational illnesses and side effects.
- The list of strenuous and harmful occupations is proposed by the High Council of Labor and approved by the Minister of Labor and Social Affairs.

Supporting Working Mothers

According to Article 77 of the Labor Law, employers are obliged to accommodate pregnant workers, without wage cuts, by providing them with less strenuous work, as determined by a medical practitioner of the Social Security Organization.

Maternity leave for female workers is a total of 90 days, at least 45 days of which have to be taken after childbirth. For multiple births, 14 days are added to the leave. After her maternity leave has ended, the female worker returns to her previous position and her period of absence, upon the approval of the Social Security Organization, will be factored into her future entitlement benefits.

After the revolution when the birth rates reached a perilous level, the Family Planning and Population Act was enacted (1993), which reduced the maternity benefits of female workers after their third child. Women who were pregnant with their fourth child were no longer entitled to maternity leave and time away from work was deducted from their paid vacation time. In workshops that employ nursing female workers, the employer is obliged to give the mother half an hour to breast-feed her child every three hours throughout the work day. Mothers are entitled to this paid time during the first two years of their child's life. According to Article 69 of the Social Security Law (1975), if the insured mother or the wife of an insured man is afflicted with an illness that prevents her from nursing her child, or if the mother dies after childbirth, the necessary milk will be provided for the first 18 months of the child's life.

According to Article 67 of the Social Security Law, a female worker who has worked at least two months and has paid 60 days of insurance dues within the past year, can benefit from the following assistance:

A. Maternity assistance - If she is unemployed, the insured can benefit from this financial assistance, the amount of which is two-thirds of her last earnings for a twelve-week period before or after childbirth
B. Pre-natal and natal care - These include tests, treatment, medication, and hospitalization in maternity wards, Social Security Organization hospitals, or their affiliates.

http://www.badjens.com/ebadi.html
The pregnant woman is obliged to undergo medical examinations at three and seven months of her pregnancy and to obtain examination certificates from a doctor or midwife, to be included in her file.

- In places where the organization has the necessary facilities, whether in-house or outsourced, the pregnant woman is required to use those facilities for childbirth; otherwise the organization will not underwrite the expenses. In areas where the organization has no facilities, a fixed amount is paid to the pregnant woman according to the going rate.
- In the event that the pregnant woman undergoes abortion, the costs will be covered according to her insurance agreement.
- In workshops with female workers, the employer is obliged to provide childcare facilities proportionate to the number of children and their age group.

Childcare Centers

According to the Administrative Procedures for Nursery and Childcare Centers that was drafted and approved (1991) by the Welfare Organization of the Ministry of Labor and Social Affairs, childcare centers must be established as close to the mothers' workplace as possible, and preferably in the same building. Different workshops situated in the same geographic location can establish shared daycare centers after obtaining permission from the Ministry of Labor and Social Affairs. Article 1 of the Procedures defines childcare centers as, "Institutions concerned with the education, care, and welfare of children, structured at three levels consisting of nursery (45 days to 2 years of age), preschool (2-5 years of age), and kindergarten (5 years until grade school), that care for children whose mothers are employed in workshops or factories."

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In workshops where the majority of mothers belong to a religious minority, workshop or factory managers are obliged to select a childcare director from among the said minority.

Social Realities

Because of their double duties at home and in the workplace, the Labor Law has provided women with certain benefits such as maternity leave and access to childcare. While these benefits are essential to women, in practice, they hamper women's presence on the job market. The Labor Law levies all of the women workers' expenses on the employer, and in a capitalist world, where employers aim to maximize their profit margin, one of their first actions is the refusal to hire women so as to reduce costs. As such, a law that intends to support women becomes, in practice, an impediment to their employment. Often, women in need of income are forced to take jobs on the black market or in the informal job sector.

To avoid this shortcoming of the law, some benefits could be granted to employers who hire women (tax breaks or governmental subsidies). In this way, perhaps part of the expenses incurred on the employer can be offset.

Section II - Women in Government Employment Under the National Employment Law

The National Employment Law views women employees of ministries and government bodies as equal to men, and in some cases, provides them with additional benefits. The roots of this discrimination can be found in the working woman's double load, for in addition to her professional responsibilities, she must also fulfill her domestic and family duties. As such, her situation necessitates additional support so that she can perform her dual responsibilities. Again, the legal support of women may in practice have unintended consequences as they are not necessarily popular with managers and administrators who have different ideas about work management. An example is the Part-time Employment Plan, which was enacted with the intention of giving women time to tend to their household duties. However, since this law is seen as an impediment to the flow and efficiency of work, many managers are reluctant to hire women and prefer male employees. Since this book deals strictly with Iranian women's legal rights, labor laws that aim to protect female workers in government offices and companies will be discussed.

Women's Part-time Employment

According to the 1983 ratified law concerning women's part-time employment, ministries, state-owned companies, and state organizations and institutions that are subject to the National Employment Law, can grant women employees part-time status upon their request and their superiors' approval. This benefit is limited to employees who are full staff members.

- The law designates part-time employment as being one half the customary work week of ministries and institutions.
- The guidelines for part-time employment are decided by the highest officials in each government body.
- Part-time employment can, under no circumstance, be less than half the regular working hours.

Pursuant to Article 3 of The Implementation of Women's Part-time Employment Act (1985), employees who are given part-time status will receive half of their base salary - as determined by their job classification -, wage supplements, and certain employment benefits. Environmental compensations, benefits related to geographical locations, and indigent benefits will be paid in full. The salary and benefits of part-time employees do not fall under the minimum wage regulations for government employees.

- The minimum length of part-time employment is one year.
- If employment falls under the Classification of Schoolteachers Plan, the expiry date of part-time employment coincides with the end of the school year.
- In the event that the part-time employee requests change of status before the expiry of her part-time employment, she can resume full-time status should the government body deem it necessary. Otherwise, part-time employment cannot be less than one year.
- Probative as well as contracted and temporary employees cannot benefit from part-time employment.
- Part-time female employees are entitled to retirement income and pension benefits. In calculating the amount of retirement and pension funds, the woman's years as a full-time employee are counted, and her years in part-time employment are counted as half. If, for example, she worked as a full-time employee for 15 years and 6 years in part-time, 18 years worth of employment would be calculated into her retirement and pension fund. Retirement fund or insurance payments of part-time employees are deducted in proportion to their earned wages and benefits and deposited in their retirement fund.
- In calculating the part-time female worker's retirement fund, a maximum of three years of her part-time employment will be counted as full-time according to her job classification, base salary, wage supplements, and
additional benefits, provided that she has paid her retirement and insurance dues.

- Part-time employees’ paid vacation time is the same as full-time workers, and only their salaries and employment benefits are half of full-time employees.
- The amount of medical and maternity leave of part-time women workers is equivalent to that of full-time employees, during which time their wages and benefits are calculated according to part-time employment guidelines.
- The hiring of new employees to replace part-time employees, in any form, is prohibited.
- Part-time employees can, under no circumstance, be employed by other ministries, state or private companies, or other state and government bodies; otherwise they will be discharged from their place of employment and their wages and benefits will be eliminated from the time of their new employment.
- Part-time workers are prohibited from earning any overtime income or benefits.

Supporting Mothers During Nursing Period

In 1995, the Majles (Parliament) ratified a law entitled, “Promoting Breast-feeding and Supporting Mothers During the Nursing Period.” According to this law, the import of any form of dried milk or supplementary nutrition for infants is allowed only with the government’s permission, and in limited cases. Additionally, the distribution of dried milk is made through the pharmacies.

This law extended the maternity leave for nursing mothers to four months, both in private and public employment. Included is a three-child limit, and a requirement of certification by a pediatrician or physician from a public health and treatment center, along with the child’s birth certificate.

Nursing mothers who have resumed work are entitled to daily one-hour leaves until the child’s 20th month. Mothers can divide the hour, should they find it necessary, to a maximum of three parts. Ministries and government bodies are responsible for providing appropriate areas for mothers to breast-feed their children.

The job security of nursing mothers whose maternity leave has expired must be guaranteed, and they may not be transferred to a different job position during their nursing period.

The enforcement procedures of this law allows the Minister of Health to establish “committees to promote breast-feeding and the protection of mothers during the nursing period” in each province. The committees’ most important duty is to supervise the distribution of dried milk and supplementary nutrition to mothers who are unable to breast-feed their children. The said committee must also design programs that encourage mothers to breast-feed their children.

Regulations Related to the Place of Employment of Spouse

According to the Civil Code, a married woman is obliged to live in the residence that her husband designates. This stipulation creates problems for women who work in separate locations from their husbands. To assist such families, the law has provided regulations that are unfortunately insufficient in addressing the problem. Among these we can point to the law, “Granting unpaid leave to official employees whose husbands are on fixed duty outside the country.” Under this 1987 Act, employees who are subject to the National Employment Law, employees of state-owned companies, members of the Scientific Council of Universities, law enforcement and military personnel, foreign ministry officials, bank employees, municipalities and all foundations, institutions, government bodies and their affiliates (whether public or non-profit) are allowed to take unpaid leave when their husbands are assigned to positions outside the country. The maximum allowed period is six years.

Another example is married women’s exemption from fulfilling their mandatory services in the medical and health fields. All male graduates in the fields of medicine and health care are required to serve in underprivileged areas of the country for three years upon graduation. Since women graduates are automatically exempt from military service, unmarried women must only fulfill their post-graduation service, while married women are exempt from both.

It is important to note that these laws do not address the problems of a wife’s domiciliary obligation to her husband. There are many workingwomen today who are forced to leave their jobs because their husbands have changed place of duty or vocational status; for example, a woman working for the Foreign Ministry will have to abandon her job if she marries a government official who works in another city. According to regulations which will be discussed in the later chapters, if this woman fails to join her husband and live in his domicile, she can be charged with non-compliance (adam-e tamkin) and risk the loss of some of her marital rights and benefits.

Women in the Military and Law Enforcement

The hiring of women in the country’s armed forces is not legally prohibited, but according to Article 32 of the Islamic Republic Military Act, women can only serve in medical and health capacities. The transfer of workingwomen in the military, to the extent that is possible, must be a function of their husband’s military duties.

According to law enforcement regulations, in vocations that call for the employment of women (like driving license tests, female body searches, issuing passports to women, combating moral turpitude in society as it concerns female offenses, and supervising women’s prisons); the force can employ women with special training. If necessary, women employed in every governmental or non-governmental institution to end discrimination in the workplace.

Given the fact that the majority of Iranian university students are women, it is time to introduce a quota system for the employment of women in every governmental or non-governmental institution to end discrimination in the workplace.