



COUNTRY BASELINES UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: IRAN, ISLAMIC REPUBLIC OF

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of Iran's Confederation of Employers' Associations (ICEA) and the Iran Confederation of Islamic Labour Conference (ICILC) through communication of government reports and tripartite meetings on reporting issues.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the ICEA. 2007 AR: Observations by the ICEA.	
	Workers' organizations	2008 AR: Observations by the ICILC. Observations by the International Trade Union Confederation (ITUC). 2007 AR: Observations by the ICILC. Observations by the International Confederation of Free Trade Unions (ICFTU). 2006 AR: Observations by the ICFTU. 2000-2005 ARs: Observations by the ICFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	<i>Iran has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C. 87) nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C. 98).</i>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

		Ratification intention	<p>Yes, since 2002, for C. 87 and C. 98.</p> <p>2008 AR: The Government reiterated that the feasibility study on the possibility of ratification of C. 87 and C. 98 was still under way. The ICEA supported the ratification of C.87 and C.98. The ICILC reiterated its support for ratification of C.87 and C.98 by the Islamic Republic of Iran.</p> <p>2007 AR: The Government stated that the feasibility study on the possibility of ratification of C. 87 and C. 98 was still under way. The ICILC expressed its support for ratification of C.87 and C.98 by the Islamic Republic of Iran</p> <p>2006 AR: According to the Government: The Government and the social partners request ILO technical assistance in the ratification process. A feasibility study on the possibility of ratification of C. 87 and C. 98 is being carried out. Workers' organizations support the ratification of these two Conventions, but employers' organizations do not.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (2002): The Government intended to ratify C.87 and C.98.</p>		
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES The 1989 Constitution (article 26) provides for freedom of assembly and association.</p>		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic provisions)	Policy/legislation and/or regulations	<p>Legislation:</p> <p>2008 AR: An ILO mission provided technical assistance to the Government on labour law reform, labour administration and social dialogue in relation the principle and right (PR) and other topics.</p> <p>2005 AR: The 1990 Labour Code and its amendments relate to the principle and right (PR). Legal reform is in process since 2003 in cooperation with the ILO.</p>		
		Basic legal provisions	<p>(i) The 1989 Constitution (article 26); (ii) the Labour Code (sections 139-146); and (iii) the Agreement of 24 December 2001.</p>		
		Judicial decisions	<p>NIL</p>		
	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	<p>2003-2005 ARs: According to the Government: Prior government authorization is necessary to operate employers' organizations and to conclude collective agreements. All categories of employers can establish their organizations.</p>	
			For Workers	<p>2003-2005 ARs: According to the Government: Prior government authorization is necessary to operate workers' organizations and to conclude collective agreements. The principle and right can be exercised by all categories of workers, except military and the police, migrant workers, workers in the public service, workers in the informal economy and establishments with less than ten employees.</p>	

			Special attention to particular situations	2003-2004 ARs: According to the Government: Religious minorities and certain specific industry/sectors. Special attention to women is envisaged.
			Information/Data collection and dissemination	NIL
		At international level	According to the Government: There are no particular restrictions for the international affiliation of employers' and workers' organizations.	
	Monitoring, enforcement and sanctions mechanisms	<p>2002- 2003 ARs: According to the Government: When the PR has not been respected, section 178 of the Labour Code provides for penalties ranging from fines to imprisonment. The PR is enforced through training and supervision, law, collective agreements, free dispute settlement procedures and tripartite consultations at all levels.</p> <p>2000-2002 ARs: According to the Government: In instances where the PR is not respected, the Minister of Labour shall only provide guidance to members with grievances and ensure that the matter is dealt with in accordance with the appropriate legal procedures.</p> <p>2000-2002 ARs: According to the Government: Employers' and workers' organizations can submit to the Ministry of Labour and Social Affairs, observations and suggestions on legal issues and the implementation of regulations. Their suggestions and observations, after being thoroughly examined by the relevant committee are submitted to the Islamic Consultative Assembly of the Council of Ministers.</p>		
	Involvement of the social partners	2005 AR: According to the Government: Employers' and workers' organizations have been involved in the task force to review national labour laws and harmonize them with the provisions of ILO fundamental labour Conventions.		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<p>2008 AR: According to the Government: The Ministry of Labour and Social Affairs and the employer's and workers' organizations cooperated with an ILO mission on labour law reform, labour administration and social dialogue in relation the principle and right (PR) and other topics. Moreover, the Government has incorporated the creation of independent and strong employers' and workers' organizations as a priority in its national strategy for development.</p> <p>2007 AR: According to the Government: Some amendments are being made to the Labour Code to promote employers' and workers' organizations' rights and their multiplication through free and democratic ways. Moreover, the Government is creating strengthened, flexible and responsible labour institutions as well as raising public awareness for the promotion of the PR in the country.</p> <p>2001-2002 ARs: According to the Government: Government officials and social partners have been trained on labour standards.</p>		
	Special initiatives/Progress	<p>2008 AR: According to the ICILC: several meetings were held with the Government on the amendments of Chapter VI of the Labour Code concerning the establishment of labour councils and the right to strike. These amendments need to comply with the provisions of C.87 and 98.</p> <p>2005 AR: According to the Government: The decision to allow the free establishment of associations.</p>		

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	NIL
		Workers’ organizations	<p>2008 AR: According to the ICILC: the Government still plays an active role in the formation of the Labour Councils, and prior authorization is needed. The ICILC added that thanks to discussions being currently held on Chapter VI of the Labour Code, there would certainly be an improvement on that issue in a near future.</p> <p>The ITUC reiterated the same challenges noted in the 2000-2007 ARs and added that unions faced ruthless repression during 2007, particularly the union at the Tehran and Suburbs Bus Company. It added that national legislation in the country deprived some categories of workers from the exercise of the principle and right. The Government issued a three-year interim legislation that deprives temporary workers in enterprises of less than ten workers (representing about 90 per cent of the workforce) from the protection of the law including the right to organize.</p> <p>2000-2007 ARs: According to the ICFTU: (i) There are still no independent trade unions, and only one workers’ organization is authorized by the Government; (ii) since January 2003, most workers are unprotected by the Labour Law, including the right to organize; (iii) the Labour Legislation does not apply in Export-Processing Zones (EPZs); (iv) the 1990 Labour Code focuses on Islamic societies and associations and prohibits independent trade organisations, (v) an amendment to the Labour Code in 2003 allows workers to form and join so called «trade unions», without prior authorization, but the Ministry of Labour determines their rights and responsibilities; (vi) obstacles to organizing include the presence of security and intelligence forces in workplaces, and the increasing trend towards temporary contracts; (vii) trade unions’ rights are denied, although there has been more tolerance for workers’ organizations; (viii) despite the ban on strikes, there have been numerous protests and work stoppages in recent years and (ix) all collective agreements have to be submitted to the Ministry of Labour for examination and approval.</p>
	According to the Government		<p>2007 AR: In response to the ICFTU’s observations, the Government indicated that some amendments were being made to the Labour Code to promote employers’ and workers’ organizations’ rights and their multiplication through free and democratic means, irrespective of the latter’s affiliation to the Workers’ House as a political party.</p> <p>2001-2005 ARs: According to the Government: the main difficulties encountered in realizing the PR in Iran are as follows: (i) lack of public awareness and/or legal support; (ii) lack of information and data; (iii) social and economic circumstances; (iv) political situation; (v) legal provisions; (vi) prevailing employment practices; (vii) lack of capacity of responsible government institutions; (viii) lack of employers’ organizations; (ix) lack of capacity of workers’ organizations and (x) lack of social dialogue on the PR.</p> <p>2005 AR: In response to the ICFTU’s comments, the Government made the following observations: (i) Chapter VI [on workers’ and employers’ organizations] of the current Labour Code is being revised and amended to ensure compliance of national legislation with ILO Conventions No. 87 and No. 98; (ii) serious and meaningful national tripartite consultations are being held by the Government with ILO technical assistance in this respect; and (iii) the Ministry of Labour and Social Affairs will continue to cooperate fully and directly with the ILO to strengthen the PR.</p>

TECHNICAL COOPERATION	Request	<p>2008 AR: The Government volunteered for the preparation of a case study on the realization of the Fundamental Principles and Rights at Work in the country, followed by a national tripartite workshop to validate this survey and draw a national plan of action to realize the Declaration.</p> <p>The ICEA requested ILO technical cooperation regarding training programmes on freedom of association and collective bargaining. According to the ICILC: ILO legal advice is needed to ensure compliance of Chapter VI of the Labour Code with the provisions of C.87 and 98 and ensure that freedom of association for employers' organizations and labour councils are respected.</p> <p>2007 AR: The Government reiterated its request for ILO technical cooperation in the areas mentioned under the 2005 AR, and with a priority given to amendments made to the labour laws and capacity building of employers' and workers' organizations. The ICEA and the ICILC requested ILO technical cooperation for training on freedom of association and collective bargaining techniques and the promotion of the fundamental principles and rights at work.</p> <p>2005 AR: According to the Government: Needs for technical cooperation to facilitate the realization of the PR in Iran exist in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle and right, strengthening data collection and capacity for statistical analysis; strengthening social dialogue; sharing of experiences across countries/regions; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; awareness-raising, legal literacy and advocacy; strengthening tripartite social dialogue; and (2) legal reform.</p>
	Offer	ILO advisory services on freedom of association and collective bargaining issues.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) encouraged the Government of the Islamic Republic of Iran (and some other governments) to complete the legal review process to remove the obstacles to ratification of C. 87 and C.98. They also noted that restrictions on the right to organise of certain categories of workers in the Islamic Republic of Iran (and some other countries), such as workers in the public service and workers in the informal economy, were not compatible with the realization of this principle and right (Cf. Paragraphs 32 and 38 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs stated that the Office was following up on freedom of association and collective bargaining issues in Iran. In this respect, they noted with interest the information provided by the Islamic Republic of Iran under the Declaration follow-up (Cf. Paragraph 37 of the 2003 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003 AR: In light of requests by the Islamic Republic of Iran for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, the IDEAs called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field. (Cf. Paragraph 74 of the 2003 Annual Review Introduction – ILO: GB.298/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	