

## **ILO Direct Contacts Mission to Iraq concerning the application of the right to organize and collective bargaining convention, 1949 (No 98) (2-4 May 2023)**

### **Proposed roadmap**

At the end of its presence in Baghdad, the ILO Direct Contacts Mission expresses its satisfaction about the smooth conduct of its work and wishes to take this opportunity to congratulate all the stakeholders who took part in the frank and fruitful discussions it held during its stay. It would also like to warmly thank all the authorities and public bodies, in particular the Ministry of Labour and Social Affairs (MOLSA), for the welcome it received and to express its gratitude to the social partners for the understanding and good care they showed.

The outcome of the mission's work confirms the firm commitment of the Government of Iraq to move forward in bringing national law and practice into conformity with the requirements of international labour standards, in particular ILO Conventions 87 and 98. This is in line with the commitments expressed to the ILO supervisory bodies by the Government through 2022 and reaffirmed concretely by the request for a technical opinion on the draft law on trade unions.

From the information gathered and the explanations shared by the various interlocutors of the Direct Contacts Mission, it appears that the country is determined to build a democratic system of industrial relations aimed at ensuring prosperity, justice and peace for the whole of society by equipping it with the values and means to enable all its members to contribute to progress, to reconcile conflicting interests and to resolve disputes through dialogue.

The various assessments of the current situation establish that priority should be given to the adoption, as soon as possible, of a new legislation that ensures compliance with ILO Conventions 87 and 98, addressing all the issues raised by the ILO supervisory bodies, in particular, the respect for trade union pluralism, the enjoyment of the right to organise by public sector workers, the effective protection against anti-union discrimination and the effective promotion of collective bargaining.

This objective is inseparable from the efforts needed to manage the transitional period that separates the country from the effective entry into force of the legislative reform. This stage calls for an inclusive approach that requires the

social partners to put their constructive attitude to the test and the public institutions to take relevant initiatives to facilitate the exercise by the various trade union organisations and their leaders of the rights granted to them by Conventions 87, 98 and 144, without fear or constraint.

To this end, the Direct Contacts Mission recommends the implementation, with the support of the International Labour Office, of a roadmap comprising the following six related and inclusive measures.

## **1. Technical Committee for the elaboration of the draft Trade Unions Law**

Following the decision of March 2023 by which the Minister of Labour decided to withdraw from the Council of State the proposed law on trade unions in order to improve its conformity with the ratified ILO conventions and the national standards currently in force, it is recommended that a qualified technical committee be set up to carry out the redrafting of this text. The Committee should consist of the following members:

- An expert appointed by the ILO who would coordinate the work of the Committee.
- A representative of the Ministry of Labour.
- A lawyer with public sector expertise selected by the government.
- An expert from the Council of State.
- A person chosen by the Labour Committee of the Parliament.

In the course of its work, the Committee will consult widely with the various parties concerned, including, on the one hand, the three main components of the trade union movement, namely the General Federation of Iraqi Workers (GFIW), the Conference and the Congress and, on the other hand, the Iraqi Federation of Industries (IFI).

The Committee will be set up as soon as possible and should submit its final text by 15 September 2023 at the latest.

## **2. Strengthening of the Coordination Council**

In connection with the establishment by the Minister of Labour of a Coordination Council for consulting and resolving the conflicts and problems

affecting trade union action, it is recommended that the effectiveness of the Council's activities be strengthened by the following measures:

- A balanced composition under the chairmanship of the Minister of Labour ensuring the participation of one or two representatives of each of the three above-mentioned components of the trade union movement (the GFIW, the Conference and the Congress).
- Determination by the Council's members of the schedule of its meetings and its agenda.
- The content of each meeting is recorded in a minute drafted by a rapporteur appointed by the Minister of Labour and communicated to the members.

The realization of these actions should take place no later than 30 June 2023.

### **3. Establishment of an inclusive tripartite forum**

In connection with the tripartite consultations that the Ministry of Labour organizes in accordance with the requirements of Convention 144, it is recommended that a forum be established that includes the participation of the IFI and the three above-mentioned main components of the trade union movement. The forum will meet with a regularity determined by its members. It will have a rapporteur appointed by the MOLSA who will be responsible for drawing up minutes at the end of each meeting and communicating them to the members.

The establishment of this structure should take place no later than 30 June 2023.

### **4. Establishment of a network of relevant public authorities and bodies**

With the support of the Prime Minister's Office, the MOLSA will establish and coordinate a network of senior officials and resource persons with the necessary expertise and legitimacy to support the design and formulation of provisions extending the right to organise and bargain collectively to public sector workers.

Deadline for implementation: 30 June at the latest.

## **5. ILO-supported training programmes**

ILO support through training and technical assistance will be provided in two phases, before and after the entry into force of the new law.

- Transitional phase during the preparation of the new law. Until the new law comes into force, ILO assistance will be provided through the activity of the expert in charge of coordinating the drafting of the law and through technical advice and training activities targeting the technical drafting committee, the social partners and the executives involved in the progress of the work. The actions will be deployed through the various usual means: documentation, e-learning, distance and face-to-face training, technical advice, etc.
- Implementation phase of the law: after the entry into force of the law, in-depth training will target the administrative and professional actors involved in the design and implementation of the law's application and implementation measures, including information and training visits to the ITCILO (Turin) and the ILO headquarters in Geneva.

## **6. Awareness- raising and communication campaign**

An information, awareness-raising and support campaign for the implementation of the new law will be prepared by the Ministry of Labour with the support of the ILO in the second half of 2023 to be implemented as soon as the new law comes into force. It will target administrative decision-makers and public opinion and will include actions by the social partners aimed at their respective audience and members.

**The various points of the roadmap will be followed up by the International Labour Office both remotely and with the involvement of the ILO in Baghdad. In the first half of July 2023, a virtual conference will be held with the members of the tripartite forum mentioned in point 2 of the roadmap. Other follow-up actions may be decided by mutual agreement.**