

# Action Required: Appeal to Iran to Ratify ILO Conventions 87 and 98

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## Executive Summary

Despite its longstanding membership in ILO, the Islamic Republic of Iran still has not ratified two of ILO's most crucial conventions: no. 87 and 98 - which grant workers the right to freedom of association and collective bargaining respectively. This policy paper is a call for collective action by the international community to secure freedom of association for Iranian workers by putting pressure on Iran to finally ratify these two conventions. Although Iran has ratified only 14 ILO conventions out of a total of 190<sup>1</sup>, the ratification of conventions 87 and 98 is the most pressing issue. Iran's domestic laws restrict free and independent association: according to clause four of chapter six in Iran's current labor law, workplaces with more than ten workers can only form three types of workers' associations. All three types need to be approved by the Iranian government – who will then also supervise these organizations.

Freedom of association and collective bargaining are crucial instruments to promote good terms and conditions of work.<sup>2</sup> The inability to organize through labor unions has left the Iranian labor force prone to exploitation and highly dependent on the Iranian government. This makes it impossible to demand and secure better work conditions.

## Our study

This policy brief is based on previous research papers by Volunteer Activists on the [Civic Space in Iran and Civil Society and its Future Prospects](#). In addition, over 40 articles were studied in a library research, studying the engagement of Iran at ILO, challenges of Iranian worker activists, and the current state regarding freedom of association and assembly in Iran.

Finally, a needs assessment was performed among 60 Iranian worker activists, researching their needs and challenges, supported by interviews with worker activists in Iran.

**Policy makers, civil society actors, and other international organizations dedicated to promoting workers' rights should therefore now join our call for action.** The Iranian government must be held accountable and start to respect the workers' rights to freedom of association and collective bargaining. Policy makers, civil society actors and international organisations are key players to influence this change.

## Current situation

- Over 70 percent of workplaces with ten or more workers lack any kind of workers' associations.
- The ±10,200 workers' associations that formally exist are not independent but are supervised by the government, with interference at governance and policy levels.
- There are fewer than ten independent workers' associations, which all operate informally. Their members fall victim to government harassment such as arbitrary arrests and detentions.
- On average, at least five workers die daily due to unsafe work environment.
- 90% of work contracts are temporary or signed blank.
- Women are not treated equally, both in terms of pay and working circumstances, compared to men.
- Foreign workers are often exploited by employers and lack support mechanisms.
- Children sell goods on the streets, collect garbage, and engage in heavy work, e.g. on construction sites

## What's the issue?

It has been over a century since Iran joined the International Labour Organization (ILO). When the ILO was founded in 1919 Iran was among the first group of countries admitted to the ILO. Between 2017 and 202, Iran was also a member of the ILO's Governing Body. Despite its extensive engagement at the ILO, Iran's failure to ratify its conventions is striking. So far, Iran has only signed 14 of the ILO's 190 conventions. Furthermore, out of the eight conventions identified by the ILO as 'fundamental' ones, Iran has ratified only five. Moreover, Iran has only ratified one of the four governance conventions. Most notably, fundamental conventions 87, concerning freedom of association and protection of the right to organize, and 98, concerning the right to organize and collective bargaining, have not been honored and ratified, just like convention 138 which bans child labor.

According to the Iranian government, such international treaties clash with its own domestic policies. Still, article 26 of the Iranian Constitution does grant the right to freedom of association and assembly for associations and worker unions, among others. In practice, the Iranian government limits these rights by referring to 'national security'. Article 130/131 of the Iranian Labor Law<sup>3</sup> essentially creates a *carte blanche* for Iranian authorities, who cite justification through the need to safeguard the achievements of the Islamic Revolution. Iranian authorities use this vaguely formulated Article to prevent the establishment of any independent association or peaceful assembly.

## Fake Labor Unions

While Iranian authorities attempt to prevent the establishment of independent associations and social forces, they are simultaneously working on the creation of a quasi-civil society, which promotes the government's agenda. For instance, the Iranian labor law states that workplaces can start a worker union. However, these can only take specific legal forms, which are designed to be dependent on the government. The workers cannot form their own governance and statutes and these legal forms have specific board-compositions, whereby part of the board is reserved for government or clergy. This interference by the authorities is deep and destructive for a healthy civil society organization or labor union. Furthermore, all labor unions have to be part of a national umbrella-union, such as the *Khane Kargar* ('Worker House'). These umbrella unions are fully state sponsored or state lead, with direct lines to the Ministry of Work and the Iranian government, confining the space for real protest.



Child labor is relatively common in Iran, with estimations of 3 to 7 million child workers in Iran [according to Iranian experts and Tasnim News](#).

## Moreover...

It is worth mentioning that the ILO Declaration on Fundamental Principles and Rights at Work<sup>4</sup>, adopted by ILO in 1998, says that all member states, even those that didn't ratify (all of) the eight core Conventions concerning fundamental rights, still have an obligation to respect, promote, and realize the principles of these conventions. This obligation arises from being ILO members. For over 20 years, Iran has neglected to comply with these International rules and conventions and has shunned away from any accountability for workers' associational freedom inside the country.



Small protests occur nearly daily in Iran, but lack of coordination and collaboration due to weak unions that are not independent limits the impact of these protests.

Banner: "The workers' community (in Iran) has no protector"

These government-oriented trade unions do not represent Iranian workers, nor do they stand up for their rights. Iranian workers face many challenges and hardship, from obtaining only temporary contracts of 3 months, to insufficient pay and months-long delays in payment of salaries. Meanwhile, the Iranian Labor Law doesn't apply to workplaces employing less than 10 employees, resulting in even poorer working conditions for workers at these workplaces.

Inequality and poverty are increasing with the day. According to government statistics, 7.64 million workers lack any type of health insurance or pension. There is a need for strong independent trade unions who can tackle these problems through regulation. Iranian workers have attempted to create informal unions. Examples include the Iran Free Workers' Union, the Haft Tappeh Sugar Cane Workers' Syndicate, the Council for Coordination among Teachers Unions and the Syndicate of Workers of Tehran and Suburbs Bus Company. However, as soon as they expand, the government steps in and arrests the leaders.<sup>5,6</sup>

## Statistics Iranian work force (2019)<sup>7</sup>

- ± 24 million workers
- ± 7.34 million in manufacturing
- ± 11.6 million in the services industry
- ± 4.36 million in agriculture
- ± 7.64 million workers without any insurance, job security, and pension

A total absence of labor movements among big firms and manufacturers like Iran Khodro (Iran Automaker Company) with over 50,000 personnel and the Iran Oil Company with hundreds of thousands of personnel makes this problem even bigger. Over 70 percent of 35,456 workplaces with at least 10 workers, lack any kind of workers' organizations. Nearly all big companies in Iran remain fully ununionized.

Iranian labor laws restrict workers' freedom of association national governance structures such as the Supreme Labor Council which decides what associations can be formed, when and what activities they can do. Article 15 of the Islamic Labor Council's Law stipulates that workers of large governmental organizations<sup>8</sup> can operate legally only with Supreme Labor Council's permission. As a result, many workers in the government sector lack any type of associational support and representation.

*Iran Khodro (Iran Automaker Company) with more than 50,000 personnel, and SAIPA Automaker Company with more than 40,000 personnel lack any kind of workers' association. Workers are banned from establishing any form of association, including an Islamic Work Council which is recognized and officially permitted by Iranian law.*

## Conclusion

Whilst there have been seven complaints filed against Iran at the ILO in the last 40 years, none of them have been on Iran's lack of freedom of association. Five remain open, and still receive grievances yearly.<sup>9</sup> Iran remains unaccountable to the international community regarding its violations of the fundamental rights of workers. Without any change, the future suggests a more fragile and suppressed workers' community in Iran. The international community that includes workers' rights activists and CSOs, policy makers, lawyers, and syndicates has the capacity to unite and pressure the Iranian government to ratify conventions 87 and 98, and to protect workers' right to freedom of association.

## Recommendations

Volunteer Activists has three main recommendations to the international community:

**1) We urge governments and governmental agencies** to discuss the violation of fundamental labor rights, namely freedom of association and collective bargaining, and insist on ratification of the ILO conventions 87 and 98 as a condition of negotiations.

**2) We call on the Special Rapporteur on freedom of association and assembly of the UN** to reflect on the violations described in this report as well as in UN reports. In addition, we recommend addressing these violations and holding Iranian authorities responsible. Besides, we ask the Special Rapporteur to come in contact with Iranian worker activists and echo their voices at meetings in the Human Rights Council.

**3) We ask the international community, civil society organizations, and labor unions** for solidarity and to join us and file a complaint Iran at the ILO; and to demand responsibility and accountability for the violations of fundamental labor rights in Iran, particularly Conventions 87 and 98.

## References

- 1 Conventions in force currently include: **C029**- Forced Labor Convention, **C100**- Equal Remuneration Convention, **C105**- Abolition of Forced Labor Convention, **C111**- Discrimination (Employment and Occupation) Convention, **C182**- Worst Forms of Child Labor Convention, **C122**- Employment Policy Convention, **C014**- Weekly Rest (Industry) Convention, **C019**- Equality of Treatment (Accident Compensation) Convention, **C095**- Protection of Wages Convention, **C106**- Weekly Rest (Commerce and Offices) Convention, **C108**- Seafarers' Identity Documents Convention, Human Resources Development Convention, **MLC, 2006**- Maritime Labor Convention, Retrieved from [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:102800](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102800)
  - 2 Respal D. Strengthening unionism and collective bargaining in the Philippines: A strategy paper [Internet]. International Labour Organization (ILO); 2015. Available from: [https://www.ilo.org/manila/publications/WCMS\\_644389/lang-en/index.htm](https://www.ilo.org/manila/publications/WCMS_644389/lang-en/index.htm)
  - 3 Labor Law of Iran, 1991 Retrieved from <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/21843/134132/F1308606019/IRN21843%20Eng2.pdf>
  - 4 ILO Declaration on Fundamental Principles and Rights at Work [Internet]. Ilo.org. 1998 [cited 17 March 2021]. Available from: <https://www.ilo.org/declaration/thedeclaration/textdeclaration/lang-en/index.htm>
  - 5 Iran: stop oppressing trade unionists [Internet]. Trade Union Congress. 2019 [cited 17 March 2021]. Available from: <https://www.tuc.org.uk/blogs/iran-stop-oppressing-trade-unionists>
  - 6 Iran: Release Detained Labor Activists [Internet]. Human Rights Watch. 2019 [cited 17 March 2021]. Available from: <https://www.hrw.org/news/2019/06/28/iran-release-detained-labor-activists>
  - 7 Data and statistics [Internet]. Iran Statistics Center. 2019 [cited 16 March 2021]. Available from: <https://rb.gy/likgtu>
  - 8 Such as Oil Ministry, Iran's National Steel Company, and Iran's National Copper Company.
  - 9 Case No 2323 (Iran (Islamic Republic of)) - Complaint date: 12-FEB-04, The International Confederation of Free Trade Unions (ICFTU)- 2. Case No 2747 (Iran (Islamic Republic of)) - Complaint date: 04-DEC-09, International Trade Union Confederation (ITUC) and International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF)- 3. Case No 2508 (Iran (Islamic Republic of)) - Complaint date: 25-JUL-06, International Confederation of Free Trade Unions (ICFTU) and International Transport Workers' Federation (ITF)- 4. Case No 2566 (Iran (Islamic Republic of)) - Complaint date: 25-MAY-07, International Trade Union Confederation (ITUC)- 5. Case No 2807 (Iran (Islamic Republic of)) - Complaint date: 04-JUN-10, International Trade Union Confederation (ITUC)
- Freedom of association cases. Retrieved from [https://www.ilo.org/dyn/normlex/en/f?p=1000:20060:0:FIND:NO:20060:P20060\\_COUNTRY\\_ID,P20060\\_COMPLAINT\\_STATU\\_ID:102800,1495812](https://www.ilo.org/dyn/normlex/en/f?p=1000:20060:0:FIND:NO:20060:P20060_COUNTRY_ID,P20060_COMPLAINT_STATU_ID:102800,1495812)



Volunteer Activists is a non-profit civil society organization based in the Netherlands. We envision dynamic, inclusive, and democratic civil societies in Iran and the MENA region, representing all citizens in their efforts to build pluralistic and diverse societies and establish accountable governments.

Our mission is to expand and strengthen the civic space in Iran and the MENA region, to reflect and amplify the marginalized voices, and to accelerate the transformation of civil society to a stronger position to become an influential right holder and duty bearer.

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