



International
Labour
Organization



Funded by the European Union

Code of Conduct

For Fair Recruitment in Iraq



This document was produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.



Introduction

Iraq is one of the countries in the Middle East that has suffered decades of instability because of wars, violence and terrorism, which have been reflected in the political, economic, and social conditions in the country. Although Iraq has natural resources, including oil and other natural and human resources especially for those of working age, the national economy is predominantly a rentier economy since it relies heavily on oil exports which constitute approximately 85% of government revenues and 80% of foreign currency yields. This clearly impacted the growth of the other economic sectors and the provision of job opportunities. The participation rate in the labour force in Iraq is 39%, with a rate of 68% for males and 10.6% for females. The unemployment rate is 16.5%, with a rate of 14.7% for males, and nearly double 28.2% for females according to the Labour Force Survey in Iraq in 2021. This represents a great challenge for the workforce. The labour market in Iraq requires various measures by the government and social partners to mitigate the effects of these challenges, and to develop the necessary national policies to reach full and productive work associated with legal protections in employment, occupation, and full social security.

In order to cope with the changes taking place in the labour markets, update labour legislations to suit those changes by regulating labour relations between workers and employers and their organizations, protect the rights of each, expand the areas of coverage in the applicable labour law, address unemployment, and to create a legal ground for training and private recruitment, Iraq managed, in 2015, to pass the Labour Law No. 37, which is largely compatible with international labour standards, and provides a good ground for decent work in Iraq if it is effectively enforced in all work sectors. The law included, for the first time, allowing the establishment of private recruitment offices, while the previous Law No. 71 of 1987 did not allow this and limited recruitment services to public recruitment offices. Moreover, the new applicable law included the establishment of private training centers for the first time, and it regulates the work of private recruitment and training offices, which contributed to the establishment of dozens of training and recruitment offices in Iraq, which began to practice their work legally according to the licenses granted by the Ministry of Labour and Social Affairs pursuant to the law and the instructions issued thereto.

In the Kurdistan Region of Iraq, the government, parliament, and social partners from workers' organizations and employers' organizations are working on putting the final touches on the draft labour law for the region to replace Labour Law No. 71 of 1987 which is still in force in the region. The new draft labour law for Kurdistan region, which is in great harmony with the Federal Labour Law No. 37 of 2015, includes a clear framework for regulating labour relations, protecting workers, regulating the work of private recruitment, and training offices, regulating collective labour relations, and protecting foreign workers, similar to the case with the Federal Labour Law.



Due to the fact that private recruitment offices are new in Iraq, there is a need to provide technical support to these offices by the Department of Labour and Vocational Training in the Ministry of Labour and Social Affairs in Iraq as well as the Department of Labour and Social Security in the Ministry of Labour and Social Affairs in the Kurdistan Region of Iraq through various available methods, including contributing to the development of a code of conduct for fair recruitment in cooperation with the International Labour Organization (ILO) Iraq office as part of the European Union funded project to promote labour governance, inspection, and working conditions in Iraq. This code aims to promote the principles of fair recruitment in the Republic of Iraq in accordance with the legislation in force in the Republic of Iraq, international labour standards, human rights principles and conventions, general principles and operational guidelines for fair recruitment of the International Labour Organization. This code also aims to develop private recruitment offices to reach quality, professionalism, efficiency, transparency and integrity in their performance, which enhances the confidence of the government, workers, employers, and any relevant parties in those offices.

This code was prepared and developed through a series of consultations with representatives of the Ministry of Labour and Social Affairs in Iraq and the Kurdistan region of Iraq, representatives of workers and employers' organizations, and representatives of some private recruitment offices operating in Iraq and the Kurdistan region of Iraq. The code includes a set of rules of conduct that must be respected by private recruitment offices and employers dealing with those offices to ensure fair recruitment in the Republic of Iraq through enhancing legal compliance with the provisions of the legislation in force and international labour standards, whether basic or related to private recruitment offices, in particular the International Labour Agreement No. 188 of 1997, adopting the principle of transparency in all activities and processes related to recruitment and work, and respecting the rights of workers and job seekers at the stage of recruitment and work.

This code is one of the important tools in the governance of the labour market in Iraq, and one of the documents that can be referred to in making any legal updates to labour legislations in Iraq, especially with regard to recruitment. The code is also one of the documents that can be used in preparing national policies related to recruitment in general and the national policies related to prevention of discrimination in recruitment and work, and prevention of forced labour in particular. The Ministry of Labour and Social Affairs in Iraq and the Kurdistan region of Iraq is committed to taking all necessary steps to put this code into practice, and to cooperate and coordinate with private recruitment offices in Iraq and the Kurdistan region of Iraq, as well as the employers benefiting from those offices to ensure the optimal implementation of the provisions of this code.

In conclusion, it is necessary to point out the great efforts made by the cadres of the Ministry of Labour and Social Affairs in Iraq and the Kurdistan region of Iraq in developing

policies to comply with labour legislations in the Republic of Iraq and developing legal and procedural tools aimed at ensuring fair recruitment in the Republic of Iraq. Appreciation also goes to the efforts of the Office of the International Labour Organization in Iraq in solidifying the principles of decent work in cooperation with social partners through the project “Enhancing Labour Governance, Inspection and Working Conditions in the Response of the COVID-19 in Iraq.” Appreciation is also due for the role of Mr. Wisam Chasib Auda, the consultant of the International Labour Organization in Iraq in preparing this code and cooperating with the Ministry of Labour and Social Affairs and social partners in the Republic of Iraq. Thanks, and gratitude go to the European Union for its generous support for the activities of the International Labour Organization in Iraq.

Signatories



Ahmad Al-Asadi

Minister of Labour and
Social Affairs
The Republic of Iraq



**Kwestan Mohamad
Abdulla Maarouf**

Minister of Labour and
Social Affairs
Kurdiŝtan Region of Iraq



Maha Kattaa

Country Coordinator
International Labour
Organization in Iraq



1. Definitions

For the purposes of this Code, the following terms and expressions shall have the meanings set out next to them:

1-1 The Code: Code of Conduct for Private Recruitment Offices for Fair Recruitment.

1-2 Employer: Any natural or legal person who employs one or more workers for a wage.

1-3 Worker: Any natural person, whether male or female, who works under the direction and supervision of an employer and under his direct or indirect management, pursuant to a written work contract or for training or testing purposes; or who performs intellectual or physical work for a wage agreed upon under the work contract.

1-4 Job Seeker: Any person of working age who does not work, provided that he is willing and able to work and who seeks to find work by searching for it. For the purposes of this Code, the term worker includes: a job seeker according to each applicable case.

1-5 Foreign Worker: Any natural person who does not hold Iraqi Citizenship and who works or desires to work in Iraq as a worker, in a work that is not for his own account.

1-6 Work: Any human, intellectual, or physical effort made by a worker in return for a wage, whether it is permanent, casual, temporary, partial, or seasonal.

1-7 Forced Labour: Any work or service that is forcibly imposed on any person under the threat of any punishment, and that person did not volunteer to perform it of his own free will.

1-8 Human Trafficking: The recruitment, transportation, harboring or receipt of persons by the threat or use of force or other forms of coercion, abduction, of fraud, deception, abuse of power, or by giving or receiving sums of money or benefits to obtain the approval of a person having power or authority over another person for the purpose of selling them or exploiting them for prostitution or sexual exploitation, forced or compulsory labour, slavery, begging, trading in human organs, or for medical experiment purposes.

1-9 Wage: All that is due to the worker from the employer in exchange for work of any kind, and all the allowances granted to the worker of any kind, and the wages due for overtime work, are attached to it and are complementary to it.

2- Scope and Validity

2-1 The provisions of this Code shall apply to the agricultural sector in the Republic of Iraq, including Kurdistan region of Iraq.

2-2 The provisions of this Code shall apply to all private recruitment offices that are licensed by the Ministry of Labour and Social Affairs, employers who benefit from the services provided by those offices, or any legal person, office or company, or any similar non-governmental legal entity that provides or seeks to provide recruitment services to workers and employers in accordance with the relevant laws, instructions, and regulations in force in the Republic of Iraq.

3- The Purpose of the Code

The Code aims to achieve the following goals:

3-1 Ensuring fair recruitment in all procedures, steps, or stages that precede the conclusion of the work relationship between the worker and the employer, starting with advertisements for vacant or required jobs and disseminating of information, through to receiving applications for those willing to work and transfer, interviewing them, testing them, or training them, and selecting them to occupy these jobs, and ending with actually assigning work and initiation by practicing it. For foreign workers, it includes returning to their country of origin where applicable. This applies to job seekers, those in the recruitment stage, or those who have a work relationship.

3-2 Providing legal protection for workers and job seekers in the recruitment and work phases in accordance with local and national legislation and legally approved international labour standards.

3-3 Promoting fair recruitment practices in line with the applicable labour legislations in the Republic of Iraq, and the instructions and regulations issued pursuant thereto.

3-4 Promoting fair recruitment practices in line with International Labour Organization (ILO) conventions, as well as ILO general principles and recruitment guidelines for fair recruitment.

3-5 Promoting human rights and workers' rights stipulated in international conventions and treaties, and in particular the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights of 1966.

3-6 Developing private recruitment offices to reach quality, professionalism, efficiency, transparency and integrity in their performance, which enhances the confidence of government, workers, employers, and any other relevant parties in these offices.

4- Legal Compliance

Private recruitment offices and employers covered by this Code undertake the following:



4-1 Abiding by, implementing, and acting pursuant to all the applicable laws in Iraq and the Kurdistan region of Iraq, in particular:

4-1-1 The applicable Iraqi Labour Law No. 37 of 2015 and all instructions and regulations issued pursuant thereto.

4-1-2 The applicable Labour Law in the Kurdistan region of Iraq No. 71 of 1987 and all instructions and regulations issued pursuant thereto.

4-1-3 The applicable law of Retirement and Social Security for Workers No. 39 of 1971 and all instructions and regulations issued pursuant thereto.

4-1-4 The applicable Anti-Human Trafficking Law No. 28 of 2012.

4-2 Abiding by and acting pursuant to international conventions and treaties, in particular:

4-2-1 ILO Declaration on Fundamental Principles and Rights at Work 1998-2022.

4-2-2 ILO Conventions, in particular the ILO's Private Employment Agencies Convention, 1997 (No. 181).

4-2-3 The Universal Declaration of Human Rights of 1948.

4-2-4 The International Covenant on Civil and Political Rights of 1966.

4-2-5 The International Covenant on Economic, Social and Cultural Rights of 1966.

4-3 Respecting this Code of Conduct, abiding by its provisions, and implementing it.

4-4 Respecting and implementing any signed bilateral or collective agreements, memorandums of understanding, or cooperation document related to recruitment, work, or the exchange of foreign labour and recruiting them according to those agreements, provided that those agreements are in line with the provisions of the applicable Iraqi laws, instructions and regulations issued pursuant to these laws as well as international labour standards, and as long as such agreements provide higher protections or guarantees for workers' rights than what is provided in national legislations or this Code of Conduct.

5- Good Governance and Management

Private recruitment offices seek to adopt discreet administrative and financial methods based on governance and principles of good management in their work by setting the rules and regulations that regulate the work and the relationship with the government, employers, workers and any other relevant parties to achieve the goals for which these offices were established within the framework of human rights and full legal compliance with national and international legislations related to recruitment and rights at work.

For this purpose, private recruitment offices are committed to:

5-1 Obtaining and renewing licenses

5-1-1 Obtain work licenses from the Department of Labour and Vocational Training in the Ministry of Labour and Social Affairs as stipulated in the applicable Labour Law No. 37 of 2015 and the instructions issued pursuant thereto No. (1) of 2018, as well as the conditions and regulations regarding the establishment of private recruitment offices.

5-1-2 Renew licenses annually by submitting an application to the Department of Labour and Vocational Training in the Ministry of Labour and Social Affairs 30 days before the expiry of the license validity period.

5-1-3 Not to practice any business before obtaining the required license, renewing it in accordance with the rules, or if the license is revoked for any reason.

5-1-4 Not to transfer or sell the license issued by the Ministry of Labour and Social Affairs to any person, office or any other party, temporarily or permanently, expressly, implicitly or from inside unless the approval of the ministry is obtained first. The licensed office shall bear all legal responsibilities and consequences for that action.

5-1-5 Hang work licenses issued by the Ministry of Labour and Social Affairs in a clearly visible spot in the office.

5-2 Achieving Quality Standards

Private recruitment offices seek to achieve quality standards in their work and services provided by them, and this includes, among other things:

5-2-1 Organizing the office's work system and bylaw, and fulfilling licensing and legal compliance requirements.

5-2-2 Defining roles, tasks, responsibilities and authorities in the work of the office and all its activities, including preparing a job description for each of the employees in the office that accurately explains the tasks of each of them. The job description must not contain any clauses that may be interpreted in a way that leads to assigning any of the employees in the office tasks that are not within his specialty, or that were not agreed upon before recruitment.

5-2-3 Developing the office's work program, its bylaw, the annual work plan, and tools for dealing with potential risks involved in the work and activities of the office and responding effectively to such risks.

5-2-4 Providing the necessary resources for the work of these offices such as material and human resources and infrastructure in proportion to the size of the



operations and activities of the private recruitment office.

5-2-5 Training for office staff on fair recruitment principles, legal frameworks related to the work of the office, and compliance policies and ways to review and verify them.

5-2-6 Doing documentation by keeping documents related to the office and its operations, record of vacancies and job-seekers, workers already employed through the office, and any documents related to the activities of the office.

5-2-7 Contacting and communicating with the Ministry of Labour and Social Affairs, employers, workers dealing with the office, and any other stakeholder.

5-2-8 Measuring the performance of the recruitment office through the use of tools for monitoring, measuring, analyzing and evaluating the activities of the office and reviewing them periodically; and working to enhance such activities.

5-2-9 Preparing an annual report on the activities of the private recruitment office, which includes, among other things, the following:

5-2-9-1 The number of job applicants registered during the year in the office.

5-2-9-2 The number of vacant or announced jobs, their types, and the sectors that include those jobs.

5-2-9-3 The number of Iraqi and foreign workers, their nationalities, the gender of workers employed through the office, and the types of jobs that have been filled and sectors.

5-2-9-4 The number of Iraqi and foreign workers, their nationalities, the gender of workers whose work relationship has lapsed or been terminated by the employer dealing with the office, and the reasons for termination.

6- Transparency

The private recruitment offices and the employers who benefit from these offices follow the principle of transparency in all activities and operations related to recruitment and work, and this is reflected in a number of measures, including:

6-1 Private recruitment offices and the employers who benefit from these offices are obligated to not recruit foreign workers until after obtaining a work license.

6-2 Private recruitment offices are obligated to inform the Department of Labour and Vocational Training in the Ministry of Labour and Social Affairs about the office's activities periodically and provide information that is requested by the mentioned department regarding the office's work and activities.

6-3 Private recruitment offices and employers are obligated to inform the worker of the terms and conditions of work before hiring and concluding a recruitment contract. This information includes, among other things, a description of work, wages, working hours, regular and special leave, weekend, the obligations of the worker and the employer towards each other, and occupational risks at workplace.

6-4 Private recruitment offices and employers are obligated to inform the worker of his rights and legal obligations stipulated in the Labour Law and the Retirement and Social Security Law or any other related laws as well as instructions and regulations issued pursuant thereto.

6-5 Beneficiary employers are obligated to provide all information related to job vacancies to private recruitment offices, prior to announcing about these vacancies, including responsibilities, tasks, wages, working conditions, travel and accommodation arrangements and other relevant information.

7- Respect for the Privacy of Workers and Confidentiality of Information

Private recruitment offices and beneficiary employers are obligated to:

7-1 Respect the privacy of workers, their opinions, political beliefs, cultural backgrounds, religious affiliations, and social conditions during recruitment and work.

7-2 Not to use pseudonyms or local names on foreign or local workers instead of their names as expressly recorded in official documents.

7-3 Maintain the confidentiality of information related to workers and submitted to recruitment offices and employers and not disclose, circulate or transfer it to others, except for information that is officially requested by the Ministry of Labour and Social Affairs and government security authorities related to routine procedures or for purposes of residency.

8- Cooperation and Coordination

8-1 Private recruitment offices and their beneficiary employers are obligated to fully cooperate with the Department of Labour and Vocational Training in the Ministry of Labour and Social Affairs, provide it with complete information on recruitments or terminations of service, and cooperate with work inspection committees by facilitating their task and providing them with information that is requested by work and social security inspectors in relation to recruitment procedures, terms, and conditions of work.

8-2 Private recruitment offices and their beneficiary employers are obligated to cooperate fully with the Central Statistical Office/Organization at the Ministry Planning and provide it with complete information about recruitment processes and vacant jobs that are needed in the labour market for the purpose of including this



information in the statistical reports issued by the Ministry of Planning.

8-3 Private recruitment offices and their beneficiary employers may cooperate and coordinate with Workers Unions, Employers Unions, or Civil Society Organizations specialized in all matters related to recruitment and work issues with the aim of contributing to the development of the work of offices and ensuring fair recruitment policies and decent working conditions for all workers without any discrimination.

8-4 Private recruitment offices and their beneficiary employers may cooperate and coordinate with universities and national research centers for the purpose of conducting studies and research on recruitment and work in Iraq with the aim of achieving the objectives of this Code.

9- Advertisements/Postings of Job Opportunities

9-1 The content of the advertisement/posting should be clear, explicit and comprehensive of the basic information of the job to be filled, for example, the type of job advertised, the number of vacancies, the number of workers required to fill those jobs, the required skills, wages, and the duration of the contract.

9-2 The advertisement must not contain any form of discrimination or abuse in any way towards workers who wish to apply, which may stand in the way of their applications or acceptance to occupy these jobs.

9-3 Job advertisements must not contain any fraudulent or misleading information for workers applying to fill job vacancies, and job opportunities should not be fictitious or unavailable.

9-4 The advertisement must explicitly indicate that no costs, wages, or any commissions are collected in return for the workers applications to the advertised jobs or in return for occupying such jobs later.

9-5 The advertisement must include the name of the office, the registration number in the Ministry of Labour and Social Affairs, the address, and the official means of communication of the office.

9-6 The advertisement should be widely disseminated in the various possible press and media outlets.

10- Recruitment Fees and Related Costs

The private recruitment offices, employers dealing with those offices, or any relevant third party shall not collect fees or costs related to recruitment, related to or resulting from it, whether directly or indirectly, expressly or implicitly, regardless of the type, manner, timing, or place of imposing or collecting such fees and costs through commissions or deductions

from wages, reduction of benefits or withholding of wages, or charging workers with financial burdens resulting from medical costs, insurance costs, costs of testing skills and qualifications, training and orientation costs, equipment costs or costs of travel and accommodation or administrative costs associated with recruitment.

11- Respect for the Rights of Workers in Recruitment and Work

Private recruitment offices, their beneficiary employers, and any third parties dealing with the two are obligated to respect the rights of workers in recruitment and work, and this includes, among several things:

11-1 Clear and Explicit Work Relationships:

11-1-1 Recruitment offices and employers covered by the provisions of this Code are obligated to organize clear and explicit written recruitment contracts with the workers.

11-1-2 The recruitment contract is issued from the private recruitment office in three copies: one copy is kept in the recruitment office in a dossier of the worker, a copy for the employer, and a copy for the worker.

11-1-3 The private recruitment office is obligated to provide the Department of Labour and Vocational Training with a scanned copy of the recruitment contract concluded between the office, the employer, and the worker.

11-1-4 The Department of Labour and Vocational Training may provide private recruitment offices with a sample recruitment contract as a guide to drafting contracts.

11-1-5 The applicable labour law is the main reference for the drafting of recruitment contracts. Any agreements or provisions contravening this law are not considered. The principle of "pacta sunt servanda" (the contract is the law of the contracting parties) does not apply to work relationships, unless those contracts and agreements provide higher and better terms and conditions for workers than what is stipulated in the provisions of the applicable labour law and international labour agreements that are legally ratified.

11-1-6 The recruitment contract may not contain any violations of the applicable labour law; and that any text of the contract that violates the provisions of the labour law is considered null and void.

11-1-7 The legal provisions contained in the labour law are the minimum rights granted to workers. Collective work agreements, if any, or any other instructions or laws will be adopted provided that they provide higher advantages and protections for workers.



11-1-8 The recruitment contract is written in the Arabic language. The Kurdish language and other foreign languages are adopted in addition to the Arabic language in the drafting of the contract for workers of Kurdish ethnicity, or foreign languages for foreign workers of different nationalities, each as the case may be.

11-1-9 The recruitment written contract must include, among other things, the following:

11-1-9-1 Name, address, and means of contact/communication of the private recruitment office.

11-1-9-2 Name of employer, type of project, address, and means of contact/communication.

11-1-9-3 Worker's name, date of birth, qualification, profession, place of residence, nationality and means of contact/communication.

11-1-9-4 Description of the nature, type, and place of work.

11-1-9-5 The date of concluding the recruitment contract and its expiry date if it is for a fixed term.

11-1-9-6 Provisions related to travel arrangements to and from the home country for foreign workers.

11-1-9-7 Provisions related to transportation arrangements for workers from the residence or assembly site to the work site and vice versa.

11-1-9-8 The wage and the method of payment to the worker and the method of calculating compensations for overtime/extra work.

11-1-9-9 Working hours, the way these hours are divided, and the daily and weekly rest/break hours.

11-1-9-10 Regular, sick, and special leaves

11-1-9-11 The rights and obligations of each of the parties to the recruitment contract.

11-1-9-12 Renewal and expiry of the recruitment contract.

11-1-9-13 Mechanisms to resolve disputes between the parties to the contract.

11-1-9-14 Compensations for occupational diseases and injuries and emergency medical care.

11-2 Prohibition of Human Trafficking:

It is prohibited for private recruitment offices, employers, or any third party dealing

with them to engage in any acts that involve human trafficking in all its forms, and in particular the subjection and exploitation of persons in any form of forced labour.

11-3 Prohibition of Forced Labor in all its Forms:

Private recruitment offices, employers, or any third party dealing with them are prohibited from:

11-3-1 Forcing workers to perform any work or services forcibly under threat of any punishment, and the worker did not volunteer to do so of his/her own free will.

11-3-2 Imposing any administrative or financial restrictions on the worker that confiscate his/her freedom, or affect this freedom in any way in entering into or terminating a work relationship freely and voluntarily.

11-3-3 Taking and seizing the worker's personal documents and papers and using this as a means to influence the worker's situation in recruitment and at work.

11-3-4 Working under slavery and indebtedness.

11-3-5 Domestic (at home) work that includes coercive factors.

11-3-6 Detaining workers, restricting their movements, or isolating them from society.

11-3-7 Withholding or refusing to give wages, in whole or in part, with the aim of affecting the worker's recruitment and work status.

11-3-8 Making workers perform additional work outside the contexts and controls determined by the applicable labour law.

11-3-9 Forcing workers to perform any illegal and unlawful work.

11-4 Prohibition of Discrimination in Recruitment and Work in all its Forms:

11-4-1 It is prohibited for private recruitment offices and employers to make any distinction, exclusion or preference based on grounds unrelated to the qualifications necessary to occupy a particular job and the physical and intellectual skills or abilities of the worker; where such discrimination would nullify or impair the application of equal opportunity or equal treatment in recruitment and work. Such discrimination includes, among other things, discrimination based on race, color, sex, religion, sect, opinion, belief, origins or ethnicity.

11-4-2 It is prohibited for private recruitment offices and employers to make any discrimination, exclusion or preference based on nationality, age, health condition (including people with disabilities), economic status, social status, or affiliation and trade union activity where such discrimination would nullify or impair the application



of equal opportunity or equal treatment in recruitment and work.

11-4-3 It is prohibited for private recruitment offices and employers to pledge the recruitment of a worker on the condition that he/she joins a union or gives up his/her membership in it.

11-5 Prohibition of Violence and Harassment:

11-5-1 Private recruitment offices, employers and any other related parties are prohibited from resorting to violence in all its forms against workers for any reason.

11-5-2 It is prohibited for private recruitment offices, employers and any other related parties to bully workers for any reason.

11-5-3 It is prohibited for private recruitment offices, employers and any other related parties to harass in any way or form in or outside recruitment or work, or to pledge the recruitment of workers in exchange for the implementation of acts involving harassment.

11-5-4 It is prohibited for private recruitment offices, employers and any other related parties to resort to any behavior that leads to the emergence of an intimidating, hostile or degrading environment for the person to whom such behavior is directed.

11-6 Prohibition of Child Labor and Combating the Worst Forms of Juvenile Labor:

11-6-1 Private recruitment offices and employers are prohibited from recruiting any person who has not reached the legal age to work in Iraq, which is set at fifteen (15) years old.

11-6-2 Private recruitment offices and employers are obligated to recruit juvenile workers who are of the specified age group between 15-18 years in accordance with the specific regulations for the recruitment of juveniles stipulated in the Labour Law.

11-6-3 It is prohibited for private recruitment offices, employers or any third party to use juveniles in any illegal and unlawful activities or acts.

11-6-4 It is prohibited for private recruitment offices, employers or any third party to recruit juveniles in any work the nature or circumstances of which may harm the health, safety, behavior and morals of juvenile workers.

11-7 Enabling Workers to Enjoy their Legal Entitlements:

Employers and private recruitment offices are obligated to ensure that workers enjoy all their legal entitlements, including:



11-6-1 The right and freedom to conclude or terminate the work relationship and to enter into another work relationship with another employer.

11-6-2 The right of foreign workers to terminate the work relationship in accordance with the provisions of the applicable Labour Law and to return to their countries of origin of their own free will.

11-6-3 The right of the worker to receive a wage not less than the minimum wage legally established in Iraq.

11-6-4 The right of the worker to enjoy annual leaves stipulated in the Labour Law, and the travel days are added to that leave and the extra days are paid with full wages for workers residing in governorates other than the governorate in which the work is performed; and the same applies for foreign workers when they travel to their countries of origin to enjoy annual leave.

11-6-5 The right of the worker to enjoy the special and sick leaves stipulated in the Labour Law in addition to the maternity and pregnancy leave for working women with full payment.

11-6-6 The right of the worker to work for specified and known hours as stipulated in the Labour Law, provided that the daily working hours for workers in all sectors of work are determined according to what is stipulated in the Labour Law and the instructions issued thereunder, including limiting the daily working hours in the agricultural sector to (7) seven hours as a maximum and the weekly working days are (6) six days as a maximum.

11-6-7 The right of the worker to enjoy the daily break and the weekend break with full pay.

11-6-8 Providing a safe and healthy work environment for workers and adherence to occupational safety requirements.

11-6-9 The workers' right and freedom of association, union activity, collective bargaining, and strike in accordance with the provisions of the Labour Law, with the obligation of private recruitment offices not to provide workers looking for work or other workers to employers whose work projects witness a strike, for the purpose of replacing those striking workers.

11-6-10 Enjoying social security, and the employer bearing the responsibility to cover the worker and pay the legally due contribution, and for the worker to pay his/her own contribution in accordance with the provisions of the applicable Retirement and Social Security Law for Workers.



12- Securing Living and Decent Housing

12-1 Private recruitment offices or employers, both as the case may be and based on their responsibility, are obligated to secure adequate housing and decent living for workers whose recruitment or work requires residence outside their governorate or the country of their original or permanent residence, and this includes, among several categories, displaced workers and foreign workers if they do not have their own place of living and residence.

12-2 The provision of living and housing must not involve any prejudice to any of the rights of workers stipulated in the applicable labour legislations and the provisions of this Code.

12-3 The provisions prohibiting forced labour, violence, and harassment apply to the families of workers residing with them and to whom paragraph (12-1) of this article applies.

13- The Right to Access Legal, Health and Social Services

Private recruitment offices and employers are obligated to ensure that workers have access to legal, health and social services, including:

13-1 Providing legal services for all workers by private recruitment offices from the stage of applying for work through the stage of concluding the work relationship and actually starting it and ending with the stage of expiry or termination of the work relationship.

13-2 Notifying the worker in writing, in his native language, of all his legally recognized rights and obligations before contracting with him.

13-3 Informing the worker of the legal channels for submitting complaints, in particular the labour inspection and the labour judiciary, and enabling his access to that freely and without taking punitive measures against him as a result of using legal methods to defend his right.

13-4 Informing the worker of the services and social guarantees provided by the retirement and social security law for workers and other laws, and enabling workers to enjoy those services.

13-5 Initial medical examinations shall be conducted by private recruitment offices prior to recruitment, and neither the worker nor any of his relatives shall bear the costs of any of these examinations.

13-6 Conducting initial and periodic medical examinations for the worker by the employer, and neither the worker nor any of his relatives shall bear the costs of any of these examinations.



13-7 Copies of the worker's initial and periodic medical examinations are kept in his personal file at the private recruitment office and with the employer. These documents are subject to control and inspection by the labour inspection of the Ministry of Labour and Social Affairs.

13-8 Private recruitment offices are obligated to provide health insurance at the stage of recruitment for workers whose recruitment or work requires residency outside the governorate or the country of their original or permanent residence, in particular displaced workers and foreign workers.

14- Mechanisms for Receiving Complaints and Resolving Disputes

14.1 The private recruitment office or a group thereof is obligated to establish a mechanism to follow up on the terms and conditions of work and to receive workers' complaints whether during recruitment or work.

14.2 The private recruitment office or a group thereof shall provide a mechanism for receiving complaints and making it available for workers to use free of charge.

14.3 The complaints mechanism shall be clear, easy to use, and multilingual; depending on the languages of the workers the office recruits.

14.4 Private recruitment offices are obligated to deal with the received complaints and grievances promptly and positively.

14.5 Private recruitment offices are obligated to maintain the confidentiality of the complaint and the person submitting it.

14.6 Private recruitment offices are obligated to train workers on how to use the complaints mechanism, and to follow up and evaluate that mechanism.

14.7 Private recruitment offices are obligated to inform the labour inspection office of any complaints that involve explicit violations of the labour law which cannot be resolved by giving guidance and direction to the employer, especially if the complaints are related to violations related to human trafficking, forced labour, discrimination, violence, harassment, working hours, wages, and occupational safety and health.

14.8 Private recruitment offices are obliged to inform workers and enable them to use dispute resolution mechanisms that are legally established and approved by the Ministry of Labour and Social Affairs.





Final Provisions

15-1 This Code shall enter into force on 08/12/2022.

15-2 The Department of Labour and Vocational Training at the Ministry of Labour and Social Affairs takes the necessary measures to follow up on the implementation of the provisions of this Code and ensure the provisions are implemented.

15-3 Private recruitment offices may provide comments or suggestions regarding legislations, instructions, and administrative procedures related to the regulation of the work of these offices to the Department of Labour and Vocational Training.

15-4 The provisions of the applicable labour law, the applicable retirement and social security for workers law, and the relevant applicable national laws are invoked by the Ministry of Labour and Social Affairs in implementing this Code and addressing violations related to the application of this Code provisions accordingly, without prejudice to the rights of workers to resort to the judiciary to complain about any violations against them whether they were contained in the labour law or the retirement and social security law or any other laws such as the anti-human trafficking law and the applicable Iraqi penal code or other relevant laws and instructions.

15-5 The Ministry of Labour and Social Affairs may, in consultation with workers and employers organizations or unions, expand the scope of this Code to include all private recruitment offices and their beneficiary employers in all sectors in the Republic of Iraq ninety (90) days after this Code enters into force.

15-6 The provisions of this Code are subject to periodic review by the Ministry of Labour and Social Affairs, private recruitment offices, representatives of workers, and representatives of employers.

15-7 Any amendment to the Code or any of its provisions shall be made according to a process of consultation of the parties to the social dialogue, in addition to representatives of private recruitment offices.

15-8 The Ministry of Labour and Social Affairs issues guidelines to facilitate the implementation of the provisions of this Code in order to achieve its objectives of achieving fair recruitment.



Appendix(1): Document of the Declaration of Cooperation in the Implementation of the Code of Conduct for Fair Recruitment in the Republic of Iraq

Because of the special importance of cooperation between the Ministry of Labour and Social Affairs and private employment offices in regulating the rules of fair recruitment in Iraq, including the Kurdistan Region of Iraq, according to what is stipulated in the applicable labour legislation and the relevant International Labour Organization conventions, and in particular the International Labour Convention No. 188 of 1997 regarding Private Employment Agencies, Whereas this Code is one of the tools aimed at strengthening employment and work rights, We, the undersigned, declare our full commitment to cooperate with the Department of Labor and Vocational Training at the Ministry of Labour and Social Affairs, workers' organizations and employers' organizations in order to implement this Code and abide by the principles and provisions contained therein and work according to them.

ت	أسم الشركة	أسم الشخص المخول	الصفة	المحافظة	التوقيع	تاريخ التوقيع
١	بلد الرؤيا لإستقدام وتشغيل الأيدي العاملة الأجنبية	إسراء بشير علي	المدير المفوض	بغداد		٢٠٢٣/١/٣٠
٢	أضواء التجديد لإستقدام الأيدي العاملة الأجنبية	محمد كاظم عواد	المدير المفوض	بغداد		٢٠٢٣/١/٣٠
٣	الأضواء لإستقدام وتشغيل الأيدي العاملة الأجنبية	حافظ صادق إسماعيل	المدير المفوض	بغداد		٢٠٢٣/١/٣٠
٤	أمواج البحر لإستقدام وتشغيل الأيدي العاملة الأجنبية	ليث عبد الستار	المدير المفوض	بغداد		٢٠٢٣/١/٣٠
٥	ألقى البيارق العراقية لإستقدام وتشغيل الأيدي العاملة الأجنبية	فاضل غيث ساجت	المدير المفوض	بغداد		٢٠٢٣/١/٣٠
٦	هلا لإستقدام وتشغيل الأيدي العاملة الأجنبية	حيدر زكريا توفيق	المدير المفوض	كربلاء		٢٠٢٣/١/٣١
٧	زها المستقبل لإستقدام وتشغيل الأيدي العاملة الأجنبية	محمود كاظم جعاز	مساهم	بغداد		٢٠٢٣/١/٣١
٨	اللؤلؤة النادرة لشغيل وإستقدام الأيدي العاملة الأجنبية	سيف عماد الدين سليم	المدير المفوض	بغداد		٢٠٢٣/٢/١
٩	أضواء البتراء لإستقدام وتشغيل الأيدي العاملة الأجنبية	لين غانم إبراهيم	مخولة الشركة	بغداد		٢٠٢٣/٢/١
١٠	المسرة لإستقدام وتشغيل الأيدي العاملة الأجنبية	آمال بريس هادي	وكيلة الشركة	بغداد		٢٠٢٣/٢/١
١١	قصر الياسمين لتشغيل الأيدي العاملة الأجنبية	إناس شاكرا مصعب	مخولة الشركة	النجف		٢٠٢٣/٢/١
١٢	WHA	دلبر صالح احمد	مديرة مفوض	اربيل		٢٠٢٣/١/٢٩
١٣	Shull	حسام علي عبد الكريم	مدير مفوض	اربيل		٢٠٢٣/١/٣٠
١٤	اربيل مان باور	تلان محمد شاهين	مديرة مفوض	اربيل		٢٠٢٣/١/٢٩
١٥	سوزم	سامان شوان جلال	مدير مفوض	اربيل		٢٠٢٣/١/٣٠

ت	أسم الشركة	أسم الشخص المخول	الصفة	المحافظة	التوقيع	تاريخ التوقيع
١٦	بارك	سوران عمر عثمان	مدير مفوض	اربيل		٢٠٢٣/١/٢٩
١٧	هيفهر	سمير صبحي علي	ممثل الشركة	اربيل		٢٠٢٣/١/٢٩
١٨	گلوان	سلمان حمه خان دارا	مدير مفوض	اربيل		٢٠٢٣/١/٢٩
١٩	شایانی مال	شهيمه صباح سليمان	مديرة الشركة	اربيل		٢٠٢٣/١/٣٠
٢٠	نهورهه لأستخدام الأيدي العاملة	نوژهن ازاد مصطفى	مدير الشركة	أربيل		٢٠٢٣/١/٢٩
٢١	Mselect	شایان سلار كال	مديرة الموارد البشرية	اربيل		٢٠٢٣/١/٣٠
٢٢	House care	ثاریان شیرزاد محمد	مدير مفوض	اربيل		٢٠٢٣/١/٣٠
٢٣	ثيواره	مسعود عثمان حمه كريم	مدير مفوض	اربيل		٢٠٢٣/١/٢٩



