

Implementation of the Working Conditions of Women in Iran with International Labour Rules and Conventions

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ABSTRACT

Although international laws that regulate the occupation in the world have largely become closer to each other, however, one can not deny the fact that in many fields, especially in the realm of "working conditions" there are still differences between state laws and regulations. The opportunity to adapt the working conditions of women in international law expresses the fact that in various areas, particularly in the area of "working conditions" these differences are even more significant. This paper is based on library studies and archived data. Finally, it should be noted that the extension has led to countries as compared with others. In some areas, the situation is better, and in others, the conditions are unfavorable.

KEYWORDS: International Regulations, Working conditions, Women, Differences

1. INTRODUCTION

There is a great debate on working conditions in labor laws including some issues like payments, vacations, and leaves. These conditions have always been changing in a direction that would best fit the worker. Although these laws are almost identical in many countries, the existing differences can't be denied. Such differences have caused some countries to enjoy more beneficial conditions while some are still suffering from the shortcomings and unfavourable grounds.

Women working conditions is basically different from those of men following their unique physical and mental characteristics. This enables women to enjoy simpler and more flexible conditions. Following these grounds, women and youth working conditions are of great importance in all labor laws and in Iran too. There are special opportunities, regulations, and protective policies included for these vulnerable groups. Unfortunately, Iran's labour law was approved under some special circumstances and can't protect their rights favorably.

2. Women working time

2.1. Women working hours in Iran and international labor law

Working hours has been a provocative element for the workers. There have been many strikes and movements to modify the working hours as we see today.

Long and tiring working hours resulted in major demonstrations and riots in 19th century. Women participated in these movements just like men.

Recommendation letter no 116 discusses the reduction of working hours and was approved in public conference of international labor organization (46th session) on 26th June 1962.

Vaseie Zadeh (1998) [9] says this recommendation letter has practical implications for the issue based on different working conditions. It numerates several policies and discusses the issue of 40 hours a week as a social standard.

There is no such rule in Iran and women working hours is still unknown in pre and post islamic revolution periods. The only case pertaining to the point is about the nursing women.

Following case 19 in labor law approved in 1958, "the employer is demanded give a 30 minute break after each three hour working for feeding the baby. This amount of time is a part of the official working time" (Araki, 1993) [2].

The only difference between the former and the present case of labor law is residing in the expression "till the time the child is 2 years old". There was no age determined in the previous rule but it is now mentioned.

Case 1 of family and population control approved in Islamic parliament in 16^h May 1992 says: "A female worker is in charge of all the expenses of rearing the 4th kid and after who are born one year after the law approval (case 78 of labor law approved by Expediency Discernment Council in 20th November 1990).

Similarly, the 30 minute break which is a part of official working hours based on case 78 does not apply in case of the fourth kid and after.

It should be mentioned that the problems of pregnancy and child care and doing housework have made women deserve more protective plans compared to the men since mothers can not adapt themselves easily to the regular working hours. It is suggested that less working hours be set for them compared to men (Ranjbari, 1998) [5].

3. Vacations and leaves for female workers (pregnancy –nursing)

3.1. Special leaves for female workers in Iran

Based on case 78, nursing break will expire when the child is two years old, but in child breastfeeding program approved in 12 March 1996 it is reduced to less than two years. Following note 1 case 3 of the law "mothers can be given one hour a day leave until the time the child is 20 months old (it is not subtracted from the whole paid leave)." (Alavion, 2005) [1].

3.2. Special leaves for female workers based on international labor law

According to protocols 3 and 103 young female workers can take a leave during pregnancy and delivery. A twelve week leave is regarded as the minimum in both protocols. Based on protocol 3 half of this period is before and another half is for after the delivery. What matters in protocol 103 is the fact that at least half of it should be after the delivery and its sequence is actually a matter of choice in different countries. Protocol 103 is more flexible. Anyway, a worker should be given post delivery leave and it applies to both employee and employer.

In case of any discrepancy between the pre determined delivery time and its real occurrence, pre delivery leave increases and the post delivery leave should not be reduced. The leave can be extended in case of any delivery or pregnancy related sickness.

Recommendation letter no 95 which was approved in the same time as no 103 provides a better support for women in time of pregnancy and delivery. In this recommendation letter the leave is extended to 14 weeks.

The employees can leave the job temporarily to feed the child even if the leave expires. This time is also a part of the official working hours for which she must be paid. Following protocol 3 these leaves should occur twice a day and should not be less than 30 minutes. Protocol 103 is more flexible here and allows the details to be determined through regulation by the member countries and a collective policy of working relations (Safari, 1999) [7].

4. Hard and Dangerous Jobs for Women

4.1. Mining

Considering the hardship, abuse, and sexual exploitation of the women working in mines, international labor conference passed the protocol 45 about "women working in undergrounds and mines" in a meeting in 1935. Following it, no women in any age should be employed to work in mines or undergrounds. Here the mine refers to any workshop which extract materials found in the underground either backed by the public or private sectors

So far 95 countries have signed this protocol. It should be said that "as stipulated in Europe social charter women employment in mines (even if it seems proper) is illegal all over the Europe due to the hard and dangerous conditions." The content of this case is arranged by the trilateral conference based on the workers' representatives. This is actually a compromise between two opposite sides.

The charter forbids such jobs for women just like protocol 45. Although the charter includes the above mentioned regulations, some Scandinavian representatives had their disagreements with the female workers' protection program (of course except for pregnant and nursing mothers). A revocation of the law was denied by European council (Alavion, 2005) [1].

4.2. Heavy Load Transportation

Technical and industrial advances in the last two centuries have made us forget the fact that there is still too much manual work all over the world including carrying goods. International labor conference has made some rules here too. Following protocol 127 approved in 1967 manual transportation of goods that can endanger an individual's safety is illegal and it should be expected from any worker. This protocol talks specifically about

women and stipulates that they should only carry light goods. These goods should be lighter than those carried by men.

In recommendation letter no 128 approved in 1967 education, safety and maintenance of the equipments are all focused. It is stipulated that the maximum weight for men should not exceed 55 kilograms and less than this for women. These include all the economic activities and independent carriers who are not paid by the employee and also other staff who are also paid for transportation as directed by a commission of experts (Mousavi, 2001) [4].

5. A ban on nighttime work for women in Iran and international labor law protocols

5.1. females' nighttime work regulations in international labor law

Regarding the importance of the issue, it should be mentioned that " females' nighttime labor is one of the first issues for which international labor organization has set some standards. There are several approved protocols regarding the issue as follows:

5.1.1. Protocol 4

Protocol 4 approved in 1919 stipulates that women should not be employed in any public or private sector for night time jobs regardless of their age. This protocol defines "night" as follows: "a period including at least 11 consecutive hours between 10 p.m. and 5 a.m." Of course there are some exceptions including house chores, emergency, other necessary activities, or dealing with perishable materials. Special circumstances or seasonal jobs are exempt from this rule too. Women can be allowed to work during the night wherever daytime job is hazardous due to climate.

About 60 countries have signed this protocol but its inflexibility has made some others not joining it. This has caused some problems in its application (Mehrpour, 1998) [3].

5.1.2. Protocol 41

This protocol was signed in the international law conference in 1934. "Akin to protocol 4, this protocol still imposes a ban on nighttime employment of females, but it is more flexible in terms of the duration." Although it still defines night as a 11 consecutive hour duration, a temporary infringement (like 10 hours from 10 p.m. to 5 a.m.) is allowed. The significant difference between these two protocols lies in the fact that it exempts the women who are in managerial occupations since they do not do manual work. 38 governments have approved it. However, it was the subject of criticism. Protocol 89 ratified in 1948 is its revised form.

5.1.3. Protocol 89

The revised version which led to protocol 41 was not still satisfactory. After the reatification of protocol 89 (in 1948), it underwent more revisions. Protocol 89 was more flexible in terms of night period definition. According to case 2, night is defined as a 11 consecutive hour duration or at least 7 consecutive hour period from 10 p.m. to 7 a.m.

Authorities can determine and change this proportion in case of regions, industries, and workshops. An agreement should be made with workers' unions and employees in case of the night hours later than 11 p.m. Akin to protocol 41, women in managerial occupations are exempted from this law. Welfare state and healthcare workers who do not do manual work are also exempted.

5.1.4. A supplement to protocol 89

Since the ratification of protocol 89, the ban on females' nighttime employment faced criticism on the grounds of socio – economic reforms, lack of labor force, and equality of men and women. By the end of 1996, 15 countries issued a denial of protocol 89 (Alavion, 2005) [1].

5.2. Regulations on women nighttime occupation in Iran

"There is no ban on females' nighttime occupation in Iran according to the current rules, but labor law approved in 1958 (case 17) stipulates:" nighttime work (from 8 p.m. to 6 a.m.) is illegal for people under 18 except for nurses or other occupations as determined by labor and social welfare state." This law has actually expired now.

The ban on females' nighttime job was lifted as the labor law was passed in Expediency Discernment Council in 1369. It is noteworthy that case 75 of the law passed by the Islamic parliament (24 September 1988) imposed a ban on night time job for women except for health care and medication workers. This was consequently removed by Expediency Discernment Council. Experts believe that its removal is open to question regarding ethical, social and familial grounds in Iran (Hashemi, 1991). Some others believe it is the continuation

of standards set by international law organization (Vaseizade, 1998) [9]. Anyway one can not be certain since there is no access to the content of negotiations conducted in the conference (Shaditalab, 1996) [8].

6. Female workers' welfare

6.1. Female workers' welfare as stipulated in international law regulations

A section of case 11 of the conference against all the injustice regarding women discusses several issues like welfare, retirement insurance, and similar prerogatives. It stipulates: "Women and men are equal in case of social insurance policies in time of retirement, illness and senility. They can have paid leaves just like men too."

Female workers should have sufficient cash pensions to meet her life basic needs during her pregnancy in a way that enables her to have a satisfactory life. Additionally, healthcare services including pre and post delivery treatments and hospitalization should all be provided. Such pensions and services should be provided through an obligatory insurance or the government can bear the expenses using its public revenues. Both protocols express that the employee should not be the only one to bear these expenses since it would make them avoid employing pregnant women. In other words, if it is the employee to bear these expenses, it seems that the monetary resources wouldn't be enough and beneficiaries might not be able to receive their pension easily. As a result, all the monetary resources to pay the pensions should be provided through a compulsory insurance policy or governments should be held responsible.

In the first case, protocol 103 asserts that the amount of the pension should be calculated based on the workers' previous earnings and it should not be less than two third of them. Furthermore, protocol 95 which was passed at the same time as protocol 103 stipulates that it should be equal to 100 percent of the female's previous earnings.

Protocol 102 is about the minimum welfare wages and its eighth section expresses that if a female worker is unable to work due to pregnancy and other complications afterward can have a pension whose amount is determined by the protocol. In this protocol the women and also those whose spouses are considered liable based on protocol 102 and can benefit from medical services during pregnancy and after that.

The 7th section of this protocol demands a pension be paid for childcare expenses. It is called the family pension. It can be paid monthly or can be in form of food, clothes, house deposit, facilities for vacations, house chores, or even a combination of all above. Its amount should not be less than one percent of a typical worker's wage (an adult one) for each child. Following the protocol, an insurance premium record or person's occupational history (three months) or residency (one year) can all be regarded (Araki, 1992) [2].

6.2. Female workers' welfare regulations in Iran

This issue is asserted in case 148 of labor law: "employers are demanded to provide insurance for all their workers as directed by welfare law."

Welfare law is mentioned in this case. Concepts of workshop, employer, the insured and the family, insurance premium, illness, accident, familial expenses, compensation, total disability, and et cetera are all included (Rsaenia, 2000) [6].

For instance, " compensation is a payment in case of pregnancy, illness, and temporary disability or the state of not being paid and goes to the insured instead of wage."

If the insured is temporarily unable to work because of pregnancy, he or she can ask for a compensation.

Regarding case 3 of the same law, welfare includes all these: "accidents and illnesses, pregnancy, compensation, disability, death, unemployment insurance, and all those who work for a payment for any reason."

" for example in case of female workers, a pregnant woman can have all these benefits. Employer is demanded to pay the insurance premium for the insured and subtract it from the total payment."

In case of accidents, illnesses and pregnancy, case 54 asserts: " the insured and their families can benefit from medical services as soon as they are found liable. The medical services included are: "outpatients' treatments, hospitalization, the necessary medications, and diagnostic check-ups

Therefore pregnant workers can benefit from such services. Families can benefit from these services as soon as a worker is insured and the insurance premium is paid as said in case 54.

The term "family" refers to people other than the insured's wife, children, females (in special circumstances), the parents (in special occasions asserted in the law) and "the insured's husband can benefit from these services if he is more than 60 years old or considered disabled by a medical board."

" In our country families are insured too and this is totally different from all the countries we mentioned. therefore, our laws seem more complete. Disability is also focused in our rules.

The insured workers with incurable diseases who are considered partially or completely paralyzed by medical boards can benefit from the stipulated rights in insurance law (Rsaienia, 2000) [6].

7. Conclusion

Female labor force is an unseparable part of any economic progress. Considering their unique physical and mental status, their working conditions and predetermined working standards should differ from those of men in a way that allows them to enjoy more flexible conditions. Accordingly, a major part of all the law systems in Iran and worldwide is devoted to the rules for women and youth occupations. Typically, there are special rules and protective policies for these vulnerable groups. Unfortunately, there were some complications at the time such rules were passed in Iran and our laws could not have protect the women and their rights as intended.

According to law scholars, some of these shortcomings are rooted in the lack of adjustment found between labor law in Iran and international regulations. Recent therotical developments all over the world have worsened the situation here too. This study sought to provide helpful guidelines to improve females' working conditions in Iran through comparing working conditions all over the world and expressing the strenghts and faults found in this arena.

The aim was to pinpoint this fact that females' occupation should allow them to have childern and take care of them before and after the delivery since the increasing number of female workers accentuate the necessity of this issue more than ever.

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