

Kurdistan Region – Iraq

The Presidency of the Region

The President

On behalf of the people

Resolution

No. 15 of 2012

According to the powers conferred to us through paragraph 1 of Article 10 of the Kurdistan – Iraq Region Presidency Law No 1 of 2005 amended and pursuant to what had been legislated by the Parliament of Kurdistan – Iraq in session No 22 on 05/06/2012; we decided to issue the following:

Law No. 4 of 2012

Law of amendment of the application of Law of Pensions and Social Security for Workers

No. 39 of 1971 amended in Kurdistan – Iraq Region

Article One:

Article 3 of Kurdistan – Iraq Region Law shall be invalidated and replaced with the following:

First: Provisions of this law shall apply on all workers and personnel of private sector enterprises and companies operating in the Region regardless to the number of staff members.

Second: The following shall be exempt from the application of this law:

1. Employees of state departments and enterprises or that are subject to Civil Service Law.
2. Workers in international organisations and foreign diplomatic delegations.
3. Workers for parties which stipulate compliance to a certain social scheme.
4. Members of national security forces and the Region's guards.

Article Two:

Paragraph (K) of Article 20 of Kurdistan – Iraq Region Law shall be re-applied and shall read as the follows:

K. The public treasury shall participate in the workers' pension and security fund. Such participation shall be determined according to the allocations of the Ministry of Finance and Economy in the Region's annual budget at 30% of the subscriptions paid to the fund during the previous financial year.

Article Three:

Application of paragraph (B/2) of Article 38 of Kurdistan – Iraq Law shall be suspended.

Article Four:

A paragraph under the sequence of paragraph (K) shall be added to Article 48 of the law, which shall be valid in Kurdistan – Iraq Region and shall read as follows:

An insured working woman may, after giving birth, request a maternity leave for no more than one year with half the salary in condition that such salary is of no less than the social security benefit amount, paid by the public treasury and the contract is still valid.

Article Five:

Paragraph (Z) of Article 50 of Kurdistan – Iraq Region shall be postponed and replaced with the following:

Z. Full sickness pension salary and partial pension salary of 75% and more complete disability shall be transferred to the inheritors when a pensioner dies, while sickness pension salary for less than 75% of full disability shall cease in death.

Article Six:

Paragraphs (B and C) of article 60 of Kurdistan – Iraq Region Law shall be invalidated and replaced with the following:

B. If a pensioner of 75% and more disability dies then his salary shall be transferred to his successors.

C. If a pensioner of less than 75% disability dies then his successor shall be compensated to an equal amount of the partial injury pension salary of four years if he is not entitled to death pension.

Article Seven:

Article 69 of Kurdistan Region Law shall be invalidated and replaced with the following:

- A. The maximum limit of full pension of different types of securities in this law may not, in any case, exceed 80% of the average monthly wage of the last year securing service.
- B. The minimum limit of a full pension of different types of securities in this law may not be, in any case, below the minimum limit of employee pension.
- C. Partial pension in all cases may not be less than the amount of social security benefit.

Article Eight:

Articles 11 and 12 of this law shall apply and shall be considered valid in Kurdistan – Iraq Region as an integral part of law No 39 of 1971.

Article Nine:

As an exception to Article 27 of Worker's Pension and Social Security Law, private sector workers whom are without a permanent and constant work principal shall have a right to social security in

condition that they receive no salary from the Region's enterprises and that they subscribe to the security fund. The Cabinet shall regulate the registrations methods and the receipt of such subscriptions.

Article Ten:

A secured worker shall enjoy unemployment security according to the following bases:

First: Must have paid unemployment security for at least two years.

Second: The secured party shall receive an amount equal to the social security benefit for no more than three times, during unemployment of a period not exceeding six months.

Article Eleven:

Any law or resolution contrary to this law shall not apply.

Article Twelve:

The Region's Minister of Labour and Social Affairs shall issue instructions to facilitate the execution of this law.

Article Thirteen:

The Cabinet and the related parties shall execute this law.

Article Fourteen:

This law shall apply from the date of its publication in the official gazette "Waqi Kurdistan".

Masoud Barazani

President of Kurdistan – Iraq Region

Erbil

26/06/2012

Statement of Grounds

This law was issued in order to keep up with the changes and updates occurring to the Kurdistan Region work market, to support workers by enhancing their social and living standards, and granting more rights and privileges in public, private, mixed and cooperative sectors until issuing a complete and special social security legislation for the Region.