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Legislation

No. 18

## Worker Retirement and Social Security Law

No. (18) of 2023

قانون التقاعد والضمان الاجتماعى للعمال

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## Laws

Retirement and Social Security Law

In the name of people

Presidency of Republic

**RESOLUTION NO. (16)**

Based on what had been approved by the Parliament, in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on August 20, 2023 issuing the following law:

**NO. (18) OF 2023**

**WORKER RETIREMENT AND SOCIAL  
SECURITY LAW**



**SECTION ONE**  
**DEFINITIONS, OBJECTIVES AND**  
**VALIDITY**

**ARTICLE 1**

For the purposes of this law, the following terms have the definitions indicated opposite them:

First: Ministry: The Ministry of Labour and Social Affairs.

Second: Minister: Minister of Labour and Social Affairs.

Third: Department: The Department of Worker Retirement and Social Security.

Fourth: Secured: A person who works or worked in a collective or individual work project or in informal work and pays the amount of the security contribution that must be paid to the Fund in exchange for any of the guarantees, services, compensation, rewards or salaries provided by the Retirement and Social Security Fund to secured workers.

Fifth: Secured Service: The service for which the contribution is paid.

Sixth: Contribution: The amount that shall be paid by the entities specified by this law in return for any services, compensation, rewards, wages, or salaries provided by the department in accordance with the provisions of this law.



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Seventh: Worker: Every natural person, whether male or female, who works under the direction and supervision of an employer and under his/ her management, whether through a written or oral contract, explicit or implicit, by way of training or testing or who performs intellectual or physical work in return for a wage, whatever its type. In accordance with the provisions of Labour Law.

Eighth: Retiree: A person who receives a pension to which he/ she is entitled in accordance with the provisions of this law.

Ninth: Self-employed Worker: A person who works for his/ her own benefit and does not work for others' and does not meet the definition of worker.

Tenth: Employer: A natural or legal person who employs one or more workers in return for wages of any kind.

Eleventh: Wage: All that the insured receives in cash and in-kind and all kinds of allocations in return for his/ her work.

Twelfth: Average Monthly Wage: The average monthly wage for the last five years of the worker's secured service, or the average monthly wage for the period of secured service if it is less than five years, unless otherwise provided.

Thirteenth: Illness: Ill-health that prevents the patient from performing his/ her usual work and is not the result of a work-related injury. It is determined in accordance with a medical report issued by a competent medical committee.

Fourteenth: Occupational Disease: The illness resulting from practicing a specific Occupation.

Fifteenth: Work-related Injury: A occupational disease or organic failure as a result of an accident that occurred during or because of work. The accident that occurs to the secured during his/ her direct going to or direct return from his/ her work shall be



considered as such. occupational diseases, organic failures and the disability percentages resulting from each of them shall be determined in tables issued by a decision of the Minister of Labor and Social Affairs based on the proposal of the Fund's Board of Directors, in coordination with the Ministry of Health.

Sixteenth: Disability (or incapability. Translator): Loss of the ability to work, fully or partially, due to illness or work-related injuries.

Seventeenth: Compensation: All that the department pays to the secured during the period of his/ her validity of secured service in accordance with the provisions of this law.

Eighteenth: Unemployment: The situation in which the secured loses his/ her job opportunity for any reason despite his/ her ability and desire of work.

Nineteenth: Pension: The full or partial retirement salary that the department pays to the secured or to his/ her heirs after him/ her upon his/ her service end, disability or death in accordance with the provisions of this law.

Twenty: Reward: The amount shall be paid by the department to the secured upon the end of his/ her secured service in the event that the conditions for the secured's entitlement to a retirement salary are not met or in other cases stipulated by law.

Twenty-one: Informal Work: The working individuals who are not included in the definition of worker, self-employed workers and the employer.

Twenty-second: Retirement Rights: Retirement salary or reward.

Twenty-third: Retirement Service: The period of service that is calculated for retirement purposes in accordance with the provisions of this law and for which contributions are collected.



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Twenty-fourth: Post-retirement Security: A set of services shall provide by the social security system to the secured and retired workers in accordance with the provisions of this law.

Twenty-fifth: Fund: Retirement & Social Security Fund for Workers.

Twenty-sixth: Board: Fund's Board of directors.

Twenty-seventh: Voluntary Retirement Security: It is a security for every natural, unsecured Iraqi citizen, employer, self-employed person or partner with others.

Twenty-eighth: Inspection Section: It is the section affiliated with the Department of Retirement and Social Security for Workers that carries out inspection tasks in accordance with the provisions of this law.

### ARTICLE 2

First: This law aims to the following:

- a. Achieving a decent living for those covered by its provisions
- b. Strengthening the values of social solidarity and reaching a fair equation that guarantees justice in the distribution of income between members of one generation and successive generations.
- c. Ensuring that the security coverage reaches more categories.
- d. Providing psychological and financial stability for workers, retirees and their heirs.



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- e. Ensuring income protection for working people and their families in cases of disability, handicap, old age and death.
- f. Easiness of moving workers between the public, private, cooperative and mixed sectors and protecting their rights arising from this transfer.
- g. Providing the necessary protection for the rights of working woman and minors of working age working in informal work in a manner commensurate with working conditions in light of the in-force legislation.
- h. Unifying the legal provisions related to retirement rights in a way that guarantees equality for retirees in the sectors (public, private, mixed and cooperative).

Second: The objectives of this law shall be achieved through the following means:

- a. Investing the fund's money.
- b. Unifying the provisions for the transfer of benefits between the public and private sectors to ensure the protection of workers' rights and the calculation of their services for the purposes of bonuses, promotions and retirement.
- c. Using technology to provide services to the secured, retirees, and employers.
- d. Developing an integrated system on how to collect contributions, request information, and calculate retirement rights .
- e. Preparing training courses for state employees who send information.
- f. Coordinating with relevant authorities to obtain information related to the social situation of the secured.



### ARTICLE 3

First: The provisions of this law shall be applied to workers in the mixed, private and cooperative sectors, self-employed workers who are covered by the provisions of the Labour Law and workers in state departments and the public sector who are not from permanent staff.

Second: The provisions of the Retirement Security Branch shall be applied to Iraqi workers working outside Iraq in accordance with their choice, without prejudice to the provisions of international and Arab labour agreements that regulate cases of duplication of inclusion in the provisions of social security.

Third: The provisions of the social security branches shall be applied to:

- a. Self-employed workers and employers.
- b. Workers in the informal work.
- c. Members of the employer's family (husband, wife, children, ascendants and descendants who work in his/ her projects).
- d. Iraqi workers working for diplomatic bodies, organizations and companies operating in Iraq.





**SECTION TWO**

**DEPARTMENT OF RETIREMENT AND  
SOCIAL SECURITY FOR WORKERS**

**ARTICLE 4**

First: A department shall be established in the Ministry of Labor and Social Affairs called (the Worker Retirement and Social Security Department) which shall have legal personality and financial and administrative independence. It shall be represented by the head of the department or his/ her authorized representative, and it shall be funded by the Worker Retirement and Social Security Fund.

Second: The department's headquarters shall be in Baghdad, and it may establish departments for retirement and social security for workers in the centre of each governorate that is not organized into a region.

Third: The department referred to in Item (First) of this Article shall be headed by a general director who holds at least a first-year university degree and has an experience of no less than (15) fifteen years, and he/ she shall be appointed in accordance with the law.

Fourth: The head of the department shall have two employees with the rank of Assistant General Manager, one for administrative and financial affairs and the other for technical affairs. Each of them holds at least a first-year university degree and is experienced and specialized and has service of no less than (10) ten years. They are appointed in accordance with the law.



**SECTION THREE**  
**WORKER RETIREMENT AND SOCIAL**  
**SECURITY FUND**

**ARTICLE 5**

First: The department shall have a fund called (the Worker Retirement and Social Security Fund), which has a legal personality and has an independent budget and is represented by the fund manager or his/ her authorized representative.

Second: The fund shall be managed by an employee entitled (manager) who holds at least a first-year university degree and is experienced and specialized.

**ARTICLE 6**

The Fund shall have a Board of Directors consisted of the following:

- a. Undersecretary of the Ministry, who is chosen by the Minister. Chairman
- b. General Manager of the Workers' Retirement and Social Security Department, member and deputy.
- c. General Manager of the State Employees Retirement Fund. Member



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- |   |             |
|---|-------------|
| d. General Manager of the Department of Labour and Vocational Training. | Member      |
| e. General Manager of the Budget Department at the Ministry of Finance. | Member      |
| f. General Manager of Public Health at the Ministry of Health           | Member      |
| g. Economist (representative of the Central Bank),                      | Member      |
| h. A representative of the Contractor Union                             | Member      |
| i. Two from trade union federations                                     | Two members |
| j. Two representatives of the Iraqi Federation of Industries.           | Two Members |
| k. A representative of the Federation of Commerce Chambers.             | Member      |

Second: The Board may host anyone whose opinion it deems necessary, without giving him/her the right to vote.

Third: The Chairman of the Board shall appoint a rapporteur for the Board from among the department's employees in the first session held by the Board. He/ she shall be responsible for informing the dates of the Board's sessions and its agenda, recording its minutes, editing its correspondence, communicating them to the relevant authorities and following up on the implementation of the Board's decisions.

Fourth: The Vice Chairman shall replace the Chairman in the event of his/ her absence.

Fifth:

- The Board shall meet at least once every two months, at the invitation of its Chairman or at the request of a third of the Board's members. The Board's quorum shall be deemed complete with the presence of two-thirds of the Board's members, and decisions or recommendations shall be issued by an absolute majority of its members. When the votes are equal, the side with which the President voted shall be prevailed.



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- b. As an exception to the provisions of Paragraph (a) of this Item, decisions or recommendations related to Paragraphs (a) and (c) of Item (First) of Article (7) of this law shall be taken by a two-thirds majority of the Board's members.

### ARTICLE 7

First: The Fund's Board of Directors shall undertake the following:

- a. Determining the aspects of investing the Fund's money and revenues inside Iraq.
- b. Approving the draft general budget of the Fund.
- c. Approving of concluding participation contracts with the public and private sectors in implementing new projects and developing existing projects.
- d. Deciding on objections to the decisions of the Manager-General in accordance with the provisions of this law.
- e. Accepting gifts and donations from inside and outside Iraq in accordance with the provisions of this law.
- f. Improving the financial efficiency of the Fund and its administrative, financial and technical systems in accordance with the latest working methods.
- g. Contracting with Iraqi specialists and experts.
- h. Seeking the assistance of Iraqi consultants, experts, and specialists to perform some tasks related to the affairs of the Fund, and their wages shall be determined in accordance with the law.
- h. Proposing legislation that helps achieve the goals of social security.





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- j. Studying the topics presented by the Minister, the Manager-General, or any member of the Board.
- k. Preparing semi-annual reports on the fund's financial position, its achievements and the obstacles to its work.
- l. Proposing the Department's annual budget and indicating the amounts allocated to each of them.
- m. Proposing the organizational structure of the department and the Fund and their formations, describing the tasks and responsibilities and approving the staff.

Second: The Board may delegate to its Chairman or the Manager-General of the Worker Retirement and Social Security Department some of its powers.

Third:

- a. The Board's decisions shall be subject to the approval of the Minister within (15) fifteen days as of the date of their registration in his/ her office, and they shall be considered approved after the aforementioned period has passed.
- b. In the event that the Minister does not approve the Board's decisions within the period mentioned in Item (a), they shall be returned to the Board of Directors to reconsider the objected paragraphs and make decisions or recommendations by the required majority in accordance with what is stated in Item (Fifth) of Article (6) of this the law.



**SECTION FOUR**  
**FINANCIAL PROVISIONS**

**ARTICLE 8**

The Fund's financial resources shall be consisted of:

- First: The amounts of contributions, fines and fees paid to the department or ruled upon in accordance with the provisions of this law.
- Second: The proceeds of movable and immovable property owned by the Fund
- Third: Returns of investing the Fund's money.
- Fourth: Gifts, aid, donations, wills, loans and any other revenues that the Board of Directors agrees to accept in accordance with the law.
- Fifth: Any other resources due to the Fund in accordance with the provisions of this law or other laws.



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### ARTICLE 9

First: The funds of the Department and the Fund shall be deemed public funds that shall not be disposed of, except for the purposes of this law.

Second: The Fund's accounts shall be subject to the controlling and audit of the Federal Financial controlling Bureau.

Third: The debts of the Department and the Fund and the amounts earned under this law shall be deemed privileged debts, and the Government Debt Collection Law shall be applied to their collection.

Fourth: The Department and the Fund's movable and immovable property and their revenues shall be exempted from taxes and fees.

### ARTICLE 10

The fiscal year begins on the first day of April of each year and ends on the thirty-first of March of the following year.

### ARTICLE 11

First: The Manager-General of the Worker Retirement and Social Security Department shall undertake the following:

- a. Implementing the policy approved by the Board of Directors and implementing those decisions.



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- b. Preparing the draft annual budget and final statements and presenting them to the Board of Directors.
- c. Issuing the necessary orders to ensure the proper conduct of work in the department, supervising its employees and workers, and managing all its agencies in accordance with the law.
- d. Deciding on all insured persons' requests related to services, compensation, rewards, wages and salaries.
- e. Deciding on all contributions, fines due and other rights owed to the department, and taking the necessary measures to collect them.
- f. Preparing the department's employees professionally and technically by involving them in training courses.
- g. Ordering disbursement within the limits permitted by law.
- h. Any authority granted to him/ her by the Minister.

Second: Every (3) three years at least, the Department shall conduct a general actuarial examination of the financial position of the Fund, then it shall submit a special report on the examination result to the Board showing the aspects of balance between the resources of the various insurance branches and the expenses of these branches, the general financial position of the Fund and the extent of its ability to fulfill its obligations, stating opinion and submitting suggestions.

Third: The Minister may request that an actuarial examination be conducted, other than the time stipulated in Item (Second) of this Article, if he/ she sees this through the annual reports of the Board of Directors, the financial inspection reports, and the Federal Financial Controlling Bureau, and he/ she may, in this case, appoint an actuarial expert, or form an Actuarial Expertise Committee for this purpose.





### ARTICLE 12

The retirement and social security branches shall be consisted of the following:

First: Retirement and death security.

Second: Work injury, illness and occupational disease security.

Third: unemployment subsidy security.

Fourth: voluntary retirement security and informal employment worker security.

Fifth: Health insurance, social services and benefits for working women (maternity insurance).

### ARTICLE 13

Each branch of retirement and social security shall have its own funds, reserves and resources. It shall also have an independent account in which its sub-budget, the amounts of its revenues and expenses and annual balance shall be shown.

### ARTICLE 14

The financial resources of the Fund stipulated in Article (8) of this law shall be distributed to the retirement and social security branches as follows:

First: (70%) seventy per cent of the amounts stipulated in Items (Second), (Third) and (Fourth) of Article (8) of this law as a general financial reserve to the Retirement Security Branch, and (30%) thirty per cent to other branches of security.



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Second: The amounts stipulated in Item (First) of Article (8) of this law to the retirement and security branches for which contributions paid as follows:

- a. (5%) five per cent shall be deducted from the total wages and allowances received by the secured and shall be allocated to the account of the Retirement Security Branch.
- b. The percentage of employers' contributions for their secured workers shall be determined as follows:
  1. (12%) twelve per cent of the total wages and allowances the worker receives, distributed as follows:
    - (8%) eight per cent for the Retirement Security Branch.
    - (1%) one per cent for the Branch of Security for Work Injuries, Illness, Occupational Diseases and Due-to-Exceptional-Circumstances Cessation.
    - (1%) one per cent for the Unemployment Subsidy Branch.
    - (2%) two per cent for the Health Insurance Branch, social services and working women's benefits (maternity insurance).
  2. (25%) twenty-five per cent of the wages paid to employers in the private and mixed sectors who practice commercial work whose profits result from the sale of oil and other hydrocarbon materials produced in and exported from Iraq, the sale of rights and interests related to crude oil or other hydrocarbon materials, and these percentages shall be distributed as follows:
    - (15%) fifteen per cent for the Retirement Branch.
    - (3%) three per cent for the Work Injuries and Occupational Diseases Branch.
    - (3%) three per cent for the Unemployment Subsidy Branch.
    - (4%) four per cent for the Branch of Health Insurance, social services and working women's benefits (maternity insurance).



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- c. The State shall contribute in (8%) eight percent out of the worker's wages and allowances and be deposited in the fund, in exception of Item (Second/ b/ 2) and also the foreign worker in Iraq, as the employer shall bear the rate of the State's contribution, in addition to his/ her contribution stipulated in Item (Second/ b/ 2) of this Article.

Third: The resources stipulated in Item (Fifth) of Article (8) of this Law to the security branches in accordance to the following percentages:

- a. (60%) sixty per cent to the Retirement Branch.
- b. (12%) twelve per cent to the Labour Injury and Professional Disease Branch.
- c. (12%) twelve per cent to Unemployment Subsidy Branch.
- d. (16) sixteen per cent to the Health Security and Social Service Branch.

Fourth: The fund's monetary reserve shall be consisted of the following resources:

- a. Fixed deposits in banks.
- b. The investments amounts and the real estate incomes.
- c. (98%) ninety eight per cent of monetary surplus of the Department's and fund's money, (2%) two per cent shall be distributed as financial incentives for the Department's workers and their supporters under the instructions issued by the Minister based on a proposal by the Board of Directors.



**SECTION FIVE**  
**THE SOCIAL SECURITY**  
**CONTRIBUTIONS**

**ARTICLE 15**

First: The Social Security contributions shall be calculated on the basis of a limited percentage of the wage and the allocations, and the accredited wage in determining the percentage of contribution in all cases may not be less than the minimum wages stipulated in the secured's profession or the general minimum wages of the higher one of them, provided that the accredited wage in determining percentage of contribution does not exceed (5) five times the minimum wages.

Second: The amounts of contributions paid by the employer that are cut from the secured persons' wages who joined the employer's service for the first time on the basis of the monthly full-paid for the secured shall be calculated in accordance with the wages and allowances he/ she receives.

Third:

- a. The contributions of the secured who receives a monthly wage shall be due for payment from the first month in which he/ she started the secured service and they shall be due to a part of a month in which the secured service completes.
- b. The contributions of the secured with non-monthly wage shall be due for payment on the basis of the total sums of what he/ she actually receives during the full month, provided





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that the wages are not be less than the minimum determined for the unskillful worker's wage.

Fourth: The way of calculating the wages and contributions for the secured juveniles and trainees and those who work for more than one employer and production-based, temporary and seasonal workers, workers for their own, workers in an informal work and the other same cases, under the regulations issued by the Minister based on a proposal of the Fund's Board of Directors.

### ARTICLE 16

The due contributions of the month, whether deducting from the secured persons' wages or those owed by the employers shall be payable during the following month. The employers shall, each in accordance with his/ her own capacity, be committed to deduct the contributions amounts due from the secured's monthly wage if the wage is monthly, otherwise, the deduction shall be made at a percentage of (5%) five per cent of each patch of the wage during the month, and in case of the subsequent non-deduction, the related entity shall be obligated to pay the contribution due from the secured for the wage of the non-deducted month.

### ARTICLE 17

First: The employer shall pay the due contributions from him/ her and his/ her workers to the Fund during (30) thirty days as of the following due month, in case of delay in payment more than (120) days, a fine about (1%) one per cent of contributions amount for each month of delay provided that it does not exceed (100%) of the original debt shall be imposed on the employer.



Second: The Minister may, based on a recommendation of the Board, exempt the employer from paying the fines stipulated in Item (First) of this Article if the delay is because of a convincing excuse and for once.

### ARTICLE 18

First: The employer shall be committed to pay the contributions due from him/ her and his/ her workers for all the work-disruption periods of his/ her secured workers when the work contract is suspended because of the disease, childbirth, arrest, or any other legitimate excuse, it may not be permissible to recourse against workers for what was paid for their shares of the contributions. Their mentioned work disruption shall be considered as an secured service.

Second: The compulsory military service shall be considered during the work contract as an secured service and be exempted from paying the contributions.

Third: The worker shall pay a percentage of (13%) thirteen per cent when adding his/ her military service if his/ her joining the military service is before the secured service in accordance with the wage for which contributions are paid when he/ she submits the application in all cases, provided that it is not less than the minimum determined for the worker's wage.

Fourth: The employer shall be obligated to pay the worker's wage for the period in which the employment contract suspends, and a percentage of six percent (6%) from the decided wage shall be deducted in exchange for the worker's contributions to the security, provided that the deducted amount shall not exceed the worker's original contribution, and the employer shall cover the shortage of contributions if it is found.

Fifth: The Board of Directors may get the amounts owed by the worker in installments in accordance with instructions issued therefor.



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### ARTICLE 19

The amounts deducted by employers from the workers' wages in exchange for what is legally due from them from the contributions shall be considered to be as a trust with them and may not be disposed of for any purpose.

### ARTICLE 20

First: As an exception to other applicable legislation, no sale, transfer of ownership, granting registering, renewing, leasing permits or occupational licenses or any other legal action may be made to any company, factory, plants or entity employing one or more workers, except after obtaining a clearance certificate from the Department.

Second: The assets stipulated in Item (First) of this Article may not be sold, distributed, declared bankrupt or liquidated, except after notifying the Department of the declaration of bankruptcy or the liquidation.

### ARTICLE 21

First: Employers who entrust the implementation of any work to a contractor, entrepreneur or investor shall be obligated to notify the Department about the contractor's name and address, the nature of the work entrusted to him/ her and its costs at least (7) seven days before the start of work, and the contractor shall be committed himself/ herself to the results of this notification and on secondary entrepreneur's behalf with whom he/ she contracts, if any. The original entrepreneur and the secondary entrepreneur shall have



jointly and severally liable fulfilling the obligations stipulated in this Law and in the regulations and instructions issued pursuant to it.

Second: The state financial departments directly attached to the public treasury or independent of it shall be obligated to refrain from disbursing any financial due to an employer, contractor or investor unless it is proven by the department his/ her clearance under an official document issued by it, otherwise, the concerned department and the competent employee shall bear all the legal consequences.

### ARTICLE 22

First: Employers covered by the provisions of this Law shall be obligated to submit to the department data including the secured persons' names, their dates of birth, their wages, and their trainees in accordance with the samples prepared by the department therefor, provided that these data shall be identical to their books and registers that they maintain, in accordance with the Labour Law, and contributions shall be calculated accordingly.

Second: The data provided by employers shall be accurate and correspond to reality, otherwise, the department shall adopt the mechanisms for calculating contributions and demanding their payment in accordance with instructions issued by the Minister.



**SECTION SIX**  
**PROCEDURES FOR COVERING THE**  
**WORKERS BY SECURITY**

**ARTICLE 23**

First: The employer and the administration shall be obligated to insure his/ her workers covered by the provisions of this Law in the department and pay for them the contributions determined by the Law.

Second: The employer shall be obligated to submit, at the beginning of each year, annual data specifying the name of the project, its place of work, the name of the employer and its full address, along with of the number of secured workers, their names, their dates of birth, full addresses, the amount of their wages, the amount of contributions due from them, and the contribution amount due from the entity that employs them, in accordance with the samples prepared by the department for this purpose, and amendments shall be made to these data if they occur with additional data.

Third: The Department shall use the data for calculating contributions provided by the employer after its approval by the Department.

Fourth: The Department shall determine the contributions in light of its own investigations in case the employer fails to submit the data or be late in the time specified for submitting it in accordance with the provisions of this Law, and it shall continue to





collect them on this basis until the relevant authority submits the data attached to the Department's approval.

Fifth: The employer shall be obligated to organize registers for the purposes of implementing this Law and to keep the necessary documents and records, and he/ she shall organize for each secured worker who works for him/ her a special file in which information and documents related to his/ her security affairs are deposited.

Sixth: The Department may review all of the employer's tax accounting documents to verify the number of workers and their wages.

### ARTICLE 24

First: The entity that registered the worker in the department and paid the contribution for him/ her shall remain responsible for paying his/ her contributions after the end of his/ her service until the date of notifying it about the end of the worker's service.

Second: Construction workers shall be excluded from the provisions of Item (First) of this Article.

### ARTICLE 25

First: The Department shall not pay the dues for the person covered by the provisions of this Law upon his/ her leaving Iraq, except for the following:

- a. If the person entitled is Iraqi and left Iraq legally.



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- b. If the person entitled is a foreigner, the reciprocity rule or the provisions of international labour conventions shall be applied to him/ her, whichever is better.

Second: Payment of the contributions stipulated in Item (First) of this Article shall be regulated by instructions issued by the Minister, on the proposal of the Board of Directors.

### ARTICLE 26

The Department shall grant a document called (Security Document) that supports the secured worker's contribution. Its form, the information that shall be included in it and the method of circulation and its use shall be determined by instructions issued by the Minister.

### ARTICLE 27

Applications, data, forms, certificates, receipts and other documents submitted to the department for the purposes of implementing the provisions of this Law shall be exempted from the stamp duty.

### ARTICLE 28

First: The Department shall have a supervisory section.



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Second: The supervisory section stipulated in Item (First) of this Article shall be responsible for following up on the implementation of the provisions of this Law and submitting a detailed report on its relevant supervisory visit to the Board of Directors.



**SECTION SEVEN  
RETIREMENT AND DEATH  
SECURITY BRANCH**

**ARTICLE 29**

The secured and previously secured persons shall be entitled to a pension in one of the following cases:

First: If a man reaches (63) sixty three years of age and has no less than (15) fifteen years of service.

Second: If a woman reaches (58) fifty-eight years of age and has secured service of no less than (15) fifteen years.

Third: If a man reaches (60) sixty years of age and has secured service of no less than (20) twenty years.

Fourth: If a woman reaches (55) fifty-five years of age and has secured service of no less than (20) twenty years.

Fifth: If a man reaches (50) fifty years of age and has secured service of no less than 30 thirty years.

Sixth: If a woman reaches (50) fifty years of age and has secured service of no less than (25) twenty-five years.



**ARTICLE 30**

The secured person's heirs shall be entitled to a pension in one of the following two cases:

First: If the secured dies during his/ her secured service for any reason, regardless of the year or period of his/ her service.

Second: If the secured dies after his/ her relationship with work is severed and has secured service of no less than (15) fifteen years, regardless of age.

**ARTICLE 31**

A married, widowed, or divorced female worker who has the custody of her children may request to be referred to retirement in accordance with the following conditions:

First: The period of her secured service shall not be less than (15) fifteen years.

Second: The number of her children shall not be less than (3) three, and the age of any one of them shall not be more than (15) fifteen years.

Third: She shall devote herself to taking care of her children..

**ARTICLE 32**

Any period of service for which the contributions amounts have not been paid shall not be deemed as secured service, with the exception of cases of the secured's injury and death. The





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secured shall have the right to resort to the judiciary by filing a lawsuit against the employer to pay the contributions amounts.

### ARTICLE 33

A secured person who reaches retirement age in accordance with the provision of Article (29) of this Law and does not have the service that qualifies him/ her to receive a pension, may purchase a service or add unsecured labour service or a service not covered by the provisions of this Law, in accordance with the following conditions:

First: The period of the purchased added service shall not exceed (5) five years.

Second: He/ she shall pay the service contributions that were purchased for his/ her share and the employer's share, amounting to (17%) seventeen per cent, calculated on the basis of his/ her average wage for the last five years for which the contributions amounts were paid, provided that it is not less than the minimum wage for the worker.

### ARTICLE 34

The age of the secured for the purposes of this Law shall be proven by official documents.

### ARTICLE 35

The retirement salary shall be calculated on the basis of (2,5%) two and a half per cent of the average monthly wage of the retired worker for the last (5) five years, multiplied by the



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number of secured months of service and divided by 12, and the fraction of the last month shall be considered the same as the whole month.

### ARTICLE 36

The pension of a worker covered by the provisions of this Law may not be less than the worker's minimum wage, and the pension may not exceed (80%) eighty per cent of the worker's average monthly wage, with the exception of the pension for the partially disabled.

### ARTICLE 37

It shall not be permissible, in applying the provisions of this Law, to combine the following:

First: Two full pensions, or a full pension and a partial one of any kind, whether it is arising from one of the security branches in this Law or from other retirement laws in the State, and when the entitlement conditions of the secured worker to more than one pension are met, the better one shall be granted.

Second: Full pension and end-of-service gratuity, unless the law stipulates otherwise.

Third: Full pension and social assistance.

### ARTICLE 38

It shall not be permissible to sell, exchange or assign the pension to others, and any disposition of this or a similar type shall be considered invalid. The various dues of workers



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and their heirs from the department shall enjoy the same legal protection for wages stipulated in Article (57) of Labour Law No. (37) of 2015 or any law that replaces it.

### ARTICLE 39

First: It shall not be permissible to combine the security pension in secured service with any other salary regulated by the law, and the worker may choose to calculate his/ her retirement rights in accordance with the provisions of this Law or any other law that provides him/her with better retirement rights.

Second: It shall be permissible to transfer the period of the retirement security in the secured service and deemed it as a retirement service with any administrative or private retirement organization regulated by law, and the opposite shall be permissible.

Third: The retirement authority from which the transfer is taking place shall pay to the retirement authority to which the transfer was made the retirement contributions or deductions due from the transferee for the entire period in question, in accordance with the law of this authority, provided that the amount shall not exceed the balance of retirement contributions or deductions collected for the transferee's account with the entity obligated to pay. However, if it increases, the retirement authority from which the transfer took place shall be only obligated to pay what is equivalent to the balance, and the transferee shall be obligated to pay the remaining amount to the retirement authority to which he/ she transfers to.

Fourth: The service addition amounts may be paid in installments based on the secured's request, in accordance with instructions proposed by the Board of Directors and approved by the Minister.

Fifth: The Department of Retirement and Social Security for Workers and the General Directorate of Labour and Social Security in the Kurdistan Region shall coordinate



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among themselves to facilitate the transfer of secured workers' services and the amounts of their paid contributions in case they move between the centre (Baghdad. Translator) and the Kurdistan Region and vice versa.

Sixth:

- a. The contract and daily wage service served before this Law's entry into force shall be considered secured service, provided that proof of this shall be presented, and contributions for this service shall be collected according to the percentage determined in this Law and in light of the last salary received by the contract-service or daily-wage employer, provided that it is not less than the minimum wage.
- b. The secured worker service when it added in state departments and the public sector shall be calculated and considered as service for the purposes of bonuses, promotions, and retirement, in accordance with civil service laws.

### ARTICLE 40

First: The heirs of the deceased entitled to the pension are:

- a. Husband or wives.
- b. Son.
- c. Girl.
- d. Mother.
- e. Father
- f. Brother and sister if the deceased is single and his/ her parents are died.



Second: The inheritor to be eligible for the family pension, he/ she shall not receive a salary or a pension and does not have a private financial resource, profession or work in the private sector, in accordance with the following:

- a. The son or brother until he/ she reaches (18) eighteen years of age, or reaches (20) twenty years of age and is continuing in high school studies (Studies after middle school ones. Translator), OR reaches (26) twenty-six years of age and is continuing in university or higher institute studies
- b. Daughter or sister, if she is not married and does not have a legal breadwinner capable of supporting her.
- c. The wife (Widow of the deceased worker. Translator) if she is not married.
- d. The husband or father, if he is completely and permanently incapable of earning his living, and for this purpose, whoever reaches (60) sixty years of age shall be considered incapable.

Third: The husband or father shall be excluded from the provisions of Paragraph (d) of Item (Second) of this Article if the person whom retirement rights requested has martyred as a result of a terrorist act or is covered by the provisions of the Law on Compensation for Those Harmed as a Result of Military Operations, Military Errors and Terrorist Operations No. (20) of 2009.

Fourth: The family pension shall continue to be paid to the son and brother (The son legally blocks the brother in inheritance. Translator) after the deadline stipulated in Paragraph (a) of Item (Second) of this Article if any of them completely and permanently incapable to earn their living, based on a report from the medical committee, provided that he/ she is re-examined every year, and his/ her pension shall be cut off if he/ she obtains a private resource, and the disability occurring after completing (50) fifty years of age shall not be taken into account.





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Fifth: Taking into account the fulfillment of the entitlement conditions stipulated in Item (Second) of this Article, the family pension shall continue to be paid to the son or daughter entitled to their deceased mother, even if their father is alive.

Sixth: If the retiree dies and has due pension rights that were not paid to him/ her before his/ her death, and there is no one entitled to the pension on his/ her behalf, then it shall be paid as an estate divided pursuant to the legitimate Qassam (Islamic sharia-based inheritance share division rule. Translator).

Seventh: The department shall be responsible for verifying the availability of eligibility conditions for people who claim family pension annually in accordance with instructions issued therefor.

### ARTICLE 41

First: The family pension shall be paid to entitled heirs pursuant to the following:

- a. (80 %) Eighty per cent if there is one entitled.
- b. (90 %) Ninety per cent if there are two entitled and it shall be distributed equally between them.
- c. (100 %) One hundred per cent if there are three or more entitled, and it shall be distributed equally among them.

Second: The family pension shall be redistributed to the entitled heirs in accordance with what is stipulated in Item (First) of this Article when the share of any of them is cut off for any reason.



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Third: If one of the heirs' members is retired, he/ she may, for once, choose to retain his/ her pension or receive the retirement share to which he/ she is entitled, in accordance with the provisions of Paragraph (a) of Item (First) of this Article, whichever is higher.

Fourth:

- a. The entitled person may not receive more than one retirement share, and he/ she may choose the larger share for once.
- b. The minor and those entitled to the retirement share for his/ her deceased parents and the student continuing his/ her studies in accordance with the conditions stipulated in Item (First) of Article (39) of this law shall be excluded from the provisions of Paragraph (a) of this Item.

### ARTICLE 42

First: The retiree shall be deprived of all the retirement rights stipulated in this law if he/ she is sentenced to death or a freedom-deprivation penalty and the ruling reaches the peremptory degree. It shall be paid to his/ her entitled heirs, and it shall be cut off from their share and returned to him/ her in the event that he/ she is released for one of the criminal case expiration reasons.

Second: Retirement rights shall not be paid to a fugitive accused wanted in connection with a case affecting state security, a terrorist crime or a crime of financial and administrative corruption. Courts, members of the judicial police and other competent authorities shall be obligated to inform the department about him/ her.



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### ARTICLE 43

Annual cost-of-living allowances shall be granted to the retirees at the annual inflation rate, provided that the increase does not exceed the inflation rate, based on a proposal from the Board of Directors and the approval of the Minister.

### ARTICLE 44

Pension may be increased by a decision of the Council of Ministers, based on a proposal by the Board of Directors and the approval of the Minister.

### ARTICLE 45

Pension of all types due under this law and the amount of compensation paid under this law shall be exempted from all taxes and fees.

### ARTICLE 46

First: If the worker's secured service ends and he/ she is not granted a pension due to his/ her not meeting the entitlement conditions or because he/ she is entitled to a full pension by a party other than the Department (The Department of Worker Retirement and Social Security. Translator), he/ she shall be granted a total cash reward in one payment calculated on the basis of his/ her average monthly wage multiplied by the number of months of his/ her service



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and divided by twelve, and a fraction of the month shall be calculated as a full month, if one of the following conditions are met:

1. If the worker reaches (55) fifty-five years of age.
2. If the secured female worker resigns from her job because of her marriage or her giving birth.
3. If the worker leaves the country permanently.

Second: The secured who received the reward under the provisions of Item (First) of this Article and who returns to benefit from the provisions of this law may add the period of his/ her previous secured service after returning to the department the reward that was paid to him/ her based on a written request by him/ her, and this should be done during his/ her service covered by the provisions of this law.

### ARTICLE 47

First: The end-of-service gratuity shall be paid to entitled secured persons within a period not exceeding (30) thirty days as of the date the applicant completes the legal documents required of him/ her.

Second: The Director General may provide the worker with a monthly loan from his/ her pension account in the event of delay to be paid (by the Department of Worker Retirement and Social Security. Translator).



**SECTION EIGHT**  
**WORK INJURIES, ILLNESS AND**  
**OCCUPATIONAL DISEASES**  
**BRANCH**

**ARTICLE 48**

First: When a worker is injured during work, the employer shall be obligated to immediately transport him/ her to the nearest medical facility and provide the necessary first aid for the injury.

Second: The employer shall be obligated to pay the full wage to the injured (worker. Translator) until the end of the work day on which the injury occurs or until the end of the day on which the worker arrives at the medical facility.

**ARTICLE 49**

First: The Department shall be committed to caring for and treating the injured secured from the time it is notified of the accident until his/ her complete recovery, disability or death.

Second: As of the date of his/ her injury until his/ her complete recovery or his/ her disability is proven, the worker shall be considered to be on unpaid leave, taking into account the provisions of Item (Second) of Article (48) of the law.





Third: The worker shall be granted injury-leave compensation throughout the period of his/ her treatment equal to his/ her full wage for which the last contribution was paid to the department, pursuant to the contributions payment form contained in it (in the Department. Translator).

### ARTICLE 50

If the worker's injury results in complete disability or leads to his/ her death, an injury pension for the shall be allocated to him/ her or to his/ her heirs upon his/ her death on the basis of (80%) eight percent of the average wage in his/ her last year of work or during the period of his/her work if it is less than a year. In all cases. The injury pension may not be less than the normal pension to which the injured is entitled, nor the minimum wage determined in his/ her profession. The full injury pension shall be increased by (20%) twenty per cent of it if the injured, at the time of his/ her appearance before the medical committee for the first time, is in need of self-aid by others, based on the report of the medical committee, provided that the injury pension does not exceed (100%) of his/ her full monthly wage, which was taken as the basis for paying contributions on the date of the injury.

### ARTICLE 51

First: If the injury leaves the worker with a disability of (30%) thirty per cent of the full disability or more, a partial injury pension shall be allocated to him/ her on the basis of the result of multiplying his/ her disability percentage by the full injury pension.

Second: If the injury leaves the worker with a disability of less than (30%) thirty per cent of the full disability, he/ she shall be granted one lump-sum compensation based on the



result of multiplying the percentage of his/ her partial disability by a total amount equal to the full injury pension for two years.

### ARTICLE 52

The worker shall be entitled to the following if the work injury is repeated:

First: If the percentage of disability in worker's last injury, in addition to the percentage of his/ her previous disability, does not amount to (30%) thirty per cent of the total disability, he/ she shall be granted cash compensation based on the percentage of disability in his/ her last injury, in accordance with the provisions of Item (Second) of Article (51) of this law.

Second: If the percentage of disability in worker's last injury, in addition to the percentage of his/ her previous disability, amounts to (30%) thirty per cent of the total disability or more, he/ she shall be granted an injury pension, in accordance with the provisions of Article (50) or Item (First) of Article (51) of this law, on the basis the total percentage of disability that befell him/ her, without recourse against him/ her for the compensation he/ she had previously received for his/ her previous injury.

### ARTICLE 53

The department and the injured worker may request a medical re-examination once every six months during the first year as of the date of confirmation of disability, and once every year after the passage of the first year. The disabled's status and entitlement shall be re-evaluated in light of the new medical examination, in accordance with the provisions stipulated in this law.



### ARTICLE 54

Upon the death of the injured retiree, the full injury pension shall be transferred to his/ her heirs, and the partial injury pension shall be transferred in proportion to the disability to his/ her heirs.

### ARTICLE 55

The department shall remain responsible for securing against work-related injuries and occupational diseases for a period of two full years as of the end of the secured's service if symptoms of an occupational disease appear during this period, whether he/ she was unemployed during the disease's appearance, he/ she was working in a profession or industry that does not cause a disease or he/ she was outside the scope of the secured service.

### ARTICLE 56

The injured's right of compensation and pension shall be forfeited in one of the following two cases:

First: If the injury is the result of an intentional act, gross negligence on the part of the injured, drinking alcohol or using drugs or psychotropic substances



Second: If the injured violates the instructions prescribed regarding his/ her treatment of the injury or regarding industrial prevention and safety that are announced and must be followed, and this violation had a clear role on the occurrence of the injury.

### ARTICLE 57

First: The employer shall be obligated to inform the police and the inspection department in the department about every work-related injury within (24) twenty-four hours as of the date of its occurrence. The notification shall include the name and address of the injured, a summary of the accident and its circumstances, the injured limb and the place to which the injured was transferred for treatment.

Second: The inspection committee in the Social Security Inspection Section in the department shall investigate the notification stipulated in Item (First) of this Article and shall state in the investigation the name of the injured, the nature of the injury, the time, place and date of its occurrence, the machine or tool cause it, its causes and circumstances. The committee may record the statements of the injured if his/ her condition permits, the statements of witnesses if any, and the statements of the employer or his/ her representative. It shall review all documents and data that it deems necessary to review and shall prepare a report in which it shall record the measures taken with its conclusions about the responsibility for the injury, whether it happened to the worker, the employer or others. All of this shall be submitted to the Department.

Third: If the department finds, through the inspection report, that the injury was caused by negligence or error of the employer or a third party, it shall return to the person responsible for compensation for the financial burdens it has borne.



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### ARTICLE 58

The Department shall be bound by the rights stipulated in accordance with the provisions of this law, even if the injury requires the responsibility of a person other than the employer, without prejudice to the right of the secured towards the person responsible for the injury.

### ARTICLE 59

The National Center for Occupational Health and Safety, employers, the of Trade Unions Federation and its branches shall be responsible for spreading preventive awareness among workers, warning of occupational hazards, disseminating injury prevention methods, training on their use during work, issuing the necessary instructions of their continuity for achieving these goals and monitoring their implementation.

### ARTICLE 60

It shall permissible to combine the wage and the partial disability pension.



**SECTION NINE  
UNEMPLOYMENT SECURITY  
BRANCH**

**ARTICLE 61**

The secured shall be entitled to compensation for the unemployment allowance in accordance with the following conditions:

First: The number of his/ her contributions in accordance with the provisions of this law, must not be less than (24) twenty-four subscriptions before the date of his/ her entitlement to the unemployment allowance.

Second: Must be able and willing to work.

Third: His/ her name must be registered in the database of the unemployed in the offices of the competent employment offices and he/ she must visit these offices at the specified times.

Fourth: Termination of service or work must not due to:

- a. Designation or leaving work
- b. Sentencing for a dishonorable felony or misdemeanor
- c. Assaulting the employer or the superiors at work





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- d. Absence from work without a legitimate reason for more than (30) thirty intermittent days during one year or more than (15) fifteen consecutive days.
- e. Attendance at the workplace in a state of obvious drunkenness, more than once, under the influence of a narcotic or psychotropic substance or committing an immoral act.
- c. Committing an error that resulted in a significant financial loss to the employer, provided that the employer notifies the competent authority or authorities of the accident within (5) five days as of the time he/ she learns of its occurrence.

### ARTICLE 62

The secured's right shall be forfeited or the payment of unemployment compensation shall be suspended in the following cases:

- First: Refusing to join a job suitable for him/ her in light of his/ her qualifications, experience, and professional and physical abilities
- Second: Departing from the Republic of Iraq without the approval of the Department
- Third: Proving that he/ she works for his/ her own benefit or for the benefit of others, or that he/ she is entitled to a monthly salary or wage equal to or more than the unemployment allowance.

### ARTICLE 63

The amounts of compensation allowance paid to the secured in violation of the provisions of Article (61) of this law shall be recovered from the secured without the need for a judicial ruling, and the Government Debt Collection Law shall be applied to their collection.



**ARTICLE 64**

First: Unemployment compensation shall be paid to the secured in accordance with the following:

- a. For a period of (3) three months if the number of his/ her contributions to this social security is not less than (24) twenty-four subscriptions.
- b. For a period of (6) six months if the number of his/ her contributions to this social security is not less than (48) forty-eight contributions.

Second: Retirement security contributions at a percentage of (5%) five per cent of the wage on the basis of which the unemployment allowance was calculated shall be deducted from the unemployment compensation paid.

Third: The period for which the contributions was paid shall be considered a retirement service.

**ARTICLE 65**

First: The unemployment compensation allowance for the secured during the period of unemployment shall be calculated in accordance with the following percentages, based on the average wage for the last six months of his/ her work subject to contribution, which is not less than the minimum wage for the secured, and shall be paid every month pursuant to the following paragraphs:

- a. (75%) Seventy-five per cent of the first month.



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- b. (65%) Sixty-five per cent of the second month.
- c. (55%) Fifty-five per cent of the third month.
- d. (50%) Fifty per cent for the fourth, fifth and sixth months.

Second: The unemployment compensation payment for secured shall begin from the beginning of the month following the date of submitting the payment request.

Third: The unemployed compensation shall not be paid for the month in which the secured's service ended.

### ARTICLE 66

The secured shall be entitled to unemployment compensation three times throughout the period of his/ her coverage by the provisions of this law, provided that the period of subsequent contribution after the payment of the unemployment allowance is not less than (24) twenty-four contributions for each time.

### ARTICLE 67

First: It shall not be permissible to combine compensation for unemployment and maternity leave compensation, and the higher compensation shall be paid.

Second: Unemployment compensation may not be combined with a pension, unless otherwise stipulated.



**ARTICLE 68**

Subject to the provisions of the applicable Labour Law, compensation for unemployment shall be applied to workers covered by the provisions of this law, with the exception of:

First: voluntary secured who works inside and outside Iraq.

Second: Non-Iraqi secured.



**SECTION TEN**  
**VOLUNTARY RETIREMENT SECURITY**

**ARTICLE 69**

The provisions of this chapter shall be applied to all individuals who are not included in organized work.

**ARTICLE 70**

The following conditions shall be met by individuals to be covered by the Voluntary Retirement Security:

First: Submitting a request for inclusion in the security pursuant to a form prepared by the department therefor.

Second: The worker must be medically fit to work in line with the condition of the covered person supported by a report issued by the competent medical committee.

Third: The age of the worker should not exceed (50) fifty years on the date of submission of the request.

Fourth: The worker must not combine the subsidy of the social protection network and the coverage of the security.



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Fifth: The worker must pay the contributions stipulated in this law.

### ARTICLE 71

First: Any individual shall have the right to be included in the Voluntary Retirement Security if he/ she has a secured service or a service in the state and the public-sector departments for not less than three years then he/ she transferred it to the Voluntary Retirement Fund, as an exception to the age requirement stipulated in Article (70/ Third) of this law, in accordance with controls issued by the Board of Directors and the approval of the Minister.

Second: The service of the contributor in the voluntary retirement guarantee shall be calculated when he/ she moves to the state and the public sector departments as a service for the purposes of bonus, promotion and retirement and, in accordance with the civil service laws.

### ARTICLE 72

First: The contributor's name and information shall be recorded in a special register.

Second: The contributor may choose the contribution income category for which he/ she shall pay his/ her contributions under which.

Third: The contributor may move from the contribution income category to the next higher one after one year has elapsed since the contribution payment.





### ARTICLE 73

The sources of funding for Voluntary Retirement Security shall be consisted of the following:

First: (5%) five per cent of the amount paid by the contributor of the contribution income category chosen by one of the categories determined by the Board of Directors and approved by the Minister and shall be published in the Official Gazette, provided that the public treasury bears (15%) fifteen per cent of the same contribution income category, and in the event that the contributor is late in paying the percentage of his/ her contributions after the end of the fiscal year, the contributor shall bear the contribution of the public treasury plus the percentage of his/ her contributions for the period of his/ her delay.

Second: Returns on investment of the Pension Fund sources.

### ARTICLE 74

The pension of those covered by the voluntary retirement security shall be calculated as the workers in organized work.

### ARTICLE 75

The Board of Directors may add other branches in addition to the voluntary retirement security branch, provided that this is determined by the controls determined by the Board of Directors and the Minister's approval.



**SECTION ELVEN**  
**HEALTH INSURANCE, SOCIAL SERVICES AND WORKING WOMAN BENEFITS BRANCH (MATERNITY)**

**ARTICLE 76**

First: The secured shall be entitled to full-pay sick leave with at a rate of (30) thirty days in the work year, borne by the employer, and leaves may be accumulated for a period not exceeding (180) one hundred and eighty days, and in the event of exceeding this period, the department shall bear their wages.

Second: Sickness leave shall be granted to the secured, provided that it is supported by a medical report issued by the private doctor adopted by the entity that employs the worker, or by one of the doctors of government hospitals.

**ARTICLE 77**

The Department shall pay to the secured the sickness leave compensation that exceeds the period stipulated in Item (First) of Article (76) of this law at the percentage of (75%) seventy-five per cent of the average wage for the last three months preceding his/ her illness or the average wage he/ she received before his/ her illness if his/ her work period is less than so, and



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the Department shall continue to pay compensation to the secured until the date of his/ her recovery, proof of disability or death.

### ARTICLE 78

First: The department shall be committed to providing health care and treatment for the secured worker, through contracting with government and private health insurance companies.

Second: The health insurance benefits of the secured worker shall be determined through regulations issued by the Board of Directors and approved by the Minister.

### ARTICLE 79

First: If the sick secured is cured of his/ her illness, the medical authority supervising his/ her treatment shall notify him/ her thereof, set a date for him/ her to join his/ her work and inform the department and the authority that employs him/her thereof, and he/ she shall join his/ her work in accordance with this notification, and in the event that he/ she does not join the work without an excuse, he /she shall be considered absent.

Second: If the secured is not cured despite the lapse of (180) one hundred and eighty days since his/ her sickness leave, he/ she shall be considered incapable, and shall be notified of his/ her disability, and the authority employing him/ her shall be informed thereof.

Third: If the secured is cured before the lapse of the period stipulated in Item (Second) of this Article and the sickness leaves him/ her disable, he/ she shall be notified of his/ her



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recovery and the percentage of the disability he/ she suffers, and the authority employing him/ her shall be informed thereof.

Fourth: The employment contract shall be terminated by virtue of the law in the event of total disability and as of the date of the Medical Committee's decision.

### ARTICLE 80

If the worker is infected with a disease that requires treatment for a long period or if it is one of the incurable or malignant diseases specified by the Ministry of Health, he/ she shall be granted a special sickness leave with full salary for a maximum period of (2) two years by a decision of the Medical Committee, and if he/ she does not recover after the expiry of this period, he/ she shall be considered incapacitated.

### ARTICLE 81

First: The secured female worker shall be entitled to a special leave for pregnancy and childbirth before and after childbirth for a period of (14) fourteen weeks, provided that she enjoys no less than (8) eight weeks of it before childbirth, in accordance with the provision of Article (87) of the Labour Law No. (37) of 2015 or any provision that replaces it.

Second: The Official Medical Committee may extend the period of leaves stipulated in Item (First) of this Article in the event of difficult childbirth, the childbirth of more than one child, or the emergence of complications or diseases before or after childbirth, provided that the period of the original leaves and the periods added do not exceed (9) nine months.



### ARTICLE 82

First: The Department shall, based on the provisions of Item (First) of Article (81) of this law, grant the secured woman a compensation equivalent to (100%) hundred per cent of her average wage for (3) the last three months.

Second: The Department shall, based on the provisions of Item (Second) of Article (81) of this Law, grant the secured woman a compensation equivalent to (75%) seventy-five per cent of her average wage for (3) the last three months.

### ARTICLE 83

First: Maternity security shall be applied to all female workers covered by the provisions of this law.

Second: The secured female worker may benefit from the maternity security for no more than four childbirths, in accordance with the provisions of the Labour Law, provided that:

- a. She is covered by the provisions of Social Security during the last six months preceding the maternity leave.
- b. She must prove her childbirth by an official certificate.

Third: the following shall be excluded from the provision of the Item (First) of this Article.

- a. Iraqi woman covered by the voluntary security.
- b. Female worker with a contract of less than one year.



### ARTICLE 84

The female secured shall, before and after her childbirth or any of the cases provided for in Article (83) of this Law, benefit from all the health care conditions stipulated in Article (78) of this Law.

### ARTICLE 85

The female secured may not combine the maternity leave salary prescribed under the provisions of this law and her wage for any other work and shall be deprived of compensation and other services in case of her breaching thereof.

### ARTICLE 86

First: If the sick secured male or sick secured female after childbirth is considered in a state of total incapability as a result of non-recovery despite the expiry of the maximum sickness leave, he/ she shall be granted a sickness pension on the basis of (2.5%) two and a half per cent of the average monthly wage for the last five years of service of the secured worker or the average monthly wage multiplied by the number of months of service divided by (12) twelve.

Second: If, after full recovery, the disease results in a disability equal to (30%) thirty per cent of the total disability or more, the disable person shall be granted a partial sickness pension on the basis of his/ her disability percentage multiplied by the full sickness pension.





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Third: The Department and the secured may request a re-examination every six months as of the date of his/ her granting the sickness leave under the provisions of this law, and his/ her status and entitlement shall be amended in light of the results of the new medical examination as follows:

- a. If the degree of disability falls below (30%) thirty per cent or the patient becomes capable to work, the department shall cease paying the salary.
- b. If the degree of disability increases, the percentage of partial sickness pension shall be adjusted by the same height as the degree of disability.

Fourth: The pension of a totally-disabled patient shall be cut off when engaged in paid work.

Fifth: The full sickness pension shall be devolved upon the death of the retiree satisfactorily to his/ her heirs, and the partial pension shall be devolved by the percentage of disability to the heirs.

### ARTICLE 87

First: The Department or the worker and the entity in which he/ she works may object to the doctor's decisions or the decisions of medical committee before the Supreme Medical Committee within (30) days from the date of notification of the decision, and its decision in this regard shall be final.

Second: The Supreme Medical Committee shall re-examine the secured on a date determined therefor and inform him/ her of it, and after the failure of the worker to attend without a legitimate excuse as a waiver of the objection if he/ she is the objector or a evidence for the other's objection validity (against him/ her. Translator).



### ARTICLE 88

First: The departments of the Ministry and the Ministry of Health shall provide social services to secured and retired workers pursuant to the competence in accordance with instructions issued by the Minister.

Second: Large establishments in remote areas shall provide social services to their workers, in addition to social services provided by labour organizations with the contribution of the State and business owners, and small establishments may be excluded from providing these services, except for housing and nutrition, provided that a cash allowance is paid to workers for these services.

### ARTICLE 89

The provisions of this section shall be applied to cases of work injuries, sickness and occupational diseases, unless otherwise prescribed.



**SECTION TWELVE  
PUNISHMENTS**

**ARTICLE 90**

Sentencing to punishment for forgery crimes committed on documents submitted to the Department or for informing about false matters for the purpose of applying the provisions of this law shall, by virtue of the law, entail depriving the secured of the rights prescribed in this law.

**ARTICLE 91**

Whoever impersonates a secured worker with the intention of obtaining any of the financial privileges prescribed in this law from the department shall be punished by imprisonment and a fine of not less than (1, 500, 000) one million five hundred thousand dinars and not more than (5, 000, 000) five million dinars, or one of these two penalties.

**ARTICLE 92**

First: A fine of not less than (1, 000, 000) million dinars and not more than (5, 000, 000) five million dinars shall be imposed on any employer who does not include his/ her workers covered by the provisions of this law in the social security or includes a number less



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than his/ her real workers number. The department shall be awarded compensation for unpaid contributions equal to five times their value.

Second: The worker who is complicit with the employer shall be deprived of the rights of the social security for the period of refusal to pay his/ her contributions to the Department.

### ARTICLE 93

The employer shall inform the department of the worker's work commencement date within (30) thirty days as of the date of same.

### ARTICLE 94

First: Whoever receives a salary under the provisions of this law shall inform the Department of any change in the reason for his/ her entitlement to the same if such change would lead to the forfeiture of the right to the salary, suspension or modification of its value within (30) thirty days as of the date of the change.

Second: The violator of the provisions of Item (First) of this Article shall be punished by a fine of not less than (100, 000) one hundred thousand dinars and not more than (500,000) five hundred thousand dinars.

Third: The amount received in violation of the provisions of Item (First) of this Article shall be returned to the Fund.



**ARTICLE 95**

If several violations are attributed to the secured, the court may take action against him/ her in one lawsuit.



**SECTION THIRTEEN  
FINAL PROVISIONS**

**ARTICLE 96**

The Inspection Section of the Department shall monitor the security inspection.

**ARTICLE 97**

The provisions of the Labour Law shall be applied to all what no provision provided for .

**ARTICLE 98**

The pensions of workers referred to retirement shall be amended in accordance with the provisions of the Retirement and Social Security Law for Workers (39) of 1971 (repealed) to become (500, 000) five hundred thousand dinars as lump amount and the retired worker may submit a request to the Department to calculate his/ her pension in accordance with the provisions of this law, and the Board of Directors may re-consider the cut-off pension in cases of inflation.





### ARTICLE 99

The worker and his/ her heirs may, in the cases of martyrdom or injury, choose to calculate his/ her retirement rights in accordance with the provisions of this law or any other law that provides better retirement rights for him/ her.

### ARTICLE 100

If the retiree or his/ her heirs doesn't submit a request for granting him/ her a pension within two years as of the date of his/ her entitlement or does not receive his/ her pension within the mentioned period, his/ her pension shall be paid as of the date of submitting the request, unless the reason for not submitting the request or not receiving his/ her pension is with a legally-justified excuse, with the exception of the minor and the like.

### ARTICLE 101

The Department's formations and tasks shall be determined by a rule of procedure issued by the Board of Directors and approved by the Minister.

### ARTICLE 102

First: The Labour Court provided for in Article (165) of the Labour Law shall have jurisdiction in cases arising from the application of the provisions of this Law.



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Second: The worker shall have the option to file a lawsuit in respect of cases arising from the application of the provisions of this Law or the Labour Law before the court in whose district his/ her place of work or the domicile or residence of the defendant is located.

### ARTICLE 103

The secured shall, before the entry into force of the provisions of this law and the contributors with a contribution rate five times the minimum wage in accordance with what is stipulated in Article (15/ First) of this law, have the right to calculate what is more than the aforementioned contribution rate as a retirement service upon referral to retirement in accordance with the controls issued by the Board of Directors and approved by the Minister.

### ARTICLE 104

The department shall be obligated to complete all the requirements of electronic automation for all its aspects, provided that this does not go beyond the end of the current year.

### ARTICLE 105

First: No provision shall be applied obliging the worker to contribute in other pension funds, and his/ her right to participate in them shall be voluntary.



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Second: The rights and privileges of the voluntarily contribute worker in other pension funds shall be considered rights and privileges added to the rights and privileges provided for in the provisions of this Law.

Third: The Board of Directors of the Fund shall, with the approval of the Minister, issue instructions to facilitate the implementation of the provisions of this Article.

### ARTICLE 106

First: A (work fee) shall be imposed on the employer of (2, 000, 000) two million dinars for each foreign worker who enters the Iraq, and shall be collected by the Fund.

Second: The employer shall be obligated to pay a fee of (750, 000) seven hundred and fifty thousand dinars for each foreign worker after his/ her legal status has been adapted and for one time only to be collected by the Fund, provided that their statuses are adapted during this year.

### ARTICLE 107

First: Regulations may be issued to facilitate the implementation of the provisions of this law

Second: The Minister of labour may issue instructions to facilitate the implementation of the provisions of this Law.



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First: The Worker Retirement and Social Security Law No. (39) of 1971 shall be repealed and the regulations and instructions issued thereunder shall remain in force until the issuance of what replaces or repeals them.

Second: A provision that contradicts the provisions of this law shall not be applied.

### ARTICLE 109

This Law shall enter into force after (90) ninety days as of the date of its publication in the Official Gazette.

**Abdullateef Jamaal Rashid;**  
**President**