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Legislation

No. 8

Nursing Syndicate Law

No. (8) of 2020

قانون نقابة التمريض

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In the name of the people

The Presidency of the Republic

RESOLUTION NO. (7)

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 November 2, 2020 issuing the following law:

**NO. (8) OF 2020
NURSING SYNDICATE
LAW**



SECTION ONE

ESTABLISHMENT & OBJECTIVES

ARTICLE

1

A Syndicate called (Nursing Syndicate) shall be established, enjoying a legal personality and administrative and financial independence. It shall be represented by the head of the Syndicate or his/ her authorized representative. Its headquarters shall be in Baghdad, and it may open branches in the region and not-affiliated-with-region governorates.

ARTICLE

2

This law aims to achieve the following:



- First: Preserving the traditions of the nursing profession as a profession concerned with the care of the individual, family and society in both health and illness, promoting health, preventing diseases and injuries and alleviating the suffering of patients through the nursing process.
- Second: Preserving the traditions of the midwifery profession as a profession concerned with providing care to women during pregnancy, labor, childbirth and beyond (the postpartum period) and caring for newborns up to the age of (28) twenty-eight days.
- Third: Laying the foundations for organizing the practice of nursing and midwifery professions and the performance of Syndicate members' duties in serving the community and developing nursing and midwifery in Iraq.
- Fourth: Raising the cognitive and skill level of the Syndicate members in line with scientific and technological development in the field of practicing the nursing and midwifery professions.
- Fifth: Defending the legitimate rights of Syndicate members and ensuring a decent life for them and their families, whether during their performing their work or in the event of their disability or old age.
- Sixth: Strengthening the spirit of professional solidarity among members, caring for their affairs, looking after their legitimate interests and striving to provide an appropriate work environment.
- Seventh: Cooperating and coordinating with relevant institutions, organizations, associations, unions, syndicates, councils inside and outside Iraq in a way that contributes to the development and growth of nursing and midwifery services.
- Eighth: Contributing the policy of development of education, nursing and midwifery services and supporting scientific and applied research and innovations in this field.
- Ninth: Regulating the granting of licenses to practice nursing and midwifery.



Tenth: Encouraging scientific research in the field of nursing and midwifery

Eleventh: Strengthening the social and cultural ties of members of the nursing and midwifery profession.



SECTION TWO

MEMBERSHIP IN THE SYNDICATE

ARTICLE

3

Membership in the syndicate shall be optional.

ARTICLE

4

First: Anyone who have a Membership in the syndicate must be:

- a. Iraqi.
- b. Good conduct.
- c. Holder of a degree in nursing and midwifery.



d. Not convicted of a dishonourable felony or misdemeanor.

Second: The Syndicate Council may accept the membership of a foreigner residing in Iraq when the conditions stipulated in paragraphs (b), (c) and (d) of the Item (First) of this Article are met, provided that reciprocity is applied.

ARTICLE

5

Membership in Syndicate shall be in accordance with the following procedures:

First: Submitting an application for membership to the Syndicate Council, with a graduation certificate and an identification card attached.

Second: The Council shall decide on the application within (15) fifteen days from the date of submission, and the decision to reject shall be reasoned.

Third: If the Council does not decide on the application within the period specified in Item (Two) of this Article, the application shall be deemed accepted.

ARTICLE

6

Anyone whose application was rejected may appeal the rejection decision before the Federal Court of Cassation within (30) thirty days from the date of notification or knowledge of the decision.



SECTION THREE SYNDICATE FORMATIONS

ARTICLE

7

The Syndicate shall be consisted of the following formations:

First: General Assembly.

Second: Syndicate Council.

Third, Syndicate bodies and branches in the governorates or the region.

Fourth: Syndicate fund.



ARTICLE

8

General Assembly: It is the highest authority in the Syndicate and consists of all Syndicate members who have paid the annual subscription fee.

ARTICLE

9

First: General Assembly shall hold a regular annual meeting during the month of March of each year upon an invitation by the head of syndicate, which is announced at least (15) fifteen days before the date of the meeting. The invitation shall be published in one of the media and on the Syndicate's website.

Second: If the head of syndicate does not call for a meeting of the General Assembly on the date specified in Item (First) of this Article, the General Assembly shall meet automatically on the fifteenth of April. If this day falls on an official holiday, the meeting shall be held on the first day after it.

Third: The head of syndicate shall chair the general assembly meeting. In his/ her absence, his/ her deputy shall take his/ her place, and in their absence, the eldest member shall take his/ her place.



Fourth: The Syndicate Council or a quarter of the members of the General Assembly may request holding an extraordinary meeting of the General Assembly. The head of Syndicate shall determine the date, place and reason for the meeting. It shall not permissible to present topics other than those specified for the extraordinary meeting.

Fifth: The quorum for the General Assembly meeting shall be completed by the attendance of more than half of the members. If the quorum is not achieved, the meeting shall be held one week after the scheduled meeting date, and the quorum shall be considered achieved regardless of the number of attendees.

Sixth: Decisions shall be taken in the General Assembly by a majority of those present. If the votes are equal, the side with which the chairman voted shall be prevailed.

ARTICLE

10

The General Assembly shall undertake the following tasks:

First: Electing the head of Syndicate, members of the Syndicate Council, the Disciplinary Committee, and the Nurse Guarantee Fund Committee and their dismissal if they commit a violation that requires it.

Second: Approving the general policy of the Syndicate

Third: Approving the Syndicate's rule of procedures and proposing draft laws related to the profession

Fourth: Approving the rules of practice of nursing profession.



Fifth: Approving the Syndicate's final account.

Sixth: Approving the Syndicate's annual budget.

Seventh: Considering the proposals submitted by members.

Eighth: Discussing the annual report regarding the activities and affairs of the Syndicate.

Ninth: Determining membership and subscription fees.

ARTICLE

11

First: The Syndicate Council shall be consisted of:

- a. The head of the Syndicate. Chairman
- b. (10) ten original members, 50% of them shall be from the women.

Second: The first (5) five candidates who received the highest number of votes after the original members shall be reserve members, and the reserve member with the highest number of votes shall replace the original member when his/ her seat becomes vacant.

Third: The conditions for a member of the Syndicate Council must:

- a. be Iraqi.
- b. have actual practice of not less than (5) five years in the profession.



Fourth: The Syndicate Council shall elect from among its members a Head's Deputy, a Financial Secretary and an Administrative Secretary.

Fifth: The Head shall chair the Syndicate Council meeting, and the Head's Deputy shall replace him/ her in his/ her absence, and the oldest member of the Council shall replace them in their absence.

Sixth: The term of membership in the Syndicate Council shall be (4) four years, renewable only once.

ARTICLE

12

First: The Syndicate Council shall undertake the following tasks:

- a. Working to achieve the objectives of the Law and implementing and following up the decisions of the General Assembly.
- b. Proposing the rule of procedures of the Syndicate.
- c. Appointing the Syndicate's representatives in councils, bodies, committees and conferences inside and outside Iraq or any other activities related to the profession.
- d. Managing the Syndicate's funds, accepting donations, grants and subsidies in accordance with the Law and all other resources, supervising the Union's accounts, collecting fees and subscriptions.
- e. Preparing the Syndicate's draft budget and its final account.



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- f. Considering requests for membership in the Syndicate and for the work-permit of practicing the profession.
 - g. Preparing the rules for practicing the nursing profession.
 - h. Supervising the work of the Syndicate's branches and ensuring the harmony of their activities.
 - i. Forming Syndicate-work-related committees.
 - j. Approving the appointment of Syndicate employees, determining their wages and terminating their services.
 - k. Determining the wages of nurses, midwives of private clinics and health institutions in coordination with the Ministry of Health.
 - l. Determining the investment aspects of the Syndicate's funds and the Nurse Insurance Fund.
 - m. Proposing plans and programs to develop the work of the Syndicate and the profession.
 - n. Determining the amounts spent from the Nurse Insurance Fund.
 - o. Determining the limits of disbursing financial amounts to the head of the Syndicate and branches' managers.
 - p. Putting regulation for granting loans to members.

Second: The Council may delegate some of its tasks to the head.



SECTION FOUR THE SYNDICATE HEAD

ARTICLE

13

First: The General Assembly shall elect a Head from among the members who have practiced the profession for a period of no less than (7) seven years.

Second: The term of office of the Syndicate's Head shall be (4) four years, renewable only once.

ARTICLE

14

First: The Head shall assume the following tasks:



- a. Chairing the meetings of the General essembly and the Syndicate Council.
- b. Preparing the requirements for the election process
- c. Managing the administrative work of the Syndicate and supervising the workers in it.
- d. Imposing penalties on the workers.
- e. Supervising record keeping.

Second: The Syndicate's Head may delegate some of his/ her duties to his/ her deputy.

ARTICLE

15

The Syndicate's Head may be partially absent from his/ her job during the period of his/ her tenure as Head of the Syndicate.



SECTION FIVE

BRANCHES OF THE SYNDICATE

ARTICLE

16

First: The Syndicate shall have a branch in each province.

Second:

- a. The General assembly of the branch shall be consisted of all Syndicate's members registered in the branch.
- b. The General assembly of the branch shall hold its regular annual meeting upon invitation from the head of the branch during February, and the quorum shall be considered as complete regardless of the number of attendees.
- c. The head of the branch council or a quarter of the members of the branch council may request an extraordinary meeting to discuss a specific topic in the request, and only the



matters for which it was held shall be discussed, and it shall be held within one month as of the date of the request.

ARTICLE

17

The General assembly of the branch shall undertake the following tasks:

First: Electing the Head of the Branch and the members of the branch council and dismissing any of them.

Second: Discussing and approving the annual report on the branch's activities.

ARTICLE

18

First: The Branch General assembly shall elect the Branch Head and (5) five members of the Branch Council and two reserve members.

Second: The Branch Head and members of the Branch Council shall meet the conditions required for membership in the Syndicate Council.



Third: The Branch Head shall chair the meetings of the Branch General Assembly and the Branch Council. In his/ her absence, the eldest member of the Branch Council shall chair the meetings.

Fourth: The Branch Council shall undertake the following tasks:

- a. Implementing the work plan approved by the Branch General Assembly in a manner consistent with the Syndicate's plan.
- b. Working to raise the level of the profession in the Province and proposing plans that achieve the Syndicate's goals.



SECTION SIX SYNDICATE'S FINANCIAL RESOURCES

ARTICLE

19

The Syndicate's financial resources shall be consisted of the following:

First: Membership allowance.

Second: Annual subscription.

Third: Subsidies granted by the State to the Syndicate.

Fourth: Gifts and donations accepted by the Syndicate's Council in accordance with the Law.

Fifth: Fees for licenses to practice the nursing and midwifery professions.

Sixth: Proceeds from printings and publications.

Seventh: Returns on investment of the Syndicate's funds.

Eighth: Fines imposed in accordance with the provisions of this Law.



ARTICLE

20

The Syndicate's fiscal year shall begin on the first of January and end at the end of December of each year.

ARTICLE

21

The Syndicate shall deposit its funds in a government bank in the name of the Syndicate.



SECTION SEVEN THE SYNDICATE'S FUND

ARTICLE

22

First: A fund called (the Syndicate Fund) shall be established in the Syndicate, which shall enjoy a legal personality and financial and administrative independence, and shall be represented by the Head's or his/ her authorized representative.

Second: Subscription to the Fund shall be optional.

Third: The Fund shall provide subsidies to the Syndicate members who are subscribers or to their heirs upon the death of the member.

Fourth: The financial resources of the Fund shall be consisted of the following:

- a. Fee of the annual subscription to the Fund.
- b. Amounts allocated by the Syndicate Council from the Syndicate's revenues.
- c. Donations, gifts, wills and endowments in accordance with the provisions of the law.
- d. Returns on investment of the Fund's funds.
- e. Returns on cultural and social events and activities held by the Fund.



ARTICLE

23

First: The Fund shall be managed by a committee called the (Fund Committee), which shall be consisted of a Chairman and two members.

Second:

- a. The General Assembly shall elect the Fund Committee, and each of them shall have been a member of the Syndicate for a period of not less than (5) five years.
- b. The person who obtains the highest number of votes after the two members of the Committee stipulated in Item (First) of this Article shall be a reserve member who shall replace the original member in his/ her absence.

Third: The Committee shall elect a Chairman from among its members and his/ her deputy who shall replace the Chairman of the Committee in his/ her absence. and shall enjoy all Chairman's powers.

Fourth: The term of membership in the committee shall be (4) four years, renewable once only.

Fifth: The committee's decisions shall be taken by majority.



ARTICLE

24

The conditions for granting the subsidy and its amounts shall be determined in accordance with the controls set by the Syndicate Council.

ARTICLE

25

Granting the Syndicate's member the subsidy stipulated in the law shall not prevent him/ her from being granted the rights he/ she deserves in accordance with other laws.

ARTICLE

26

The subsidy may not be waived to others and may not be seized, unless it is a debt arising from a legal alimony or deferred dowry.



SECTION EIGHT

MEMBER DISCIPLINE

ARTICLE

27

First: A committee called the (Disciplinary Committee) shall be formed in the Syndicate and shall be consisted of a Chairman, (2) two original members and two reserve members elected by the General Assembly.

Second: The members of the committee shall meet the conditions required for a member of the Syndicate Council.

Third: The committee shall elect a Chairman from among its members and a deputy to replace him/ her upon his/ her absence.

Fourth: The committee shall consider violations committed by members of the Syndicate, which related to Syndicate or professional conduct or harm to the reputation of the Syndicate, which are referred to it by the syndicate council or branch councils.



ARTICLE

28

Firstly: The Disciplinary Committee shall conduct a written investigation with the member referred to it, and it may summon whomever it deems necessary to hear his/ her statements and review the documents and papers related to the subject of the violation, and shall prepare a report in which it records the measures it has taken and the statements it has heard.

Second: The Committee may approach public and private institutions to obtain documents and information in matters related to the investigation.

Third: If the Disciplinary Committee deems that the committed act constitutes a crime, it shall refer the member to the competent courts. The acquittal or release of the member shall not prevent the imposition of one of the disciplinary penalties stipulated in this law.

Fourth: The Committee may decide to close the investigation if it is proven that the member has not committed any violation, or decide to impose one of the following penalties:

- a. Warning, which shall be in-writing letter directed to the violator, warning of dissatisfaction with his/ her behavior.
- b. Attention, which shall be in-writing letter directed to the violator, drawing him/ her attention not to repeat the violation.
- c. Alert, which shall be in-writing letter directed to the violator, informing of dissatisfaction with his/ her behavior and alerting him/ her not to repeat the act, otherwise, a more severe penalty shall be imposed to him/ her.



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- d. A fine of no less than (500,000) five hundred thousand dinars and no more than (1,000,000) one million dinars.
 - e. Temporary suspension from non-governmental work for a period of not less than (1) one month and not more than (1) one year if the member is punished twice during the year if he/she commits a violation or negligence that results in harm to the patient, newborn or the appearance of complications.
 - f. Permanent dismissal from the Syndicate if the member commits an act that makes his/ her remaining in the profession harmful to it or commits a violation or gross negligence that results in the death of the patient, newborn or the appearance of serious complications or permanent disability.
- Fifth: The imposition of one of the penalties stipulated in Item (Fourth) of this Article shall be in writing and shall state the reasons for imposing the penalty.



SECTION NINE GENERAL PROVISIONS

ARTICLE

29

The Syndicate Council, the Syndicate Fund Committee and the Branch Councils shall meet at least once every (15) fifteen days upon the invitation of the Head or upon a written reasoned request by (5) members of the Syndicate Council.

ARTICLE

30

A member of the Syndicate Council, the Disciplinary Committee, the Syndicate Fund Committee or the Branch Councils shall be deemed to have resigned if he loses one of the conditions necessary for his/ her election, or if he/ she is absent from meetings three consecutive times or five separate times during the year without a legitimate excuse accepted by the Syndicate Council.



ARTICLE

31

The Minister of Health shall form a temporary committee of (5) five members of the General Assembly to manage the first round elections under judicial supervision, provided that they are not entitled to run for office. The committee shall be dissolved and its work shall be ended upon announcing the election results.

ARTICLE

32

The decisions of the committees shall be subject to the approval of the Syndicate Council.

ARTICLE

33

First: The election of the Syndicate Council, the Head, the Disciplinary Committee, the Syndicate Fund Committee, the branch councils and the branch heads shall be by independent lists for each of them and under the supervision of a judge appointed by the Supreme Judicial Council for this purpose.



Second: Any interested party may appeal the election results before the Federal Court of Cassation within (7) seven days as of the date of announcing the results.

ARTICLE

34

The Syndicate shall be exempted from taxes and fees, except for those resulting from investment activity.

ARTICLE

35

The Syndicate's accounts shall be subject to the supervision and audit of the Financial Control Bureau.



ARTICLE

36

The first Syndicate Council elected after the entry into force of this law shall prepare the Syndicate's rule of procedures within (6) six months as of the date of its election and shall present them to the Syndicate's General Assembly during its first meeting after preparing the rule of procedures for approval.

ARTICLE

37

First: The Nurse Syndicate Law No. (33) of 1959 shall be repealed.

Second: Articles (11), (12) and (13) of the Nursing and Midwifery Professions Practice Law No. (96) of 2012 shall be repealed.

Third: The funds of the Nurse Syndicate shall be transferred to the Nursing Syndicate.



ARTICLE

38

This law shall be implemented as of the date of its publication in the Official Gazette.

Barham Salih

President of the Republic