

AN INVESTIGATION OF THE WORKERS' RIGHTS IN DIFFICULT AND HAZARDOUS OCCUPATIONS

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Abstract

The industrial revolution marked the beginning of a new era for labor rights. New elements in this sector demonstrated the International Labor Organization's (ILO) attempts to establish basic standards of labor rights in support of workers, particularly in difficult and hazardous occupations. The objective of defending labor rights is made more evident by the agreements and indicators that this organization has created, as well as by communities' and nations' obligations to abide by and put them into practice. However, to accomplish these objectives, a facility or establishment that oversees the application of laws and regulations must exist. As a result, one of the most crucial components of the labor law system was established by the International Labor Organization: the labor inspection system. The current study used a descriptive-analytical approach, and its goals were to examine some ILO conventions and indicators concerning this problem, as well as analyze the pathology and express strategies for supporting workers in hazardous and difficult occupations in Iran's labor laws.

Keywords: Hazardous and difficult occupations, International Labor Organization (ILO), Convention, labor rights

1. INTRODUCTION

The danger is a ubiquitous aspect of human existence, often manifesting in deleterious consequences and the incidence of diverse events throughout human history. An accident is an unforeseeable and spontaneous occurrence that takes place at a specific time and location, resulting in unfavorable and occasionally irreversible consequences. It is an external and natural reaction that typically lacks premeditation.

Workplace accidents constitute a substantial proportion of global accident statistics. The advent of industrialization and corresponding shifts in environmental and occupational conditions have led to a growing reliance on industrial machinery and tools, resulting in an elevated risk of accidents, particularly in difficult and hazardous occupations. As a consequence, the welfare, health, and safety of the workforce have been jeopardized.

The charter of the French Association for the Prevention of Labor Accidents in 1867 stipulated that the proprietor of the factory bears the responsibility of monitoring the physical and psychological well-being of the labor force. This stipulation is inherently ethical and ought to be prioritized over any competing interests and factors.

In developed societies, progress and economic success are attributed to the contributions of the human workforce, particularly the laborers and factory workers who receive remuneration for their services and operate under the supervision of their employer (Omid, 2001: 54) (Yousaf M, et al., 2021). The present study delves into the science of supporting workers in difficult and hazardous occupations, highlighting their crucial role as the final link in the economic and industrial cycle responsible for product production. This study also scrutinizes the indicators and conventions of the International Labor Organization on the support of this vulnerable group.

The primary objective of this study is to investigate whether the labor laws and regulations of the Islamic Republic of Iran provide adequate safeguards for the protection of workers engaged in hazardous and difficult occupations. Additionally, the research seeks to identify the challenges and impediments that may impede the effective implementation of these laws.



Regarding the aforementioned inquiry, it is hypothesized that the development of labor rights in Iran has placed increasing emphasis on safeguarding workers employed in strenuous, hazardous, and perilous occupations, with corresponding legal assurances experiencing a commensurate expansion. However, notwithstanding these efforts, significant impediments remain in the path toward the enforcement of legislation aimed at achieving the intended outcome, necessitating further investigation and comprehensive analysis.

This article endeavors to enhance the depth of the content by incorporating diverse sources, including publications authored by labor law scholars and intellectuals, dissertations, and scholarly articles related to the subject matter, as well as other readily available resources from online and library repositories.

2. EXAMINATION AND PATHOLOGY

Given that workers comprise a significant portion of society and often experience substandard working and living conditions, they are commonly classified as a vulnerable segment of society. As per constitutional mandates, the government is obligated to provide support to the weaker segments of society in their struggle against the more powerful segments. This phenomenon can be attributed to the fact that employers may exhibit a reluctance to engage in legally compliant contractual agreements with their workers or may unilaterally dictate the terms and conditions of employment contracts based on their preferences and self-interest. Noncompliance with annual leave policies is a prevalent issue among workers, particularly in high-pressure and hazardous occupations where burnout can result in significant repercussions for both the individual and the organization. Several consequences can be identified, including frequent job changes and transfers, increased absences and vacations, reduced quantity and quality of work, a negative impact on mental health, decreased quality of services provided to clients, and delays in specialized and administrative tasks. Hence, despite being recognized as the primary employer in the nation, the government functions as the principal and crucial governing body responsible for dispensing resources and equitable opportunities to various societal strata. It is incumbent upon society to conform to the International Labor Organization's conventions, oversee their execution, and consider all indicators of decent work to ensure the enforcement of labor laws and the labor government's desire to support the labor community through the formulation and issuance of executive guidelines and regulations. Through this approach, the government can effectively mitigate instances of employer exploitation of the labor force, thereby enhancing the occupational, physical, and mental well-being of workers, particularly those employed in high-risk, arduous, and hazardous occupations, who are disproportionately vulnerable to various forms of harm and jeopardy. Placement should be avoided.

The International Labor Organization (ILO) is recognized as one of the specialized agencies of the United Nations, dedicated to promoting social justice and advancing the global recognition and realization of human rights. The establishment of this organization occurred after the conclusion of the First World War and was founded upon the provisions outlined in the 1919 Versailles Peace Treaty, which concurrently established the League of Nations. Following the onset of World War II, the operations of this entity persisted, and subsequently, in 1946, it was established as the inaugural specialized agency of the United Nations. This organization establishes global labor standards and metrics based on agreements and recommendations that outline minimum standards.

In 1999, the Secretary General of the International Labor Organization introduced and addressed the concept of decent work, thereby expanding the discourse on labor rights. The concept of decent work, as articulated by the Secretary-General, encompasses the provision of gainful and advantageous employment opportunities for both genders under conditions that uphold principles of liberty, parity, safety, and human respect. This definition encompasses six distinct dimensions, namely: 1) the capacity of individuals to secure and maintain employment that aligns with their preferences; 2) the ability to engage in work without any form of coercion; and 3) the aptitude to engage in work that enables the individual and their dependent family to attain a satisfactory standard of living. 4) the presence of equitable treatment and opportunities devoid of any discriminatory practices in the workplace. 5) The assurance of job security to ensure the maintenance of physical and financial well-being during retirement, disability, or occupational mishaps 6) The preservation of the dignity and human rights of workers by enabling their participation in decision-making processes that determine



their working conditions (Harandi, 2018) (Mikhaylova I. V, et al., 2021).

This particular domain encompasses elements of both consistency and novelty, thereby exemplifying the organization's unwavering commitment to upholding the fundamental standards of labor rights. The promotion of four strategic goals and the prioritization of decent work as the center of gravity can lead to the following outcomes:

1. The fundamental labor rights encompass several key elements, namely: a) the eradication of coerced labor; b) the safeguarding of freedom of association and the right to organize; c) the promotion of equal pay and the prohibition of discriminatory practices; d) the establishment of a minimum working age and the elimination of the most egregious forms of child labor.
2. Work and Employment
3. Social support
4. The social discourse is a new discourse to change the model and examples of labor rights (Abadi, 2012: 1).

In this research, by avoiding the analysis of cases that are observed in Iran's laws and the domestic legal system's lack of indicators, we will analyze the pathology and study of hard and harmful occupations with an emphasis on the indicators of the International Labor Organization and decent work.

2.1. Difficult and Hazardous Occupations

The adverse health outcomes resulting from occupational hazards pose a significant risk to human life. Such hazards are often encountered in physically demanding and hazardous occupations. The advent of the industrial revolution, coupled with the proliferation of science and technology and the dissemination of novel hazards, has prompted international organizations and experts to accord significant significance to the matter of occupational health and safety. The prevention of accidents has emerged as a pivotal concern in the advancement of health promotion and the expansion of occupational health and safety initiatives.

Occupations that are physically demanding and pose potential harm to workers are characterized by non-standard environmental, physical, and chemical factors in the workplace. As a consequence of prolonged exposure to such conditions, workers may experience physical and mental injuries that exceed their capacity to cope. The genesis of occupational diseases and associated complications can be attributed to the creation of individuals and their corresponding work-related activities.

The ramifications of hearing loss, visual impairment, physical and movement injuries, respiratory, cardiovascular, and vascular problems, as well as mental and nervous pressures, are among the potential physical and mental injuries that may manifest even several years following retirement. After this, occupations that involve handling hazardous chemicals, radioactive materials, and exposure to high levels of noise and pollution are classified as difficult and hazardous.

There are two distinct categories of difficult and hazardous occupations. Initially, it consists of occupations that are not inherently arduous or hazardous. The difficult and hazardous nature of certain occupations is contingent upon their inherent characteristics. However, the implementation of health, safety, and suitable measures by employers can mitigate the challenges and dangers associated with such occupations, including but not limited to turning and welding. Within two years from the date of notification of the final decision made by the committee or council, as applicable, concerning sanitation, pollution reduction, employment, work environment safety, and compliance with labor laws and related regulations, the employers of the workshops in this group are obligated to adhere to the standards specified by the Supreme Technical Protection Council and other relevant laws governing this area (Alghamdi R. S, et al., 2021).

These occupations and activities require the implementation of measures that mitigate their challenging and detrimental aspects. Although employers can provide tools and establish health, safety, and technical conditions to alleviate the difficulty and harm, the inherent challenges and harmful nature of these occupations and activities persist. This activity is comparable to the hazardous nature of diving and mining work. The criteria for action in implementing and acknowledging the roles of the group by the provincial committees are based on the nature of the job and the difficulty of eliminating its strenuous and detrimental aspects.

The criterion for inclusion in the aforementioned groups is contact or continuous work within the group.



Therefore, occupations such as managerial, supervisory, support, service, administrative, expert, and supervisory roles that are an extension of an individual's work outside of the group's setting are excluded from the scope of the aforementioned groups. In the context of mining operations, the designated group consists solely of individuals who are employed in a direct capacity within the mines. This excludes individuals who may be present at the site on a temporary or hourly basis as a result of the nature of their work or due to non-compliance with established protocols.

These occupations are as follows:

According to Article 18 of the Social Security Organization, the committee has identified difficult, hazardous, and risky occupations that encompass the following activities:

1. Working in mines refers to labor performed within tunnels and enclosed pathways, situated either subterranean or at ground level, wherein the laborer is obligated to remain for extended periods to facilitate mining activities.
2. Working in extraction centers encompasses a range of tasks falling under the category of separation, involving the removal of materials from the working surface as well as the transportation and handling of residual materials resulting from explosions. Additionally, it involves the management of water and electricity facilities and any other forms of oversight that necessitate the presence of workers in underground tunnels and corridors.
3. Occupations that involve manual asphalt baking, bituminous mulching, and sanding.
4. The construction of canals, wells, sewers, underground tunnels, and closed tanks involves excavation and earth-moving activities.
5. The process of evacuating and transferring molten materials from furnaces, as well as unloading and transporting them from active furnaces, can result in the direct exposure of workers to negative thermal effects or harmful vapors in the vicinity of the furnaces.
6. The lack of mechanization in the production and recycling processes of tanneries, salting, and gut cleaning workshops, as well as in the employment of workers in landfills for the collection, burial, and recycling of waste, has resulted in suboptimal garbage recycling practices.
7. The labor and operations performed by workers employed in livestock facilities and farms encompass the collection, transportation, storage, and disposal of animal waste, including the cleaning of barns, stables, and poultry breeding halls.
8. The occupations involve the application of sprays in horticultural and agricultural settings, as well as the sanitation of premises such as stables and poultry facilities.
9. The labor that is consistently and actively involved in the manufacturing and application of chemical toxins and pesticides
10. Sustained labor in an exposed setting and at an altitude exceeding five meters from the ground level, encompassing tasks such as operating on a mast, mobile booth, scaffolding, and similar elevated structures
11. Working in environments with greater than normal environmental pressure, such as deep-sea diving.
12. The labor that involves ongoing maintenance of power transmission lines operating at a voltage level of 63 kilovolts or higher
13. Working continuously in environments with extremely high sound pressure levels that cannot be mitigated through the use of personal protective equipment poses a challenge to safeguarding hearing health.
14. The use of a vibrating tool that exceeds the standard limits, despite adherence to technical and safety protocols, poses a potential hazard to the worker's health.

2.2. The Categorization of Occupations according to Risks Associated with the Nature of the Occupation

The likelihood of an individual experiencing an injury, defects, disability, or fatality is contingent upon various factors, with particular emphasis on the nature of their occupation. Regarding the statistics on occupational accidents, the likelihood of such incidents occurring varies across different occupations and is contingent upon factors such as occupation type, working conditions, and the workplace. Hence, various occupations are categorized into six categories based on the frequency and severity of the peril of fatality or physical harm resulting from an accident.

Category 1. This category encompasses individuals whose daily activities pose negligible levels of risk,



such as those employed in administrative and clerical roles, as well as those solely engaged in service provision within an office setting.

Category2. It comprises individuals who encounter greater hazards in their routine undertakings relative to those belonging to the first category. They typically engage in manual labor that does not involve the use of industrial machinery. Examples of such professionals include dentists, supervising engineers, marketers, tailors, and storekeepers.

Category3. It pertains to individuals who possess advanced or intermediate knowledge and frequently engage with machinery and industrial equipment. This group encompasses professionals such as farmers, drivers, and construction workers.

Category4. It pertains to individuals who operate hazardous machinery and industrial equipment or engage in perilous occupations. This category encompasses unskilled laborers in the industrial sector who are engaged in diverse occupations and encounter numerous hazards. Various occupations such as metal pressing, rigging, electrical work, firefighting, and sanitation services are included in this category.

Category5. It pertains to individuals who encounter the highest degree of hazards in their routine tasks and operations, such as test flight pilots and subterranean miners.

According to the aforementioned discussion on difficult and hazardous occupations, the foremost perilous concerns associated with such jobs pertain to the physical and psychological hazards that ensue from prolonged engagement, which may culminate in injury, defects, disability, or fatality. Furthermore, they have been categorized as occupations with a high level of risk.

Under social security legislation, an accident is defined as an unanticipated incident that arises from external circumstances and results in bodily and mental harm to the insured individual. Therefore, it is imperative to note that an occurrence cannot be classified as an accident unless it possesses the following four distinct attributes:

- 1- It cannot be anticipated.
- 2- It happened abruptly.
- 3- It happened under the influence of external factors.
- 4- It harms a person's body and mind.

Workplace accidents can result in diverse outcomes for workers, employers, insurance entities, and the community. The ramifications of work-related accidents can result in physical pain and suffering, potential disability, the inability to perform previous job duties, psychological distress due to job limitations, and a reduction in workers' rights. The consequences outlined are further exacerbated in the event of a worker's disability or demise. Simultaneously, the reduction in revenue exacerbates the issues.

In recent decades, there has been a growing focus on the study of the consequences of difficult and hazardous occupations, among other important issues. The topic at hand pertains to occupational stress that arises in certain professions and its consequential impact on the manifestation of psychosomatic ailments, specifically those related to blood pressure and other physiological issues such as digestion disorders. Job-related stress is a phenomenon that arises from the interaction between an individual's characteristics and the working conditions they face in a challenging job.

Job burnout is a consequence of diverse stressors that manifest in physical symptoms such as headaches and stomach ulcers, psychological symptoms such as depression and anger, and behavioral symptoms such as absenteeism. (Russell, Altmaire, and Velzen's work, published in 1987, pp. 269-274)

In the interim, the provision of adequate social support, the complete enforcement of equitable legislation, and the consideration of the economic circumstances of individuals employed in difficult and potentially hazardous occupations can effectively mitigate the adverse impacts of stress.

The International Labor Organization endeavors to advance social justice and enforce globally acknowledged human rights in the realm of labor. This organization establishes global labor standards within the context of conventions and recommendations. Eight conventions within the International Labor Organization incorporate human rights considerations and are deemed fundamental. It is noteworthy that even in instances where a given country has not formally acceded to these

conventions, it is still obligated to effectuate its implementation.

Iran has held the position of a Board of Directors member and Asia-Pacific representative within the International Labor Organization for a considerable duration. It has acknowledged certain conventions proposed by the International Labor Organization concerning safeguarding the labor force. However, it is regrettable that, in the majority of instances, Iran has merely accepted these conventions without providing any assurance of their implementation. Iran, as a constituent of the International Labor Organization, has ratified 14 conventions of the aforementioned organization, which encompass five of the fundamental rights conventions.

2.3. The Conventions of the International Labor Organization to which the Islamic Republic of Iran has ratified

There are several Fundamental Conventions of the International Labor Organization (ILO), including Convention No. 29 on Forced Labor, Convention No. 87 on Freedom of Association and the Right to Organize, Convention No. 98 on the Right to Organize and Collective Bargaining, and Convention No. 100, which is related to the Equal Pay Act and encompasses various aspects related to the equitable distribution of salaries and wages among individuals in a given society or organization. Besides, Convention No. 105 pertains to the abolition of forced labor; Convention No. 111 pertains to the prohibition of discrimination in employment and profession; Convention No. 138 pertains to the minimum working age; and Convention No. 182 pertains to the prohibition of child labor. Iran has become a signatory to five of the eight fundamental conventions, as outlined in the aforementioned table. It is noteworthy that Iran, despite not being a signatory to the three fundamental conventions, namely 87, 98, and 138, is bound to enforce them through domestic regulations under the declaration of fundamental labor principles and rights.

N.	Convention Titles	Nnumber	Approval Date	Fundamental Conventions	Iran's Date of Accession
1	Forced Labor Convention	29	June 28, 1930	*	March 19, 1957
2	Convention on the Abolition of Criminal Provisions on Offenses Arising from Contracts for the Employment of Native Workers	104	June 21, 1955		January 25, 1959
3	Convention on the Abolition of Forced Labor	105	June 15, 1957	*	December 28, 1958
4	Convention on the Prohibition of Discrimination in Recruitment and Employment	111	June 25, 1958	*	May 7, 1964
5	Weekly holiday convention in commerce and services	106	June 26, 1957		November 19, 1967
6	Seafarers' Identity Document Convention	108	May 13, 1958		December 15, 1966
7	Weekly strike convention in industrial establishments	14	The year 1921		February 15, 1972

8	Convention on equality of treatment between domestic and foreign workers regarding compensation for damages caused by work accidents	19	June 5, 1925		February 15, 1972)
9	Wage Protection Convention	95	July 1, 1949		May 8, 1972
10	Convention on equal pay for male and female workers for work of equal value	100	June 29, 1951	*	February 15, 1972
11	Employment Policy Convention	122	July 9, 1964		February 15, 1972
12	Convention on the Worst Forms of Child Labor	182	June 1, 1999	*	May 8, 2002
13	Human Resource Development Convention	142	June 4, 1975		March 19, 2007
14	Maritime Labor Convention	-	February 7, 2006		June 11, 2014

Convention 98 of the International Labor Organization recognizes the right of workers to organize and engage in collective bargaining. Our country has acceded to this convention; however, it has yet to undergo the requisite parliamentary approval and subsequent implementation. As a result, the status of this convention remains unresolved. It can be argued that the government's endorsement of such conventions serves primarily as a public relations strategy and a symbolic gesture to participate in global conferences. Despite the appearance of progress toward establishing job security and safeguarding workers' rights, the practical implementation of these measures falls significantly short of fulfilling the complete obligations outlined in existing conventions and national legislation.

As previously stated, an additional instance can be observed wherein, apart from the essential labor rights, three other elements are imperative for the attainment of decent work, namely, productive employment (to counteract occupations) and social support (as evidenced by the Comprehensive Welfare and Social Security Law of 2004, which emphasizes the significance of social support and dialogue). Following the ratification of Article 101 of the Fourth Plan Law, efforts have been undertaken to formulate a comprehensive document on decent work that aligns with the prevailing social and economic circumstances of the nation. However, a definitive resolution has yet to be reached.

The opening statement of the International Labor Organization's charter posits that the endurance of global peace and sustainability is contingent upon the establishment of social justice.

In comparison to the stage of freedom, humanity has now reached a stage that is far more significant, hazardous, and progressive. In the era of liberalism, the only essential thing was human freedom, but today mankind is getting ready to go into a new stage when justice will replace freedom. Justice is a complex concept that broadly and progressively refers to freedom. More space is available than previously. Justice is also not constrained by the parameters of freedom. The International Labor Organization is now prepared to view workers' social provision as a clear and important fundamental in addition to their economic provision in the twenty-first century. Since the worker's social security protects his or her human dignity, it may even improve the worker's productivity. (Dehghan, 2011: 31) The primary objective of formulating the convention is to provide support to workers and their dependents in the event of occupational mishaps. In such instances, the workers' rights and advantages must be disbursed to themselves or their family without any form of bias.

Convention 19 concerning Equality of Treatment for National and Foreign Workers as Regards Workmen's Compensation for Accidents pertains to the equitable treatment of both foreign and

domestic workers in terms of compensation for work-related accidents. The convention was ratified in 1925, stipulating that any nation that becomes a signatory is obligated to provide compensation to foreign nationals who suffer work-related injuries within its territory, as well as to their heirs. The individual is expected to exhibit analogous behavior towards non-citizens as they do towards their citizens. The convention's ruling in this domain is founded on the principle of conduct and solely encompasses the citizens of the participating nations, as evident from the available information. (Babaei Mehr, Ghamiloui, 2016: 12)

The Iranian government has established a regulatory framework for compensating individuals who have suffered work-related accidents. This framework, known as the rate regulation, serves as the basis for determining insurance premiums for individuals from countries that are signatories to Convention No. 19 of the International Labor Organization. This regulation was officially ratified in 2001 and has since been implemented. The regulation mentioned above, specifically Article 1, Paragraph 1, of Convention No. 19, mandates that individuals who are citizens of countries included in Convention No. 19 and are employed in Iran in compliance with applicable laws and regulations are entitled to protection against accidents. The following protections are in place for a range of difficult and hazardous occupations:

1. 1. Provision of medical services until complete recuperation from the accident and remuneration for lost wages.
2. The general disability and partial disability that arise as a result of engaging in strenuous occupations
3. The occurrence of mortality resulting from an accident that arises due to difficult and hazardous labor

The International Labor Organization's Convention No. 182 has made a noteworthy advancement in addressing the issue of child labor by incorporating hazardous work as one of the four categories that define the most severe and worst forms of child labor (WFCL). This convention strictly prohibits any exceptions and calls for prompt measures to be taken in such instances to prevent the entry and exposure of children to such labor practices. (Abd al-Malaki and Mousavi Enzahai, 2013:78).

As per the United Nations' information repository, child labor is classified into three distinct categories that are prohibited under international laws.

- The worst forms of child labor that are not subject to any conditions are categorized globally as slavery, trafficking, debt bondage, and other types of coerced labor. Additionally, children who are engaged in military conflicts as soldiers, as well as those who are subjected to slavery and sexual exploitation, are also considered to be victims of the worst forms of child labor. Furthermore, all illegal activities involving children are included in this classification.
- Child labor, which involves engaging children below the minimum age prescribed by national and international regulations, impedes their educational progress.
- Child labor that endangers the physical, mental, or moral well-being of minors or is deemed hazardous due to the nature or circumstances of the work. Regrettably, the provision in the convention concerning children engaged in difficult and hazardous labor has been subject to comparatively inadequate scrutiny within the context of the convention. One possible explanation for this phenomenon could be attributed to the challenges associated with analyzing and synthesizing complex topics within this particular domain.

The convention does not provide provisions for this matter, leaving it to the discretion of individual countries to undertake measures following their respective internal laws and conditions on arduous and hazardous occupations, with particular emphasis on the identification of high-risk occupations. After the approval of Convention 182, an additional convention, namely Convention 199, was ratified and appended to the former. Convention 199 comprises several non-binding indicators for member states:- Engaging in work that result in the exposure of children to sexual and psychological abuse.

- Engaging in work within tunnels and subterranean environments, consistent underwater operations, working in hazardous depths, or occupying any restricted space
- Engaging in work that involves hazardous machinery, equipment, tools, or tasks that pose a risk to individuals due to manual labor or the handling of heavy loads.
- Engaging in work in an unhygienic setting has the potential to expose minors to dangerous substances, tasks performed at high temperatures, or exposure to loud noises and vibrations that may have detrimental effects on their health.



- Engaging in work entails operating under challenging circumstances, such as extended shifts, nocturnal schedules, or tasks that preclude one from returning to their place of residence.

Convention 138 stipulates the prohibition of labor for individuals below the age of 15, which is not in alignment with the internationally recognized standard of "completion age of compulsory education." Individuals aged between 15 and 18 are classified as youth workers and necessitate specific working conditions. It is recommended to change the title of the fifth topic of the labor law of the Islamic Republic of Iran from juvenile labor to child labor. Iran has ratified the convention established by 182 international labor organizations, which defines a child as an individual who has not yet reached 18 years of age. Iran has also become a signatory to this convention. This agreement is deemed to be a constituent of our legal system. As per Iranian labor legislation, an individual who has not attained the age of 18 is considered a child. It is advisable to differentiate between children and teenagers when discussing the working conditions of minors. Furthermore, in occupations that pose a threat to the physical or moral health of adolescents, the minimum age for employment is 18 years. The labor law of Iran has been formulated under the regulations stipulated in Convention No. 138, within the present framework. The responsibility of identifying the aforementioned job categories has been exclusively delegated to the Ministry of Labor, even though international labor standards dictate the involvement of both employers and labor unions in this domain.

The following clauses are executive regulations for the single article, which consists of one and two notes, of the law that the Convention on Prohibition and Immediate Action ratified. The primary objective of said legislation is to eradicate the worst forms of child labor. Additionally, the aforementioned regulations also cover the supplementary recommendation that the Council of Ministers approved on 7/6/2002.

The following is a compilation of difficult and hazardous occupations for individuals who are below the age of eighteen, as presented in Article 1.

- Engaging in labor within subterranean or overhead tunnels and passageways
- Performing tasks involving the manual application of asphalt, bitumen, mulch, and sand
- Excavating channels, boreholes, conduits, subterranean passages, and enclosed reservoirs
- The act of discharging and relocating molten substances from furnaces, as well as transporting them from operational furnaces, involves continuous and enduring engagement in the proximity of furnaces, which may result in the direct exposure of workers to detrimental thermal impacts or noxious fumes.
- The recycling of waste is necessitated by the production and recycling processes employed in tanneries, as well as in workshops involved in hair removal and gut cleaning.
- The activities that take place within livestock units and farms, including the collection, transportation, storage, and management of fertilizers
- Engages in the application of pesticides and herbicides in horticultural and agricultural settings, as well as the sanitation of facilities such as stables and poultry farms
- Occupational activities that elevate the likelihood of developing radiation-induced illnesses, such as handling radioactive substances and encountering radiation
- Industries involving the creation of physical structures, such as building and construction
- Operating motor vehicles of varying weights, as well as navigating through roadwork zones and utilizing farming equipment
- The transportation and relocation of molten substances in the context of blinds, metal casting, glass production, and proximity to pottery and porcelain kilns
- Working in various industrial settings such as docks, power plants, refineries, petrochemicals, and other oil and gas units
- Engaging in various workshops related to carpet weaving, felting, spinning, and weaving
- Working in manufacturing facilities involved in the production of asbestos and cement-based goods
- Engaging in activities related to the management and utilization of forest resources, such as forestry, felling, and transportation of timber
- Employment in the agricultural industry, specifically in the context of large-scale farming and meat-processing facilities
- Handling substances that are susceptible to combustion and detonation




- Employment in the asphalt manufacturing industry, stone crushing facilities, and road construction sector
- Working in places for chlorination and purification of water tanks
- Working in laundry facilities and the interment of deceased individuals
- Working as a seafarer and working within the shipbuilding sector
- Working in the waterworks sector
- Engaging with equipment that poses a significant risk, such as sewing machines or devices involving injection, impact, hydraulic presses, and similar apparatus
- Working in brick kilns
- Working with glass wool materials to fabricate items associated with their transportation and handling
- Working in the workshop for the implementation of insulation, installation, and production of waterproofing materials, as well as the tiling of both roofs and floors
- The craft of blacksmithing, which involves the utilization of welding and coloring tools
- Working related to processes of metal and stone transformation through melting and cutting techniques
- Working in settings that pose a heightened risk of exposure to infectious diseases and other maladies, including but not limited to medical facilities, mental health institutions, long-term care facilities, radiology clinics, and research laboratories
- Working in the bakery industry
- Working in facilities engaged in the manufacturing, packaging, and formulation of chemicals and toxins

The prioritization of children's welfare does not imply the permissibility of hazardous labor being carried out by adult workers. The International Labor Organization has established conventions on occupational safety and health (OSH) and labor inspection, which extend protection to workers across various sectors, including agriculture. Approximately 50% of the International Labor Organization's documents pertain to matters related to occupational health and safety, either directly or indirectly. According to the provisions of the International Labor Organization's constitution, it is mandated that safeguarding workers against work-related illnesses and injuries is imperative. (Abd al-Malaki and Mousavi Enzahui, 2013: 79)

The identification of indicators and implementation of preventative measures aimed at addressing child labor and its associated conditions can serve as a basis for formulating a policy on decent work for adult workers. Additionally, it has the potential to establish a well-defined trajectory toward a sustainable objective of enhancing the labor conditions of workers engaged in arduous and hazardous occupations. Under international labor standards and Convention 161, it is recommended that occupational health services be established as a comprehensive national policy with the primary objective of prevention and counseling. This policy should be gradually implemented for all workers, with particular emphasis on those employed in challenging, hazardous, and high-risk occupations. The responsibilities of these services encompass identifying and evaluating potential health hazards in the workplace through monitoring the work environment and practices, as well as safeguarding the health of workers concerning their work. Additionally, these services provide guidance on these matters, promote and facilitate the adaptation of work to the individual worker, and raise awareness, educate, and train individuals in this domain. They also establish first aid protocols, participate in the analysis of work-related accidents and illnesses, and contribute to professional rehabilitation initiatives. The Work and Society Journal specifically issues 12 and 13, contains relevant information on this subject matter. It is commonly noted that the implementation of protective laws and regulations, as well as the safeguarding of workers' rights in certain occupations, is often hindered by numerous obstacles and challenges. These difficulties may serve as a deterrent for individuals seeking to assert their lawful rights.

3. Strategies to Protect Workers in Difficult and Hazardous Occupations

We see potentially fatal workplace accidents every day, everywhere in the nation, to the extent that such occurrences are no longer novel. According to the report released by the Bureau of Economic and Social Statistics of the Social Security Organization, the number of work-related accidents that



transpired in Iran in 2018 amounted to 21,740, indicating a decline in comparison to the preceding year. The report indicates that a significant majority of the victims, approximately 98%, involved in these accidents are male. Furthermore, a substantial proportion of these individuals, approximately 76%, were found to be married. The data also revealed that the highest number of accidents, approximately 13,217 cases, were work-related and attributed to negligence. As per the official statement released by this establishment, incidents of falling, slipping, and being struck have recorded the highest incidence rates among accidents. Furthermore, the demographic of individuals aged between 25 and 29 years has experienced a greater frequency of accidents compared to other age cohorts. As per the most recent official data released by the International Labor Organization (ILO) in January 2010, an estimated one million individuals experience work-related accidents daily globally, resulting in approximately 5,500 fatalities. In Iran, it is common for employers to conceal work-related accidents, and in numerous instances, the identities of those affected by such incidents are not disclosed. (Eraghi, 1988:78)

Establishing a safety culture necessitates fundamental measures across all domains, with a crucial aspect being the creation of conducive conditions to enhance knowledge and skills as well as optimize the work environment, particularly in arduous and hazardous occupations. Hence, the implementation of a "law strategy" can serve as a crucial framework for addressing the adverse and detrimental circumstances that exist within work settings. This approach involves the establishment of laws that are designed to prevent, monitor, safeguard, and guide workplace practices. The contemporary protective laws and regulations, along with the unanimous verdicts of the Administrative Court of Justice related to difficult and hazardous occupations, have become a fundamental requirement for both the labor and employer communities, as well as professionals operating in this domain. (Esabati, Khaleghian, and Porkoni, 2013: 1)

Hence, within our nation, the Administrative Court of Justice and the Social Security Organization possess the distinctive function of assisting laborers engaged in difficult and hazardous occupations. The escalation of arduous and hazardous occupations has engendered a requirement for job security and legal security for individuals employed in these fields. A safeguard must exist to ensure their rights are upheld in the event of any infringement.

The Islamic Republic of Iran's system exhibits several instances of safeguarding the fundamental rights and liberties of its populace. The judiciary assumes a significant and expansive function in ensuring and safeguarding the rights and liberties of individuals. The Constitution confers numerous rights on citizens, particularly in its third chapter, wherein infringement upon the security of individuals is proscribed and the imperative of respecting the freedom of all is underscored. As the judiciary is tasked with the restoration of public rights and the expansion of justice and legitimate freedoms, it is incumbent upon this institution to ensure the protection of said rights. Article 173 of the Constitution mandates the establishment of an Administrative Court of Justice, which operates under the oversight of the head of the judiciary. The court is tasked with addressing citizens' grievances against government officials, units, or regulations, as well as ensuring the enforcement of their rights. The Administrative Court of Justice adopts a citizen-centered approach whereby administrative courts and judges prioritize safeguarding the rights and freedoms of citizens. Their underlying philosophy is largely centered on upholding the rights of citizens.

One of the salient concerns that frequently arise in the Administrative Court of Justice pertains to litigation initiated by individuals employed in difficult and hazardous occupations seeking to secure their diminished entitlements. Assessing the level of challenge and potential hazards associated with various occupations across diverse workshops entails a comprehensive analysis of relevant records, site visits, and monitoring of working conditions by occupational health specialists from the Ministry of Health, Treatment, and Medical Education, as well as labor inspectors from the Ministry of Cooperatives, Labor, and Social Welfare. Upon receiving approval from the provincial preliminary and review committees, the level of difficulty and potential hazards associated with various types of employment are assessed and established.

The modern man is required to put up with constraints and demands to successfully adapt to his social and professional environment. These restrictions and pressures are of such a kind that they contribute to workers burnout on the job.

To discharge the duty mentioned above, the various branches of the Court of Administrative Justice



are obligated to adhere to certain principles in their rulings, such as legality, equality, and non-discrimination, as well as the requirement for administrative decisions to be documented and justified. Non-compliance with administrative decisions may result in the infringement of the rights of citizens. The fulfillment and assurance of citizenship rights necessitate certain mandatory requirements. However, it has been observed that workers in difficult and hazardous occupations, such as those who suffer from a disability, premature retirement, death, or physical disability due to air pollution, are sometimes subject to unjust treatment, and their rights are not duly recognized by the judiciary. The drafting of social security laws is primarily intended to safeguard individuals from social risks, including but not limited to unemployment, illness, disability, and old age. Consequently, when interpreting the laws that govern social security, it is imperative to consider the intent of the legislator and the historical context in which the laws were enacted. The manifestation of discord in the articulation of the social security legislation resulted in an inference that entails heightened safeguarding for the beneficiaries or individuals encompassed by the statute.

The establishment of social insurance systems can be attributed to the fundamental principle of safeguarding workers in hazardous, detrimental, and perilous occupations against work-related accidents and illnesses. After these advancements, the responsibilities of social insurance have become increasingly multifaceted and comprehensive.

It is incumbent upon the government to furnish legal aid to policyholders in instances where the Social Security Organization, which serves as the preeminent provider of social insurance in Iran, encounters fiscal challenges and is incapable of rendering services to its beneficiaries. According to the provisions of Article 29 of the Constitution of the Islamic Republic of Iran, it is incumbent upon the government to establish social security either independently or through the involvement of the populace. (Babaei and Ghamiloi (2015: 7).

An examination of social security systems throughout history reveals that the issue of compensating workers for harm sustained as a result of workplace accidents occupies a significant position. The inclusion of accident protection can be observed across various social security policies. During the latter half of the 19th century, initiatives known as "workers' compensation" were established to offer aid to workers who suffered work-related accidents, and to hold employers accountable for such incidents.


The role of employer responsibility strategies in social security structures in developing countries is noteworthy. The utilization of this system is also observed in certain developed nations as a means of safeguarding the labor force from occupational mishaps.

There are numerous measures to facilitate the prevention and mitigation of occupational hazards. The provision of workers' compensation may serve as a disincentive for employers to prevent workplace accidents.

One crucial aspect of workplace accidents is the employer's accountability. As per the provisions of Article 12 of the Civil Liability Law, it can be inferred that the employer bears the responsibility for any harm or loss incurred within the premises of the workplace. The employer's responsibility is not limited to civil liability, but also encompasses criminal matters, as stipulated in Article 616 of the Islamic Penal Code ratified in 1996. The employer's civil liability is grounded on established principles and regulations of civil liability, including but not limited to the principles of non-injury, loss, and attribution. There are multiple factors to take into account in this respect. If a worker engages in deliberate acts of harm towards others or undertakes tasks beyond the scope of their work or in contravention of their employer's directives, resulting in a breach of regulations, the employer shall not be deemed liable. The employer's criminal culpability is primarily predicated on the presumption and duty of the employer to oversee their workers.

The primary objective of the International Labor Organization is to enhance the socio-economic standing of laborers, thereby demonstrating support for the more vulnerable segments of society. The attainment of labor rights and the improvement of workers' conditions, including support for those affected by work-related accidents, necessitate the implementation of specific laws, regulations, and criteria. These measures align with the primary objective of the International Labor Organization, which is to promote justice and equity in the workplace.

Despite the lack of a comprehensive and all-encompassing policy by the legislature regarding work-related accidents, coupled with several shortcomings and loopholes in this domain, it is generally



acknowledged that Iran's social security system has taken proactive measures to prevent such incidents and provide support to affected individuals. These measures include mandating employers provide necessary equipment and facilities while adhering to workplace standards and offering survivors' pensions, wage compensation, medical services, and other forms of assistance to victims of work-related accidents. (Babaei Mehr and Ghamiloei, 2016: 15)

The International Labor Organization is currently engaged in efforts to establish uniform labor rights and safeguards for workers. The organization's standards have been recognized for their significant impact on both member and non-member nations. Apart from endorsing labor rights, the International Labor Organization has sanctioned conventions and decrees to assist workers in the event of work-related accidents.

The dissemination of information regarding international labor standards, laws, and regulations on judicial assemblies and social security organizations, as well as the provision of knowledge on workers' rights and methods for pursuing and asserting these rights, are indicative of efforts to implement preventive measures and adhere to international conventions and recommendations. Additionally, the presence of active labor associations and unions in various locations, including rural areas, serves as further evidence of such measures. Furthermore, it is worth noting that the international community no longer tolerates the employment of children in hazardous and detrimental occupations. The implementation of internal laws and regulations can serve as a viable measure to enhance the working conditions of laborers and mitigate the likelihood of occupational hazards and associated losses in this domain. In the interim, the presence of an unbiased entity to oversee the effective enforcement of regulations within workshops is of great significance and essential. The arduous responsibility of overseeing and enforcing labor regulations has been delegated to a regulatory body known as the Labor Inspection Board. According to the International Labour Organization (ILO) in 2010, labor inspection holds significant potential as a governmental mechanism for facilitating involvement and impact in the establishment, oversight, and collaboration towards the cultivation of a prevention culture (ILO, 2010, (b): 8). Put differently, if we view the government as having a responsibility to safeguard the rights of workers who have entered into a mutually agreed-upon contractual arrangement for collaboration and involvement, labor inspection represents a critical mechanism for governmental intervention and assistance. This statement indicates that the effectiveness of the intervention is contingent upon the availability of adequate prerequisites and tools.

In light of the significance of labor inspection in safeguarding the rights of workers, the International Labor Organization was established after the conclusion of the First World War to achieve this goal on a global scale. The constitution of this organization includes a provision for labor inspection and mandates that each government establish regulations for its respective inspection system. (Taheri, 2017: 224)

The fourth chapter of the labor law, which was ratified in 1990, addresses the matter of labor inspection within the context of technical protection and occupational health in Iran. (ibid: 225)

Regrettably, certain instances reveal the impact of employers, managers, and administrative officials failing to adhere strictly to labor laws and regulations, thereby exploiting the authority of inspectors and impeding the rights of workers. Consequently, implementing modifications within Iran's legal framework may enhance the efficacy of labor inspectors in carrying out their responsibilities.

4. CONCLUSION

By developing conventions and recommendations, the International Labor Organization pursues the objective of protecting vulnerable labor, or workers. We may include the prohibition of forced labor, salaries, and benefits, working hours, holiday leave, working conditions for youth and women, equal pay, human resources development, etc. as some of the issues that have received special attention in this respect.

Convention No. 161 of the International Labor Organization emphasizes the significance of ensuring a secure, salubrious, and fitting work atmosphere for individuals employed in difficult, hazardous, and high-risk occupations. This objective is achieved through the provision of preventive services that promote the physical and mental health of all laborers.

Out of the 185 international conventions, the Islamic Republic of Iran has solely acknowledged 14 and executed merely five of its fundamental rights. These conventions pertain to the domain of human

rights and are structured in a manner that renders their implementation imperative to regulate the rights of citizenship, fostering global peace, promoting justice, establishing security, and so on.

It is indisputable that failure to adhere to certain agreements and indicators by the Islamic Republic of Iran may result in a clash and confrontation with the fundamental principles of the International Labor Organization. The isolation of Iran in the global arena hinders its ability to participate in shaping and fostering enhanced international political and social connections. In certain instances, alterations in governmental political orientations can result in a disregard for labor laws and regulations, particularly in the realm of difficult and hazardous occupations, as per both international benchmarks and domestic legislation. This would entail disregarding essential labor rights in areas such as psychological and physiological health, preservation of self-respect and human worth, occupational contentment and stability, and communal assistance, among others.

The Versailles Peace Treaty, which serves as the basis for the International Labor Organization, recognized the importance of establishing a robust labor inspection system to enforce labor regulations that safeguard the interests of workers.

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