

Law for Regulation of Industrial Services No. 30 for 2000

Feb 1, 2011

Chapter One

The Law's Applicability and Objectives

Article 1

The provisions of this Law shall apply to industrial services projects in the private sector that provide repair and maintenance services for appliances, equipment, machinery, vehicles and associated works.

Article 2

The Law aims for the following:

First- Regulate registration of projects covered by provisions of this Law;

Second- Regulate support for industrial services projects, in order to develop and enable them to provide best services to citizens;

Third- Localize industrial services projects in industrial complexes, develop existing ones and provide the services necessary for the advancement of tasks entrusted to them.

Article 3

The Department of Labour & Social Security shall undertake the following measures to accomplish the objectives of this Law:

First- Set the annual policy for developing the industrial services sector and follow up its implementation in coordination with competent authorities;

Second- Register existing and new industrial services projects and grant them the registration document;

Third- Grant the license to practice the profession.

Fourth- Follow up the extent of commitment of projects covered to the provisions of this Law and regulations issued thereunder.

Fifth- Grant testimonials to project owners covered by provisions of this law concerning their needs in exercising their functions.

Sixth- Coordinate with competent authorities to set and implement training programs for workers in industrial services sector.

Seventh- Coordinate with competent health authorities to ensure that requirements for health, occupational safety, care for work environment and general environment are met.

Eighth- Facilitate for young graduates from colleges and institutions the establishment of industrial services projects and support them for the purpose of developing their capacities and raising their performance level. They shall have priority in obtaining amenities when competing with others.

Ninth- Coordinate with competent state departments to allocate what industrial services projects need, as state owned land within urban master plans and provide them with the necessary services.

Tenth- Cooperate with the trade unions for workers in industrial services projects to ensure good application of the provisions of Labour law no. (71) for 1987 and the Pension & Social Security Law no. (39) for 1971.

Eleventh- Coordinate with Iraqi Industries Union in studying problems facing industrial services projects and cooperate with it to find solutions addressing them in order to develop these projects and raise their level of services.

Chapter Two

Advisory Committees

Article 4

The Department of Labour & Social Security shall form advisory committees in governorates with a representative of the Department of Labour & Social Security as president and a representative of each of the governorate Division for Environment Protection & Improvement, the municipality and the Union of Trade Unions as members in order to submit proposals and recommendations for implementing the measures stipulated in article (3) of this Law.

Chapter Three

Conditions for Granting the Registration Document

Article 5

Granting the registration document to owners of projects covered by the provisions of this Law is conditional upon the following:

First- He shall be an Iraqi;

Second- His age shall not be less than (18) eighteen years, except those who inherit the ownership of a project;

Third - His military service status shall be sound;

Fourth- He shall adopt a distinctive name for his place of work.

Article 6

Juristic persons may request a registration document according to provisions of this Law.

Article 7

Core technicians in the project shall be subject to technical competency test conducted by the Department of Labour & Social Security; exempting from the test conditions:

First- Holder of academic primary degree in engineering or technical diploma in one of the disciplines covered by the provisions of this Law;

Second- Graduate of industrial secondary school or vocational training centre if he possesses practical experience in his field for a period not less than one year after graduation, endorsed by required documents.

Article 8

Non-technicians shall be allowed to register existing projects or projects established after the enforcement of this Law, provided they employ specialised technicians holding licenses to practice the profession.

Article 9

Existing projects or projects established after the enforcement of this Law shall not be allowed to exercise work until registration according to its provisions.

Chapter Four

Exemptions & Privileges

Article 10

First- Competent state departments may partition plots of land owned by them into suitable areas and dedicate them for industrial use of various types aiming to establish industrial complexes and provide the necessary services.

Second- Authorities mentioned in item (First) of this article, upon the recommendation of the Department of Labour & Social Security, may lease without public auction the partitioned plots of land covered by the provisions of this Law for a fee not exceeding the rate of (3%) three percent of land value. The project owner shall build on the rented plot and relocate to it within a suitable period. Priority shall be given to those whose relocation to their allocated locations was decided.

Third- Leasing fees shall be assessed by committees formed according to provisions of article seven of the Law for Sale & Lease of Government Assets No. (32) for 1986.

Fourth- The lease contract shall remain valid as long as the tenant continues to work at industry or craft on the leased property, provided lease fees shall be re-assessed every (5) five years and paid annually.

Article 11

Owners of projects covered by provisions of this Law who graduated from colleges and institutions within a period of (10) ten years shall be exempted from income tax for a period of three years from the date of granting the license.

Chapter Five

Obligations

Article 12

The project owner shall be obligated to the following:

First- Enable employees of the Department of Labour & Social Security who are authorised to follow up the enforcement of provisions of this Law to enter the project and view equipment, machinery and records and to carry out the required checking according to law.

Second- Keep a special record according to the form prepared by the Department of Labour & Social Security maintaining persons' names, their equipment to be serviced, dates received and delivered, type of malfunction, replaced parts and fees collected. They shall be provided with a receipt stating this information, signed by him or his nominee.

Third- Attend at the Department of Labour & Social Security or its divisions in governorates when notified in writing to discuss matters pertaining to his work, or based on a complaint.

Chapter Six

Revocation & Closure

Article 13

First- The Minister of Labour & Social Affairs or his nominee, based on the report of the competent checking committee, may revoke the project in one of the following cases:

a- If the project owner changed the vocation type and integrated it with another vocation without the approval of the Department of Labour & Social Security;

b- If the project owner committed significant, repeated violations concerning his work that caused damages to citizens or the environment.

c- If the project owner presented forged or false documents, pretended to have false attributions for the purpose of deception or cover-up, presented false information in the affairs of his vocation, qualifications or technical competence.

d- If he leased the land allocated to him by complete or partial subcontract, or exploited it for purposes other than those for which it was allocated, the lease contract shall be abrogated without preventing the implementation of other laws.

Second- The project owner, whose project document was revoked, may be granted a new document or his previously granted document may be re-activated if the cessation of the reasons leading to the revocation of the document were confirmed by the Department of labour & Social Security.

Article 14

The Minister or his nominee may close down the project temporarily or permanently based on a rationalised report from the competent checking committee according to the significance of the violation, through the competent authorities.

Article 15

First- Following the conclusive decision to revoke the project, it shall not be operated.

Second- The project owner may object to the Minister's decision stipulated in articles (13 & 14) of this Law at the competent Labour Court within (15) fifteen days of the date of being notified of the decision, after paying a court deposit of (5000) five thousand Dinars.

Article 16

The aggrieved may move a criminal lawsuit in one of the following cases:

First- If the project owner or one of his workers cheated, defrauded or misled citizens intending to obtain undue fees contrary to the actual status;

Second- If he removed or replaced any part of a broken-down appliance with a faulty part causing loss or lack in its benefit; concealed a citizen's appliance intending to betray trust; or caused damage to said appliance.

Article 17

The project owner may request the revocation of its registration; the project shall not be considered as revoked until the settlement of his obligations towards the Department is confirmed by the Department.

Chapter Eight

Penalties

Article 18

The Minister or his nominee, according to the report of the competent committee, may decide to refer the owner of a project against whom a violation was recorded to the competent Labour Court in addition to the stipulations of articles (13 & 14) of this Law.

Article 19

The competent Labour Court may consider the report submitted by the competent employee sufficient evidence for charging if he corroborated his testimony under oath, unless evidence to the contrary was established.

Article 20

Anyone breaching the provisions of this Law shall be jailed for a minimum term of one month and a maximum of one year and fined not less than (5000) five thousand dinars and not more than (25000) twenty five thousand Dinars. Anyone breaching any item stipulated in articles (13 & 16) of this Law shall be considered effectively in independent breach.

Article 21

Anyone who impedes employees from doing their jobs shall be jailed for a minimum term of one month and a maximum of one year and a fine not less than (5000) five thousand dinars and not more than (25000) twenty five thousand Dinars.

Chapter Eight

Charges & Fees

Article 22

First- The following charges shall be collected from the project owner:

- a- (10000) ten thousand Dinars for granting a project registration document;
- b- (5000) five thousand Dinars for replacement of lost or damaged project registration document;
- c- (2000) two thousand Dinars for granting workers in projects covered by this Law a profession practicing license;
- d- (500) five hundred Dinars for replacement of lost or damaged profession practicing license for workers in projects covered by this Law;

Second- The following fees shall be collected from the project owner:

- a- (3000) three thousand Dinars for checking the project;
- b- (3000) three thousand Dinars for technical competency test;
- c- (1500) one thousand and five hundred Dinars for the project certificate and ID;
- d- (1500) one thousand and five hundred Dinars for granting each attestation.

Third- Charges collected according to item (First) of this article shall revert to the public treasury.

Fourth- Fees collected according to item (Second) of this article shall be recorded to the name of the Department of Labour & Social Security. Fees incurred from checking, follow up, testing and advisory committees formed for the implementation of this Law; rewards to employees working in this field; and expenses necessary for providing requirements for this activity according to controls issued by the Minister for this purpose shall all be expended therefrom.

Chapter Nine

Final Provisions

Article 23

The Minister shall issue directives for determining the competency of professionals and degrees of competency; forming committees for follow up and testing and advisory committees and granting fees thereto.

Article 24

The Law for Practicing the Vocation of Maintenance for Appliances, Machinery, Equipment and Transport Means No. (18) for 1987 shall be revoked and the directives issued according to it shall continue to be valid where not contradicting this Law until the issue of replacement or revocation thereof.

Article 25

The Minister may issue directives to facilitate provisions of this Law.

Article 26

This Law shall be enforced after (60) days from the date of publication in the official gazette.

Saddam Hussain

President of the Revolutionary Council

Rationale

This Law was passed for the purpose of reviewing legal provisions pertaining to industrial services in the private sector; their regulation; activating this sector to enable it to provide best services to citizens; enhancing its role in the development of national economy; raising the performance efficiency of workers therein; maintaining production requirements; and reviewing the charges, fees, and penal provisions.