

A Study on the Principles Governing the Regulation of the Employment Contract and Compare it with Employment Contracts in Iran's Rights

Mohadese Barkhordari Ahmadi, Omid Norouzi*

Department of Public Law, Bandar Abbas Branch, Islamic Azad University, Bandar Abbas, Iran

Abstract

Three-sided conception of labor Law form the basis of the elements include: Workers, employers and government. The three-sided conception is also observed in the dispute settlement authorities, authorities make decisions regarding labor relations (such as the High Council) and even the pillars of the ILO. But the importance of these three elements is not to a size. Workers and employers, the main base of labor relations and the role of government, only secondary aspects and to regulate relations between the two groups. This means that the government is not relations. Relations between the worker and the employer (even though the employer is the government), has a dual nature. In other words, the intervention of the legislature in labor relations, still the role and importance of the contract as the main basis for determining working conditions not eliminated. Identify the scope of inclusion of labor law standards, of great importance in regulating the rights of persons employed and regulatory authorities have jurisdiction. In this regard the employment contract that defines the concepts of worker, employer and labor relationship is in fact an expression of the need to comply with labor law and labor law.

Keywords: Labor contract, Contract of employment, Labor Law, Constitution of the Islamic Republic of Iran

INTRODUCTION

Labor rights on all legal relationships that arise from doing work for others, and in each case followed that performance with respect to the employer associated dominates, namely, the right to work to review, analyze and evaluate regulations and Amranhay's support, which monitors adherence to labor relations, and aims to provide security, justice and social order. Therefore, the definition of labor rights was presented, it turns out, people who have work are independent and work for themselves, such as traders, farmers and self-employed workers, such as drivers, doctors and lawyers, are outside the scope of labor law. On the other hand, any kind of work for others to follow and is not subject to labor law. This means that people who are subject to employment laws, such as

government employees, are outside the scope of labor law and administrative law abiding conditions.

Research Methodology

Given that, in this study, data collection and library documents, first by searching the database and Internet sites and citation databases like: Iranian Research Institute for Information Science and Technology, SID, tebyan, Meg Iran site research centers of parliament and then, by referring to digital libraries such as Irandoc and some libraries, such as the Central Library of the free Islamic Azad University (IAU), using the keyword research, including labor contracts, employment contracts and the constitution Iran, in between various sources and research has been done with regard to the elections. For collecting data, research, note taking, including: translation, tabloid, quoted directly and indirectly.

RESULTS AND DISCUSSION

The Different Roles of Government in Relation to Private Sector Workers and Government Workers

Three-sided conception of labor rights form the basis of the elements include: workers, employers and government.

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*Corresponding Author: Omid Norouzi, Department of Public Law, Bandar Abbas Branch, Islamic Azad University, Bandar Abbas, Iran

The three-sided conception of the dispute settlement authorities, authorities make decisions regarding labor relations (such as the High Council) and even the pillars of the ILO is also observed. But the importance of these three elements to a size. Workers and employers, the main base of labor relations and the role of government, only secondary aspects and to regulate relations between the two groups. This means that the government is not relations.

Criteria for Diagnosis of Workers of Civil Servants

Relations between the worker and the employer (even though the employer is the government), has a dual nature. In other words, the intervention of the legislature in labor relations, still the role and importance of the contract as the main basis for determining working conditions not eliminated.

The Duality of the Employment Contract Law

Iranian legal system, in particular the rights of the public, more rooted in the French legal system and the law of France has been employed by Iran and with the Employment Law Approved 1966, America had borrowed most of the law, the norms of employment rights and French public law, administrative law and is employed by Iran's ruling (Aboalhamd, 1991: 75).

However, there are several evidences showing that Iran's system of employment rights has not been immune from the effects of global developments. Shrinking the size of government, prevent or severely limit public sector employment, ceded much of the public sector to the private sector, privatization, government organizations, non-conventional use of contract employees, purchase

services or even companies human resources staffing, all and all are proof of this claim.

CONCLUSION

Civil Service Management 30 September 2007 tentatively, alternative employment law countries. The new law, although the similarities with the former law, but the positive and negative points brought is, that these things are expressed.

One of the disadvantages of our administrative system, organizational focus, which leads to prolongation of things, slowing of obedience and absence of initiative. But the law, in line with decentralization, the formulation of Article 29 of this law is addressed.

Meanwhile, the administrative rights in Iran, although the Administrative Court is the competent authority for dealing with claims against the government, but the Court to claims arising from contracts, are subject to the law on civil service management employment contracts and employment regulations not handle.

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