

ANALYSIS OF THE PROTECTION OF WORKERS' WAGES IN THE LEGAL SYSTEM OF THE ISLAMIC REPUBLIC OF IRAN

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Abstract

Keywords:

Wages
Workers
Employer
Labor law
Iran

Determining the how, the time of payment and so a minimum of workers' wages is one of the most important issues in the labor law even in the national Constitutions. The main reason of attention paid to the workers' wages as well as theirs protection by the law can be seen in the social reality, which implies that the lawmaker should support the poor ones, the workers, and protect them from employer who has wealth and power. In Iran's legal system, the worker's wages and so ensuring are among the important issues to which the legislator paid special attention. Thus, Article 37 of the Labor Law is dedicated to the payment of wages, Article 38 to the elimination of discrimination in the case of labor and workers, and Article 41 to the reference of determining a minimum wages of workers.

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1. Introduction

Wages are one of the most important issues in the relationship between the worker and the employer. Economic relations between the two are realized through paying for work. Therefore, someone who works for free is not considered as a worker nor, undoubtedly, who benefits from free working would be an employer. Article 2 of the Labor Law of 1990 considers the diagnostic criteria for identifying the non-workers from workers such as getting wages, salaries, profits and other benefits. Also, Article 3 of the above-mentioned law states: “Employer is a real or legal person for the request of whom the worker works in order to earn wages...” (Vatankhah, 2004).

Wage is the key of the labor rights and its importance in labor relationships is undeniable. The International human rights documents emphasize the necessity of having good living standards that one of its components is having sufficient wage. In the preamble of the Statute of International Labor Organization, “ensuring the wages which provides the appropriate living conditions” is also emphasized. (Iraqi and Ranjbariyan, 2012). Article 1 of the Protocol No. 95 of International Labor Organization that Iran has also joined in 1972, defines wage as follows: “Wage in any way that it is calculated or defined, means the remuneration or income assessable in cash and its amount is to be determined according to the parties agreement or national law, or also, based on written or oral contract, it will be paid to workers by employer due to work or service done or to be done later”. According to the aforementioned Protocols, workers should be aware of the conditions and details of their wages and if the payment is determined in form of cash, it should be paid in the local currency. It is also possible to pay some parts of wage in non-cash form only if it is in favor of the workers and their family, and if the value of goods is determined in a reasonable way. This article primarily seeks to examine how to protect and to ensure the wages of workers in the legal system of the Islamic Republic of Iran. The article is based on Iran’s constitution texts and ordinary rules. This study is also going to analyze the criminal acts which can be done about the “wages of the workers”.

2. The necessity of Penal Protection of Wages

Exploiting the workers is not only limited to non-payment of their work but it seems that many employers do not fully pay per agreement, or by delivering poor quality items even expensive they impose more extortion to the workers. At the beginning of 19th century, firstly in England and then in other European countries, one common way for payment known as Truck system was

used. In this system, rather than giving the money to workers, the employers give them goods or papers convertible into goods in affiliated stores to workshops or in shops introduced by employers. In this way, aside from the workers' freedom already limited in case of purchasing the desired goods, the employers swindle workers most of the time by providing them with poor quality goods at prices higher than the real price (Iraqi and Ranjbariyan, 2012). One of the main features of rules and regulations of labor rights is its protective aspect. This aspect of labor law indicates a social reality and whenever there is any inequality between the contracting parties, the legislator must protect the weak one. Workers are those whose working power is their only wealth. They manage their life by wages they gain from working. Employers who are thinking about profits and losses, make use of every opportunity like the wages of the workers in order to reduce their own costs (Iraqi, 2005). In a report presented on 21 May 2003 by the *Liberation newspaper*, the ratio of a worker's income to his employer's in 1970 was one-fortieth, but in 2003, this difference was one-thousandth. That's why the social justice makes the international community and the Islamic lawmakers to protect the workers' wages and to prevent employer from increasing his profits through reducing the wages of workers (Zaraate, 2003).

3. Criminalization of wages

In Iranian law, before the adoption of the Labor Law in 1990, Articles 21 and 24 of the Labor Law in 1958 had considered the rules on this issue, which were inadequate in some respects. Since 1972, the Iranian government has joined the protocol No.95 relating to the protection of wages and is committed to implement its provisions, but regarding the fact that the rules contained in conventions have more general aspects and they are less practical to be used, there is also a little awareness about them, so removing the pervious law seems to be more effective. The following section will discuss about the most important aspects of wage protection (Iraqi, 2012).

3.1. Discrimination in the payment of wages

The main fundamentals of the individual rights and freedoms should be found in the equality of human beings. Until full equality among people not established in every respect, the realization of social justice, brotherhood and freedom would be impossible. The social differences in all its forms pave the way for aggression and violation as well as oppression and make impossible all

the principles of the human rights. That's why the equality is considered as the first principle for the realization of democracy and freedom as a secondary matter (Hashemi, 2005).

Deprivation of liberty and forced labor are not the only factors for the violation of individual rights. Discrimination in employment including job recruitment, promotion and wages among members of a community is not only against the value of human dignity but also it impedes people's freedom from working in their favorite jobs (Vatankhah, 2004).

3.1.1. Concept of discrimination in the payment of wages

In the dictionary, the definition of discrimination is "giving the superiority to one or more persons who are equal, preferring some over others without any priority" (Moein, 1981). Against the word "Discrimination", there is "Equality" which means "together, like, being equal, equality between two things" (Dehkhoda, 1994). According to the literal meaning of discrimination and equality, it can be said that the discrimination in legal terms means superiority of a person or persons without any preferential reason. For example, when there is no superiority between two persons, the rights and concessions are given to one of them and not to the other.

In the International Law, there are four protocols trying to define the word "discrimination" including: first paragraph of Article 1 of Protocols No. 111, UNESCO Protocols on the elimination of discrimination in education adopted in 1960 at the first paragraph of Article 1, Protocols on the Elimination of All Forms of Racial Discrimination enacted in 1965 at the first paragraph of Article 1 and Protocols on the Elimination of All Forms of Discrimination against Women adopted in 1979 in Article 1.

The abovementioned resources define the discrimination as follows:

Any difference, exclusion or preference based on race, skin color, sex, religion, political opinion, nationality of ancestors or the social class, which can destroy or impair the probability of success and the equal treatment of workers in employment and occupation affairs (Article One of the Protocols No. 111).

"Discrimination includes any special distinction, exclusion, restriction or preference on the basis

of race, color, sex, language, religion, political or any other opinion, nationality or social situation, economic conditions or production, the results of which are the distortion or the elimination of the equal behaving toward persons in profiting the education” (Article one of the UNESCO Conventions on the elimination of discrimination in education).

Any distinction, restriction or preference based on race, color, national or ethnic origin, which endangers the achievement of equality of human rights and fundamental freedoms in political, social, cultural or any other areas of public life (Article one of the Protocols on Elimination of All Forms of Racial Discrimination).

3.1.2. The basis of discrimination

As previously mentioned in the definition of discrimination, genetic and geographical factors are the basis for the realization of discrimination and between two equal persons, one is preferred over other.

Discrimination on the basis of race is to make a difference among people relying on race or skin color, which will make them profit some rights but deprive them from some other rights. Racial discrimination seems to be so sensitive, because people are simply discriminated for their skin color or ethnic origin - the factors over which they have NO control- (Keyhanlou, 2009).

Racial discrimination is one of the worst forms of discrimination among human beings, which was known as official government policy in South Africa and it was called apartheid. The difference of this policy from the other discriminatory methods which are being applied more or less in some countries, is that it is considered as official government policy. In other words, this distinction was affecting not only the behavior of people with each other but also according to the law in South Africa, the majority of blacks were excluded from interfering in the affairs of their own country. In the case of labor, black workers were deprived of career advancement facilities as well as skill acquisition and the wages and working conditions were also varying based on skin color divisions (Iraqi and Ranjbariyan, 2012).

Gender discrimination is another form of discrimination which results a distinction between men

and women in benefiting social and economic advantages. For example, in some employment, women are removed from the list of job conditions holders or the women workers can be discriminated at a later stage of employment including promotion, wages or working facilities.

Somehow, in the gender discrimination a woman is usually treated less well than a man while the equality between men and women is one of the cornerstones of the United Nations as indicated in the preamble of the UN Charter where has been confirmed “equality of rights between women and men”. UN statistics shows that women are the most poor and illiterate persons of the world, their wages are significantly less than men’s wages or they often work for free (Iraqi and Ranjbariyan, 2012).

Another type of discrimination is the religious one in which a person is deprived of his/her rights because of a specific religion or religious beliefs he/she has. The International human rights prohibits the discrimination due to the religious beliefs. As stated in the fundamental human rights, people should be free to choice their divine or philosophical beliefs and to reveal them until their religious practices do not exceed the fundamental rights of the others (Iraqi and Ranjbariyan, 2012).

Another factor of discrimination can be the age. Employers prefer young people for the lower wages they pay them and they discriminate among adults and young people for doing the equal work. Moreover, because these workers are not married they are even ready to work below the minimum wage.

3.2. Non-compliance with minimum wage

Workers are facing with the employer for their wages while they have to meet markets for their living costs. So, if the worker is limited to the mutual agreement with employer for determining the amount of wages, the result of such an agreement would not be justly. The government intervention in this mutual relationship is essential in order to protect worker against economic fluctuations as well as other factors which can threaten the worker’s wage. By determining the minimum wage level, the government can increase the purchasing power of workers or at least it can keep it fix and provide the basic needs of workers and their families without paying attention

to their skill level (Vatankhah, 2004).

One of the most important issues that requires urgent attention is to determine the minimum wage for workers. In many countries, for the reasons like need to work or lack of jobs, the workers were being exploited by earning less than minimum wage which was not sufficient to meet their needs. The idea of minimum wage determination was introduced for the first time in Australia and New Zealand and at the beginning of 20th century, some European governments have considered a minimum wage for some groups like agricultural and mine workers. In Canada and in America, the minimum wages were also assigned for women and children workers but the Latin America countries were the first countries which have enacted several laws for determining the minimum wage. The best examples is referred to Mexico where the Constitution of 1917 explicitly contains the issue of minimum wage determination and it is stated that a minimum wage the workers earn must be sufficient due to circumstances of each region, to enable every worker to satisfy his/her basic needs, education and his/her reasonable desires as a head of the family (Iraq and Ranjbariyan, 2012).

International Labor Organization has always focused on providing the sufficient appropriate wages for workers as explained in the preamble of the International Labor Organization Constitution “ensuring wages which provides a good life” or the necessity of providing a minimum wage which should enable living, approved in the Declaration of Philadelphia. After a series of studies by International Labor Office in the session of 1928, the International Labor Organization approved Conventions No. 26 and Recommendation No. 30 on methods of determining the minimum wage (Iraqi, 1988).

3.2.1. Reference for determining the minimum wage

Determining the minimum wage is also one of the issues in Iran’s labor law to which the lawmakers have always paid attention. In the previous labor laws, the task of determining the minimum wage had been given to a commission composed of the governments’ representatives, employers and workers. However, Article 6 of the Regulations enacted on 5 March 1969 had allowed the workshops employers and workers to contract through Collective bargaining contracts in order to determine the minimum wages for every worker of related workshop; but

the new minimum wage should not be less than the determined minimum wage. It is indicated in Article 41 of the 1990 Labor Law: “The Supreme Council is yearly warrantor to determine the amount of minimum wages of workers for different areas and industries of the country based on the following criteria:

- 1- The workers’ minimum wages with respect to inflation rate announced by the Central Bank of Islamic Republic of Iran.
- 2- Minimum wage should be sufficient to satisfy the family life, regardless of the physical or mental characteristics of workers or the features of given work. Note that in this Article, the employers are required to not to pay any worker less than the new determined minimum wage for work done in legally determined hours or in the case of violation, they should guarantee to pay the differentials of paid wages and the new minimum wage”.

3.2.2. Criteria for determining the minimum wage

Iran's Labor law, in Article 41, defines the criteria for determining yearly the minimum wage according to the inflation rate announced by the Central Bank. In other words, the minimum wage of previous year will be increased according to the inflation rate announced by the Central Bank. Unfortunately, there is some problems with this criterion: “First, the inflation rate is announced by the government-affiliated institute without the intervention of beneficiaries who are the workers. Secondly, the governments in order to show their efficiency, are trying to not to announce the real inflation rate. Thirdly, due to the announced inflation, determining the minimum wages is just for a period of one year”. While there may be a dramatic change in the first month inflation rate in comparison with second month of the same year which will be to the detriment of workers. It’s worth mentioning that even sometimes when the inflation rate is announced by the Central Bank, the government does not increase the minimum wages of workers. This unfortunate event has happened in 2013 when the government increased the minimum wages of workers 5% less than the inflation rate.

This is despite the fact that, according to the ILO Convention No. 131, some factors should be taken into consideration in determining the minimum wage such as the needs of workers and their families due to the general level of wages in countries, living costs of other social groups and also economic factors like the necessity of economic development, production rate and

achieving maximum employment. The minimum wage should be revised in the case of any change in abovementioned factors. Undoubtedly, the country's needs and its social/economic conditions should also be considered in the choice of different methods for determining the minimum wages and the chosen method should also be based on consensus and consultation with labor groups and employers. To ensure the appropriate implementation of this rules, The Convention also states that the implementation should be monitored by the representatives of workers and employers, and the other competent persons who are responsible for country's overall interests. The Public officials should also cooperate completely through labor inspection (Iraqi, 1988).

3.2.3. Illegal withdrawals of the workers' wages

Another issue in protecting the wages is the illegal withdrawals of workers' wages, means that if an employer withdraws the wages of a worker without the decree of law or court, he commits a crime. Article 45 of Iran's Labor Law recognize the cases in which the employer can withdraw the workers' wage as follows:

“The employer can get from the workers' wage if:

- a) When the law expressly permits.
- b) When the employer gives an advance money to workers
- c) Installments of loans that the employer gives workers according to the relevant regulations.
- d) If there is any overpaid due to the mistakes in calculation.
- e) If the organizational house is a rental property, the amount of rent should be determined by mutual consent.
- f) The payment that workers is obliged to pay in order to purchase the essential goods from the Consumption Cooperative Company of the same workshop”.

Note: While receiving loan mentioned in part C, the installments should be determined by the agreement of parties.

Protocol No. 95 of the International Labor Organization requires two points in its Article 8:

1. No withdrawals of wages shall be permitted except according to the national laws and a collective agreement or an arbitration ruling.
2. Workers must be informed of the conditions as well as the extent to which such withdrawals

are enforceable in the way known as appropriate by the competent authorities.

4. The legal resources of protecting the wages

Nowadays, according to the provisions of domestic law and following the ILO conventions, there is a wide variety of supports for the workers' income sources.

The Constitution and labor law are known as a legal resource of protecting wages in Iran's law as mentioned below under two headings.

4.1. Constitution

Paragraphs 9 and 14 of the Article III of the Islamic Republic of Iran's Constitution states: "Eliminating the inappropriate discrimination and offering the equitable opportunities for all in all material and spiritual areas", and also "supplying comprehensive rights for both women and men, providing the legal protection for all as well as the legal equality of all", all these are known among the goals and tasks of the government. In the 3rd chapter of the Constitution which begins with "rights of nation", in the 19th and 20th principles, thenon-discriminationis emphasized more clearly. The 19th principle provides: "Iranian have equal rights, regardless of the ethnic group or tribe to which they belong; color, race, language and etc. cannot be the advantage". The 20th principle particularly prohibits the gender discrimination: "all Iranian both men and women are equal in law protection and they have all the human rights including political, economic, social and cultural rights in conformity with the Islamic criteria". In these principles, the non-discrimination is clearly accepted in all areas. Finally, the 28th principle of Constitution states: "... The government is obliged to provideequal conditions for the employment of all individuals by observing the needs of society for the various occupations" (Ghorbanian, 2005).

4.2. Labor Law

Article 37 of the labor law indicates: "wage must be paid at the regular intervals on the business days or during the business hours, in common cash or by cheque due to the mutual consent".

Article 38: "For the equal work done in equal conditions in a workshop, the equal wages must be paid for both women and men. In determining the amount of wage, all kind of discrimination on the basis of age, sex, race or ethnicity, religious and political beliefs are prohibited".

Article 41: "The Supreme Council must determine the minimum wage of workers for different

areas and industries of the country ...”

5. Constituent elements of the crime of discrimination in the payment of wages

This crime, like any other crime, consists of three legal, material and spiritual pillars as will be investigated below:

The legal element of crime of discrimination in the wage payment for equal work includes Article 38 of the labor law, which explains: “For equal work done under equal conditions in a workshop, equal wage should be paid to both men and women. In determining the amount of wage, the discrimination on the basis of age, sex, race or ethnicity, religious and political beliefs is prohibited”.

The material pillar of crime of discrimination in the wage payment, like any other crime, has typical and objective aspects. The criminal behavior of crime of discrimination in equal payment for equal work is a positive act of employer done by him/her or on his/her order. Therefore, the employer pays different wages to the workers who are working at the same time for the equal work in his workshop. Employers discriminate among their workers through paying attention to the factors like age, sex, race, ethnicity or political and religious beliefs.

Discriminating among people on the basis of these factors is a crime against the individuals' fundamental rights; because the equality of all human beings is also considered as one of their fundamental rights (Zeraat, 2012).

The mentioned crime, "Discrimination in payment for equal work", includes the workers who work at the same time in a particular geographical location called workshop on the order of their employer. But, in wage payment the employer discriminate against them according to some factors and the workers' wages vary on the basis of discriminations imposed by him.

Discrimination in wage payment is among the crimes in realization of which criminal objects are ineffective. Means there is no need for employer to use any objects for committing this crime. However, using some objects can be considered as aggravating factors of crime or can even constitute a new crime -for instance, an employer threatens a worker with a knife that if he/she

tell anyone about the amount of her/his wages, he will be fired from his/her job-.

In addition, the time and place have a great importance in the realization of mentioned crime and its penalties as stipulated in Article 38 by the word "equal conditions". It means between two workers who are equal in every respect including the type of work, work time (day time or night shift, working hours), but there is discrimination against them in payment of wages. So, if a worker works at night, it is natural his/her wages would be more than a day-time worker's wages, and in this case there will be no discrimination. There is discrimination when both workers work at night, but one of them earns more wages due to the abovementioned factors and the other worker who earns less wages is the victim of crime.

The workplace is also of great importance as mentioned after the word "equal conditions" in law by the word "in a workshop". So, for the realization of this crime and its punishment, the workers must work in a same geographical environment called workshop. According to this regulation, if we suppose an employer has a Road Construction Company and he has workers to work in different geographical environments relying on the type of project he is responsible for, the different geographical factor cannot be considered as a discrimination factor in different wage payment. For example, if the same employer has two projects, one in Tehran (Capital of Iran) and other one in Khuzestan (one of the hot provinces of Iran), the climate conditions require different amount of wages, which would not be considered as discrimination.

About the character of parties, it should be noted: Firstly, in this crime, the criminal is employer and the worker is the victim of crime, secondly, the punishments prescribed in Article 173 are for those who are included in the provisions of labor law, thirdly, the gender and nationality of criminal and victim have no effect on crime. So, the employers can be from a foreign nationality and the workers of local nationality and vice versa or also the employer might be a woman and the worker a man, and vice versa. Because the lawmaker does not bind the words "men and women" to any other thing and he/she uses them as absolutes. Fourth, the criminal can be a real or legal person.

The crime of discrimination in wage payment for the equal work is one of the limited crimes and

its realization depends on its result. In other words, the employer must pay attention to the factors like age, gender, ethnicity, race, religion and political beliefs in different payment of wages for the equal work. Therefore, the realization of this crime depends on the unequal payment of wages based on the aforementioned factors.

Crime of discrimination in the payment of wages for equal work is also classified as intentional crimes in which the mental or spiritual factors (mental interplay of a criminal) like his awareness or consciousness are important for committing the crime.

The intent that is also the main origin of criminal responsibility, is another factor lack of which prevents the criminal from committing the crime. Therefore, the general malicious intent in above-mentioned crime, means the conscious will of a criminal to discriminate the equal payment of wages for equal work while the specific malicious intent is a result of discriminating in workers' wages based on factors like age, gender, religion or political beliefs what makes the discrimination realize.

6. Discrimination in wage payment for equal work

Pursuant to Article 174 of the Labor Law:" For Violation of any of the following rules mentioned in Article 38 (discrimination in wage payment for equal work) and 45 (illegal withdrawals of wages), in addition to the elimination of violation or the payment of workers' rights or both by the deadline determined by Court relying on opinions of Representative of the Ministry of Labor and Social Affairs, violators will be sentenced to the following order for any case of violation per worker:

- 1- For up to 10 people, 20 to 50 times of the minimum daily wage of a worker.
- 2- For up to 100 people compared to 10 surpluses persons, 5 to 10 times of the minimum daily wage of a worker.
- 3- For more than 100 people compared to 100 surpluses, 2 to 5 times of the minimum daily wage of a worker.

6.1. Equality of men and women rights

The first part of Article 38 refers to the equality of men and women and considers it obligatory. But, in the second part, the discrimination based on other factors like age, race, ethnicity or

political and religious beliefs is also prohibited. It can be inferred from the Article that the discrimination is restricted to these six mentioned cases, but actually, it is not reasonable; because the equality is one of the instances of human rights which requires that all human beings are equal in rights and they are not different from each other (Zeraat, 2012).

6.2. Equal conditions

The "equal conditions" which comes in the first part of the Article also binds with its second part. Therefore, working conditions should also be equal in the discrimination based on race or ethnicity, age and beliefs. If a man works at night and a teenager prohibited from working at night, does the same work on day, the discrimination in wages would neither be based on age nor their working conditions are equal.

7. Pillars of the crime of illegal withdrawals of worker's wages

The crime of illegal withdrawals of worker's wages, like any other crime, consist of three factors as will be examined below:

The legal pillar of this crime is Article 45 of the Labor law. This Article, in six cases, lets the employer withdraw worker's wages, the amount of which is decreed by lawmaker. Except these six cases, any other withdrawals of workers' wages by employer is prohibited and the law considers it as a crime and defines its executive guarantee in Article 174.

8.1. Analysis of Article 45 of Iran's Labor Law

8.1.1. Withdrawals of wages pursuant to the law affirmation

This is the case in the regulations of Article 36 of the Social Security Act where the lawmaker has ordered the employer to deduct his/her insurance premiums and worker's from the worker's wages and to deposit it into the account of Social Security Organization. If the law or a decree is issued by the legal authorities for deducting the workers' wages, employer has to do it. In this case, the conditions mentioned in Article 96 of the Civil Law Enforcement approved in 1977 should be considered, which requires: "one fourth or third of the rights and benefits of the Employees of Public organizations or government-related institutions, state-owned enterprises, municipalities, banks, private companies and firms, etc. in the case of having wife and children,

must be seized". The legislator protects worker so that the payment of his/her debts from wage place does not hurt his/her normal life (Zeraat, 2012).

7.1.2. Withdrawals for employer support to worker

The legislator in segment B of Article 45 of Labor Law clearly mentions that "all the advance money the employer gives to workers" includes all of his/her contributions. In other words, if an employer, as an employer or based on personal relationship, has paid some amount to workers, she/he can withdraw the paid amount from the workers' wages. This can be deduced of abovementioned rule; but according to use of words "employer" and "worker", it seems this rule includes the advances offered to worker after the employment contract.

8.1.3. Leasehold Corporate Houses

One of the duties defined by the Labor Law, for which the employer is responsible, is to provide welfare services for workers according to Article 149 of the labor law including construction of corporate houses in the vicinity of workshop or other suitable location. After lodging, the worker can pay the leasehold in cash to employer or the employer can himself deduct leasehold from his worker's wages. If in the contract, the worker is charged with paying leasehold in cash to employer but he/she fails to comply with it or to pay it on the payment deadline, the employer can withdraw the amount of leasehold from his/her worker's wages.

About the material pillar of this crime, it can be said this crime realizes **through** withdrawing from the worker's wages, which is in the form of a positive act. Withdrawals of the worker's wages can be done only if his/her wages be paid to the worker's account and then are withdrawn of his/her account. This conventional method doesn't mean that the physical behavior of this crime is not realizable in another way. The employer may deduct some amount from the worker's wages for the money borrowed by worker and then deposit lesser amount to his/her account; this is also an instance of illegal withdrawals of worker's wages, as a result, the physical behavior of crime can be realized in the type of criminal act or omission (Zeraat, 2012).

Withdrawals of worker's wages occur, in many cases, after depositing wages to the worker's account, but it means that the physical behavior is not the only way to commit the crime. Thus, if

an employer, on the basis of workshop conventions or the agreement with worker, manually pays the wages, the non-payment of wages in a legal value indicates the criminal act. The subject of this crime is "illegal withdrawals of worker's wages by employer". Many employers due to their financial problems are obliged to delay the payment of their workers' wages. Or, they pay some parts of amounts and postpone the remained for the future, which is not an instance of Article 45. Because, the "illegal withdrawals of workers' wages" can be used only if the employer intends to permanently deprive workers from their wages (Zeraat, 2012).

The realization of this crime doesn't require any particular object. However, if the employer's acts include any other criminal act like malversation, fraud or theft, other general rules governing must be also taken into consideration. For instance, the worker might give a blank signed paper to the employer who can misuse it by writing something in order to let him withdraw from the worker's account to his favor. In this case, the criminal object is the use of blank signed cheque.

In the realization of crime of illegal withdrawals of wages and its prescribed penalties in Article 174, the time is of great importance. Because, the withdrawal act should be done when there is an employment contract between employer and worker. In other words, if the withdrawal act takes place when there is no labor relationship between them, in this case, it should be referred to the general rules of offenses and punishments of Islamic Penal Code.

The place of this crime has no effect on punishments, thus, the employer can everywhere withdraw from the wages of his/her worker.

This crime is a pent crime. Means that in practice, some amount must be deducted from the worker's wage. If the employer proceeds to withdraw from worker's wages but in practice there is no deduction in wages, the crime cannot be realized. As if the workshop finance forgets to deduct the wages of workers, and pay them completely (Zeraat, 2012).

The spiritual pillar of this crime intends to permanently seize the worker's wages and to deprive him/her from his/her wages, so, the employer needs to know that his/her act is illegal and makes the worker deprive from his/her own wages.

9. Conclusion

As mentioned, the wages of workers as well as their protection are essential in any society; if there be no protection of workers' wages in communities, there will come a time of chaos or even bloody revolution. That is why, in many countries or even in all countries, too much attention is paid to this issue.

In Iran's legal system, there is no clear reference to the wages of workers and their protection in the Constitution, though it is mentioned in the Labor Law such as payment of wages in Article 37 of the labor law, elimination of discrimination in labor in Article 38 or reference for determining the minimum wages of workers in Article 41. To ensure the mentioned cases, the executive guarantee is also determined by the legislator in Article 174 of this law, as explained in this research.

Protection of workers' wages is also considered as one of the important issues in the International documents as follows: Universal Declaration of Human Rights, United Nations Covenant on Economic, Social and Cultural Rights in 1966, International Convention on the Elimination of All Forms of Racial Discrimination enacted on 21 December 1965, International Labor Organization Convention No. 95 on the protection of Wages in 1949 and also the International Labor Organization Convention No. 100 on equal payment for equal work in 1951. The main objections to these documents are their executive guarantee so that there is no clear applicable executive guarantee for violation of the mentioned rules in these documents.

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