**LABOR LAW PROGRAM**

**BACKGROUND**

The Afghan Labor Law, adopted in 2007, guarantees Afghan citizens the right to work and receive fair treatment, equitable pay, pensions, and health and safety in the work place. The new Labor Law, adopted by the Parliament and approved by the President in February 2007, explicitly provides broad provisions for the protection of workers as guaranteed by the Constitution. With respect to internationally-recognized labor principles, Afghanistan has ratified three of the eight Core Conventions related to core labor standards (Conventions 100, 105, and 111), and is currently assessing ratification of the Minimum Age Convention and the Worst Forms of Child Labor Convention.

Though laws in Afghanistan protect workers from discrimination and children from forced labor practices, the 2007 Afghan Labor Law and internationally-recognized labor standards are not well-known among Afghan citizens at the national or provincial levels. The Asia Foundation's program works with governmental and non-governmental organizations to strengthen understanding, implementation, and enforcement of the new Afghan Labor Law and internationally-recognized core labor standards within the Ministry of Labor, Social Affairs, Martyrs, and Disabled (MoLSAMD), workers, employers, their respective representatives, civil society, judges, and members of the judiciary.

**ASIA FOUNDATION PROGRAM**

Recognizing the need to build the capacity of labor officials and protect the rights of workers, in 2008 The Asia Foundation began collaboration with Afghan partners to strengthen the ability of MoLSAMD to improve enforcement and increase understanding and awareness of the new law as well as internationally-recognized core labor standards among members of the judiciary, workers, employers, and the general public.

In order to educate workers and employers on their rights, the Foundation conducted activities in five provinces - Balkh, Herat, Kabul, Kandahar, and Nangarhar. The Foundation worked with several partners, including the Afghanistan Chambers of Commerce and Industries (ACCI), the National Union of Afghanistan Employees (NUAE), the Ministry of Justice, the Ministry of Women's Affairs, the Afghan Supreme Court, the Independent Administrative Reform and Civil Service Commission, and civil society organizations such as Afghanistan Independent Human Rights Commission (AIHRC), the Civil Society and Human Rights Network (CSHRN), and the Afghan Civil Society Forum (ACSF).

**CONSULTATIVE GROUP**

The Ministry established a Labor Law Consultative Group (LLCG) in Kabul and in other provinces including Balkh, Herat, Kandahar, and Nangarhar. The LLCG is chaired by the MoLSAMD’s Deputy Minister and provides guidance and direction to labor law activities, and helps to ensure broad-based awareness and involvement of key Afghan governmental institutions in addressing labor issues. The group is comprised of MoLSAMD’s officials, as well as representatives of the Ministry of Justice and Ministry of Women's Affairs as well as of non-governmental organizations including the Afghanistan Chamber of Commerce and Industry.
Industries (ACCI), Afghan Civil Society Forum (ACSF), National Union of Afghanistan Employees (CCNUAE), and Civil Society and Human Rights Network (CSHRN). Other members include the International Labor Organization (ILO), Independent Human Rights Commission, and Civil Service Commission.

**TRAINING**

The Asia Foundation worked with the National Labor Institute of India (NLI) and MoLSAMD on the development of a labor law curriculum and training course to increase awareness of the Afghan Labor Law and internationally-recognized core labor standards. The Foundation organized consultations with MoLSAMD, the judiciary, and worker-employer-civil society organizations before the curriculum was finalized. The training curriculum contains topics such as international labor standards, child labor, contract workers, mediation, dispute resolution, collective bargaining, social security, and women and the labor law. The training curriculum has been used in training programs on the Afghan Labor Law and international labor standards in Kabul as well as the provinces of Balkh, Herat, Kandahar, and Nangarhar.

The National Labor Institute of India (NLI) in New Delhi, India, provided a two-week Training of Trainers (ToT) program on the Afghan Labor Law and international labor standards for 25 Afghan officials. NLI’s faculty as well as experts from ministries, trade unions, and employer organizations delivered the training courses. During the program, Afghan officials participated in field visits, including to an automobile factory employing a large number of workers, a labor tribunal where they witnessed the proceedings of the two cases of industrial disputes in the labor court, and to the Ministry of Labor and Employment, where they discussed labor related issues. After the NLI training, the participants became Master Trainers and now serve as the key resource persons and trainers at labor law training programs throughout Afghanistan.

**LABOR LAW AND INTERNATIONAL LABOR STANDARDS AWARENESS PROGRAMS**

The Foundation arranged training programs in five provinces for a total of 2,153 Afghans, including government officials, members of trade unions, employers, civil society members, and judges. The participants, 1,343 men and 810 women, included:

<table>
<thead>
<tr>
<th>No.</th>
<th>Province</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Kabul</td>
<td>377</td>
<td>285</td>
<td>662</td>
</tr>
<tr>
<td>2</td>
<td>Balkh</td>
<td>356</td>
<td>270</td>
<td>626</td>
</tr>
<tr>
<td>3</td>
<td>Herat</td>
<td>375</td>
<td>230</td>
<td>605</td>
</tr>
<tr>
<td>4</td>
<td>Kandahar</td>
<td>46</td>
<td>4</td>
<td>50</td>
</tr>
<tr>
<td>5</td>
<td>Nangarhar</td>
<td>189</td>
<td>21</td>
<td>210</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1,343</strong></td>
<td><strong>810</strong></td>
<td><strong>2,153</strong></td>
</tr>
</tbody>
</table>

The labor law training program has delivered training to the 34 directors of the MoLSAMD provincial offices, and the human resources and administration officials of other ministries as well as of civil society organizations.

**LABOR RIGHTS MATERIALS**

In cooperation with MoLSAMD, the Foundation worked to develop brochures and posters on critical topics such as elimination of discrimination against women workers, elimination of child labor, collective bargaining, occupational safety, and treatment of work-related diseases and injuries. Governmental and non-governmental organizations distributed 58,000 posters and brochures in all 34 provinces of Afghanistan.

**EVALUATIONS**

At the request of the MoLSAMD, technical experts evaluated the Afghan Labor Law in comparison to internationally-recognized core labor standards and drafted recommendations for improvement. The technical expert also evaluated the labor law inspection and dispute resolution systems, in order to present recommendations to the Ministry.

**GENDER**

Women workers are among the most marginalized and discriminated labor-related groups in Afghanistan. The Foundation’s cooperation with the MoLSAMD has focused on key issues facing women in Afghanistan, including the payment of equal wages to women workers and equal opportunities to women in employment. Particular attention was given to development of effective linkages between the MoLSAMD and the Ministry of Women’s Affairs and other ministries in order to encourage joint action by the government to mainstream gender issues in policy discussions about women workers. MoLSAMD has now been introduced to gender budgeting, and now has stronger linkages with gender units of other ministries.