

Identify the challenges arising from the labor law of the Islamic Republic of Iran to maintain and development of job opportunities (Delphi approach)

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ABSTRACT

Objective: The present study aims to discover the obstacles that the terms of the Labor Law of the Islamic Republic of Iran have created in creating job opportunities in Iran's small economic enterprises. The present article aims to discover the drawbacks of the labor law that positively affect the creation and revival of employment for applicants in small economic enterprises (SMEs). This study in terms of the purpose is an applied-developmental study and in terms of method, The Delphi technique is used.

Method: In this research, to design a model, a qualitative research of the traditional Delphi method from the perspective of the purpose of an applied research using the mixed method, which includes both qualitative methods? In this study, data collection was conducted by interviewing 30 experts with At least 10 years of work experience with bachelor's, master's, and doctoral degrees related to labor law and labor relations from the public and private sectors that the selection of experts was done by snowball method and by using Delphi technique and focal group, the experts have expressed their views about Challenges and consequences of the Labor Law of the Islamic Republic.

Findings: The results of study showed that the effective components of the terms of the labor law of the Islamic Republic of Iran and bylaws and circulars are in line with the lack of support for the creation and development of job opportunities in small economic enterprises.

Conclusion: The findings of this study indicate that in order to remove obstacles, appropriate policies should be implemented to amend the labor law of the Islamic Republic of Iran in order to support the creation and development of job opportunities, which can be considered as a kind of exploratory action.

Keywords: Labor Law of IRI Country, Small Economic Enterprises, Job Opportunity, Delphi Method, Snowball Method, Job Opportunity

1. Introduction

One of the concerns of Iranian rulers, policymakers and planners is the issue of "employment" and "job opportunities". "Unemployment rate of 4.8% in 2010 and 7% in 2016, as well as achieving full employment in 2026, It has encouraged governments to provide necessary fields for the balance of the country's labor market by

collecting an appropriate strategy (Nobakht, Mohammad Baqer 2009). The results of the labor force survey plan in 2019 show that the unemployment rate of people 10 years and older shows 12% From the population (employed and unemployed) were active. The study of the trend of changes in the unemployment rate shows that this index has increased by 1% compared to 2018. (Statistics Center 2019). Small economic enterprises play a significant role in creating jobs and reducing unemployment rate. Considering that human resources are among the intangible assets and an effective source in the competitive advantage of small enterprises, the labor law and circulars and bylaws increase the cost of exchanging human resources for small enterprises and this law in implementation, No distinction has been made between small and large enterprises, and this in itself has been a deterrent to the creation of small enterprises (entrepreneurship) or caused minimal use of manpower. According to the results of the General Census of Population and Housing, the unemployment rate in 1986 decreased by about 2.14% and in 1991 and 1996 decreased to 3.11% and 8.9% respectively. But in the period (1996-2007) with an increase of 67.3 percent reached to 75.12 percent in 2007. (Statistics Center of Iran, 2006)

Evidences from the literature to justify the problem

The three main pillars in the field of labor relations are the employer-employee-labor, which studies have focused more on the category of the rights of the employee or employer. Other studies in various forms have been about the differences between workers and employers, which has mostly tried to bring the level of expectations of workers and employers closer and sometimes to manage their difficulties. However by no means, no studies and researches have been conducted on the impact of the Islamic Republic of Iran and the bylaws and circulars on employment and job opportunities. On the other hand, these studies have been conducted in general and didn't consider any differences between small and large enterprises. "The results of the labor force statistics plan in the spring of 2010 show that the unemployment rate in the whole country has reached an unprecedented figure 6.14 percent. Also, according to the announced results, the youth unemployment rate in the age group (15-24) for the whole country is 6.29 percent, 3.24 percent for men, 5.46 percent for women and 8.35 percent in urban areas and 2.18 percent in rural areas." (Statistics Center of Iran, Spring 2010) From 2010 to 2019, governments have sought to create jobs by implementing various programs, but unfortunately have not been such successful to reach un-employment rate to one-figure. So that "also the study of the incomplete employment share shows that in 2019, 8.10% of the employed population due to (non-working season, recession, finding work with more hours, etc.) less than 44 hours per week They have worked and are ready to do extra work, while 3.38% of employees aged 10 and over have worked 49 hours more per week." (Statistics Center of Iran 2019). One of the biggest challenges in Iran is the problem of unemployment and the highest demand in various segments of society, especially young people, is "employment" or "work". Unemployment rate and job security have been one of the concerns of officials of the Islamic Republic of Iran. One of the continuous goals of governments is to create appropriate condition for attracting domestic and foreign capital to create and develop job opportunities. Since more than 3 decades have passed from the implementation of labor law, this article seeks to explore the Category of non-difference between small and large enterprises in the inclusion of implementation of labor law in labor relations and its impact on "employment" and "job opportunities" at the level of small economic enterprises and also the effect of this law on attracting investment (entrepreneurship) in small economic enterprises and creating job opportunities. The current labor law, in order to help the labor force, forecasts multiple payments that increase the cost of using the labor force. (Mahdavi, Abolghasem et al. 2011). When negotiating with employers, workers, and entrepreneurs in small enterprises environments as co-researchers, their attitudes and perceptions of job opportunities will be better understood and researchers will be able to identify effective variable on decreasing employment at the level of small economic enterprises and un-stability of jobs by employment temporary contracts from the perspective of labor law and clarify the business environment in the field of labor relations for workers, employers, government managers and the private sector, lawyers in this field and in order to create and revive jobs in small economic enterprises, have recognized the challenges of labor law for policy makers and planners to take action to adopt labor law reform policies.

Theoretical background of the research

Today, in the thinking of business planners and policy makers, the quantitative and qualitative performance of human resources and the development of small economic enterprises are important in creating job opportunities. One of the most important goals of International Labor Organization is upgrading job opportunities for women and men in order to achieving honorable job. (International Labor Organization 1994) Most traditional politicians and economists still claim that their specific policies will revive full-time employment in the long run. This thinking is idealistic and full-time employment will never occur (Robertson, James 2000). Joint planning of Iranian industrial companies in cooperation with the UNIDO representative office in Iran in the pathology of small enterprises and

case studies by various universities in the country and some government organizations such as the Industrial Development and Renovation Organization of Iran and the Presidential Office. Part of the reviews conducted by Iranian researchers in the country widely (Samaghi and Shafiei 2008). In a study conducted at the Center of Modern Asian Studies in Geneva, Switzerland, Dr. Philip Riggs described the role of small and medium-sized industries in the economies of newly industrialized countries to this description. Taiwan (97%) Hong Kong (98%) South Korea (98%) Singapore (81%). (Small Industries Organization 2001) The World Bank has made three recommendations to the regional countries to overcome the growing problems of unemployment; to reform labor market laws, to encourage the private sector and implement optimal management of oil resources. (Dabbagh, Rahim 2006)

Experimental background of the research

Various researches have been done regarding labor law of the Islamic Republic of Iran, which has been more regarding the "labor relations" in the whole level of economic enterprises and less regarding the subject of labor law, bylaws and circulars on "job opportunities". In the experimental background of the research, a Number of conducted researches can be seen. As can be seen in this table, researchers have generally dealt with the impact of labor law at the level of all economic enterprises and have not distinguished between small and large enterprises. Intended researches generally paid attention on the problems and shortcomings of the law. In this study, the key factors of the Labor Law of the Islamic Republic of Iran, bylaws and circulars that have a deterrent role to create and revive job opportunities at the level of small economic enterprises and also the reluctance of enterprises and entrepreneurs to set up or develop their own business. This research seeks to provide a direct model to explain all the effective factors arising from the labor law to create and develop job opportunities in small economic enterprises. The gap in the conducted research is the lack of attention to the impact of this law on "employment" and "job instability". In this research, a model is presented that the rules and regulations of labor in small enterprises apart from large enterprises would be coordinated. On the other hand, due to the fact that the amount of investment to create a job in small economic enterprises is much lower than large enterprises. Therefore, labor law reform policies will increase the willingness of entrepreneurs to invest. The studies context of this research is the removal of barriers of labor law, bylaws and circulars governing on labor relations in Iranian small economic enterprises to create and revive "employment", "job opportunities" and "job stability" that in this field of research was not found in Iran. Mohammad Baqher Nobakht (2010) in an applied-development article entitled "The role of labor law and labor relations in Iran" and with using questionnaire and field methods has collected data such as "strictness index" and "protection laws" From employment ". The results show that the level of strictness of the labor law in 1990 is twice the level of the old labor law in 1959. Also, the results of a survey of workers and employers indicate that there is meaningful difference between the views of these two groups regarding the impact of labor law on the market and labor relations, which shows that the labor law has not been able to properly regulate labor relations and provide satisfaction to employees and employers. He states that any purposeful change and amendment to the labor law will require a change in attitudes towards the relationships and the condition of interests of workers and employers. In a research study in 2009 entitled "Chapter on Labor and Labor Law", the Parliamentary Research Center studied the labor law in Iran and has concluded that the productive wealth of a country is considered physical capital, that the role of human resources in the development process is the essential element. Nasiri Aghdam and Elias Naderan (2009) in the article "finance supply transaction cost of manufacturing enterprises" show that transaction cost are organized in a discriminatory manner through a structure that allows transaction occurs at the lowest cost. Mehdi Mozaffari (2003) in an article entitled "Designing the adaptation of the labor law of the Islamic Republic of Iran to increase the entrepreneurial tendency of the private sector" has concluded that the laws governing on the Iranian labor market are such inflexible that employers and entrepreneurs turn away from investing. Henroxon and Stenkola (2010) have studied the impact of government policies on entrepreneurship and employment. In their research, they identified 11 areas of public policy, such as the social security system and intellectual property right that have a significant impact on entrepreneurship and employment. In the following, they have studied the importance of factors including barriers to entry and growth, labor market laws, liquidity constraints, research and development, bankruptcy laws, and tax policy in starting a new business. In the end, they acknowledge that government policies should be considered and analyzed separately according to the different characteristics of each country. Mir Eschenberger (2010) in his article has studied the impact of labor law on economic growth in different countries. In his study, he mentions facilitating, protection and empowerment as the three main roles of labor law that can lead to the promotion of entrepreneurship. In this study, the purpose of smoothing is to remove cumbersome laws from the feet of entrepreneurs and to collect facilitative laws, and the purpose of protection is to formulate laws such as registration and intellectual property right that protect entrepreneurs against external variables. Empowerment also refers to the rules that encourage and empower the entrepreneur to start a business in various fields. In the following, based on risk theory, it provides a comprehensive framework for formulating laws in order to facilitate

entrepreneurship. Abraham (1997) compares labor law in the two developed countries of the United States and Canada and studied their impact on the function of American companies operating in Canada. Contrary to popular belief, he pointed out that there is a significant difference between the labor laws of the two countries in at least seven fields (including: certification, initial contracts, new technologies, strike replacements, succession, employee participation and union security). The results of this study indicate that these differences have a significant impact on employment, so that managers of American companies to achieve success in Canada must pay special attention to all these differences. In his study, Lazier (1990) studied the relationship between laws related to job security supply by government and employment level in these countries with collecting data on 22 developed countries over a period of 29 years (between 1956 and 1984). The variables used in this research include the severance pay, labor force, employment, population, average working hours and GDP, which based on them, statistical model has been developed. The results of study show that the severance pay has a significant effect on the labor market so that the payment requirement of severance pay to employees (increasing the severance pay from zero to three months) causes a decrease of the employment to population ratio by one percent. Related theories, however, assume no relationship between severance pay and the unemployment rate. On the other hand, the model output in this study shows that severance pay causes full-time jobs convert to part-time jobs, so that increasing severance pay in the United States causes 9 million full-time jobs convert to part-time jobs.

Research methodology

In the present study, the traditional Delphi method has been used in three rounds. Delphi is a useful communication tool among a group of experts that facilitates group judgment achievement. In fact, Delphi is a practical and scientific tool in reaching consensus. In other words, the Delphi method has been developed to facilitate discussion among experts that minimizes special social interactive behaviors that usually occur during group discussions and brainstorming and prevent formation of idea (Wizma, 2002; Calabura, Mora and Moya, 2019). Since the purpose of this study is to identify the challenges of the Labor Law of the Islamic Republic in supporting for the creation and development of job opportunities and there is limited and scattered information on this issue, it is very important to reach a consensus and group decision with high credit that This can be achieved with the help of Delphi technique. The anonymity of the participants, the repetition of the rounds and the reporting of Feedback in the Delphi method allow the panel members to modify their views based on the feedback information and develop new ones without being influenced by the views of others. This method also ensures that each participant has an equal chance to present their point of view (Calabura, et al., 2019).

Findings analysis

After the perform of open coding of the interviews and the extraction of the codes, the concepts related to each of the codes were created. These concepts are at an abstract level of the codes. To perform selective coding, the extracted concepts were put together and based on the commonalities, the suspicions with semantic overlap, the subcategories were extracted around the axis of the axial phenomenon.

Panel members and consensus:

As Lauv (2002) has stated, the planning and implementation of the Delphi approach requires great care and the panel of experts is the basis of this method. The main task of the panel is to judge and present opinions based on the obtained information. Repetition of rounds, interaction, and integration cause shaping the ideas and opinions of panel members. People who become members in the Delphi panel will not be random. Although there is no consensus on the optimal number of panel members, most researchers believe that there should be more than seven of them, which in this study consisted of 16 panel members. For increasing motivation of panel members to participate in the research, they need to be given information about the purpose of the research, the steps to be taken, the number of questionnaire cycles and the time required to complete the questionnaire. In this study, the second quarter (IQR) interval has been used to complete the Delphi implementation periods. So that the amount of one and less than one of this index indicates a high consensus among Delphi panel members (Addison, 2003). Therefore, if the amount of this coefficient is equal to or less than 1, the repetition of the Delphi questionnaire is stopped and the results are considered final (Heiko, 2012). In addition, the average score of each challenge must be higher than 4 to be identified as an important challenge. (Raynes, 2000)

Delphi method performance process:

the steps of Delphi method in the present study were in accordance with the following process:

Determine panel members

sampling in the present study has been done purposefully. Since the purpose of this study is to identify the weaknesses and challenges of the Labor Law of the Islamic Republic of Iran in supporting for the creation and development of job opportunities, 16 panel members, including 6 experts and experts in small enterprises with

appropriate experiences in relation to the labor law, 5 managers and entrepreneurs of small enterprises in Tehran province and 5 owners of private and semi-public sector enterprises in small industries. The purpose of selecting the above individuals was to study a balanced sample of different perspectives and opinions so that there will occur the least homogeneity and convergence between the opinions and ideas of members (Spickermann et al., 2014) It is worth noting that all panel members participated in all three Delphi rounds. Summary of the characteristics of panel members is brought in the following table.

Education	sex	experience	profession	category	rank
Masters	female	20	Masters Labor office	small enterprises with and Expert appropriate experience in labor law	1
Bachelor	female	25	Masters Social Security		2
Doctorate	male	15	Chairman of Depute resolution board		3
Masters	male	14	Head of Inspection of the Ministry of Labor		4
Masters	male	20	Director of Labor Relations		5
Doctorate	male	20	International Relations of the Ministry of Labor		6
Bachelor	male	15	Finance and Administration Manager	Manager and entrepreneur of small enterprises in Tehran province	7
Doctorate	male	20	Entrepreneur and CEO		8
Masters	female	25	Entrepreneur		9
Bachelor	male	20	Human Resources Manager		10
Doctorate	male	20	Entrepreneur		11
Bachelor	male	15	owner	Owner of small and semi-public sector enterprises of small industries	12
Bachelor	male	15	owner		13
Bachelor	female	20	owner		14
Bachelor	male	25	owner		15
Masters	male	30	owner		16

First round of the questionnaire (qualitative)

After a careful study of the labor law of the Islamic Republic of Iran, the five main areas that the labor law affects in relation to the creation and development of job opportunities were identified, which are as follows: (1) starting new businesses (entrepreneurship), (2) maintaining existing jobs, (3) dissolution of enterprises, (4) Cooperating and participating enterprises, and (5) women employment. At the beginning of the questionnaire, an explanation of the purpose of the research, the necessary instructions for completing the questionnaire to resolve the ambiguity about the questions and the contact number of the researcher in order to obtain more information by members were placed. In the second part of the questionnaire, questions were placed about members' demographic information, and at the end, the main questions included five questions about each of the above-mentioned areas and also one question about announcing new areas in relation with the challenges and weaknesses of labor law in creating and developing job opportunities. (Except for the five areas). Then, a questionnaire was sent to 3 members to identify and eliminate possible shortcomings in the questionnaire. The wording of two questions was changed based on the comments of the members. In the next step, the questionnaires were sent on paper to all members of the panel and they were asked to complete it carefully. Data collection in this period lasted two months (November and December 2019). It is worth noting that the panel members did not suggest any new areas in which labor law could be weak in relation to the creation and development of job opportunities in any of them. After collecting the participants' answers to the open-ended questions, in order to combine the similar answers and extract the challenges, all the answers were read line by line carefully and were coded manually. For this purpose, inductive coding approach was used in which challenges (comprehensive codes) are obtained from a combination of related and similar codes (Van Braille, 2018). Finally, using axial coding, 30 challenges out of 275 unique codes were obtained. To ensure the reliability of the coding process, the coding results of each member were sent to the self-individual and they were asked to rate their satisfaction with the results in the range of 1 (completely dissatisfied) to 10 (completely satisfied). The average of all of them were above 8.5, indicating that the results reflected the views of panel members very well.

Second round of questionnaire (quantitative)

After analyzing the content of all the first round questionnaires, a questionnaire with closed questions including 5 effective areas and 30 challenges (launching new businesses 8 challenges; maintaining existing jobs 13 challenges; dissolution of enterprises 3 challenges; cooperation and participation of enterprises 3 challenges and Women's Employment 3 Challenges). The panel of experts was then asked to rate the impact of each labor law challenges on

job creation and development using a 5-point Likert scale. This scale provided a tool for the panel of experts to specify the numerical value of the impact of each of the challenges on each other from amount of one (very small) to five (very high). At this stage, the questionnaires were analyzed using SPSS software and using the average, median, standard deviation and the second quarter interval (IQR), the impact and consensus of experts in each item were measured. During this period, 15 challenges that had an average of less than 4 and the interval of the second quarter were equal to and less than one, meaning that in their low impact, there was a consensus among panel members that they were left out from continuation of research and also, 7 challenges with an average more than 4 and the interval of second quarter were less than one were considered as challenges with high impact on developing job opportunities that panel members agreed on their high impact, were identified, and did not enter the next round of questionnaire.

Third round of questionnaire (quantitative)

In this round, a questionnaire was designed and sent to the panel members, using items that in the previous round had a second quarter interval of more than one, indicating no consensus of experts. In this round, in order to provide feedback to panel members, next to each item, the score of the second round of the scoring person, as well as the average, median and standard deviation of the opinions of all experts were entered and members were asked to review their scores based on these indicators. Then the completed questionnaires were analyzed. In this round, second quarter interval of all of the remaining items were less than one, indicating the consensus of the panel members and the completion of the Delphi rounds. Also, 4 challenges with an average of less than 4 were eliminated.

Participation and cooperation

Women's employment

Third round			Second round			Challenge	Area
IQR	Standard deviation	Average	IQR	Standard deviation	Average		
-	-	-	0.00	0.651	4.31	Unusual interference in the business management system	Starting a new business
-	-	-	0.00	1.004	3.78	Creating a heavy responsibility on the shoulders of entrepreneurs	
0.00	0.421	4.08	1	1.200	4.01	Increase investment transaction costs	
-	-	-	1	1.228	3.78	Deprivation of management tools to regulate labor relations of entrepreneurship	
-	-	-	0.00	1.004	3.78	Motivated by entrepreneurs	
-	-	-	0.00	0.928	3.84	Minimal use of manpower	
1	0.501	4.28	2	1.205	4.01	Create a barrier for entrepreneurship by trade unions	
1	0.912	3.7	2	0.947	3.78	Lack of attention to the economic capacity of entrepreneurship	Developing enterprises and maintaining job opportunities
-	-	-	1	0.676	4.08	Same thinking towards small, medium and large workshops	
-	-	-	1	0.983	3.76	Employing and firing them Strong support for workers in cases	
-	-	-	1	1.011	3.76	Necessitate job classification	
-	-	-	1	0.725	4.21	Labor law requirements for the transfer of workers	
1	0.608	3.01	2	0.808	3.27	Existing crimes and punishments	
-	-	-	1	0.73	3.19	Strong support of workers' dispute resolution boards	
-	-	-	1	0.875	3.11	Terms of contract termination	
-	-	-	1	0.962	3.73	Strict inspections of enterprises	
-	-	-	0.00	0.862	3.92	Rising cost and non-competitive production of products and services	
1	0.842	3.63	2	0.962	3.71	Lack of methods for in-service training	
-	-	-	1	0.852	4.32	Strict labor law in regulating the relationship between employee and employer	
-	-	-	0.00	0.848	3.95	Shift work and overworking of the workers	
-	-	-	1	0.787	3.78	Creating high job security for workers	
-	-	-	0.00	0.6	4.03	Unemployment Insurance	
-	-	-	0.00	0.524	4.05	Creating a lot of commitments for 9 employers when the company is liquidated	
1	0.742	3.22	2	1.142	3.41	Permanent and long-term contracts when the company is liquidated	
0.00	0.509	4.18	2	0.948	3.97	The transfer of workers is an obstacle to the cooperation and participation of enterprises	Participation and cooperation
-	-	-	1	0.941	3.01	.Involvement of civil institutions, including the Labor Council, etc	
-	-	-	1	0.732	3.27	Paying attention to workers' rights during companies participation	
-	-	-	1	0.845	4.63	.Increase maternity leave, breastfeeding hours, etc	Women's employment
0.00	0.25	4.43	2	0.85	4	Promotion of Breastfeeding Act	
-	-	-	0.00	0.962	3.73	Supporting women only in the public sector	

After analyzing the data of the third round, in the field of launching a new business, there are three challenges: "Unusual interference in the business management system", "Increasing the cost of investment exchange" and "Obstructing entrepreneurship by trade unions", in the field of enterprises development and retention of job

opportunities, there are three challenges: "attitude of uniformity towards small, medium and large workshops", "labor law conditions for displacement of workers" and "strictness of labor law in regulating the relationship between worker and employer". in the field of dissolution of enterprises there are two challenges: "Unemployment insurance" and "Creating a lot of obligations for employers when dissolving an enterprise", in the field of participation and cooperation there is one challenge: "obstacle of relocation of workers for cooperation and participation of enterprises" and in the challenge of women's employment, there are two challenges: "increasing maternity leave", "Breastfeeding hours" and "Breastfeeding Promotion Law" were identified.

Conceptual Model:

The research derived model is created from the spider web model of Brian McMahon and colleagues which is a causal model. In this model, causal relationships are between variables.

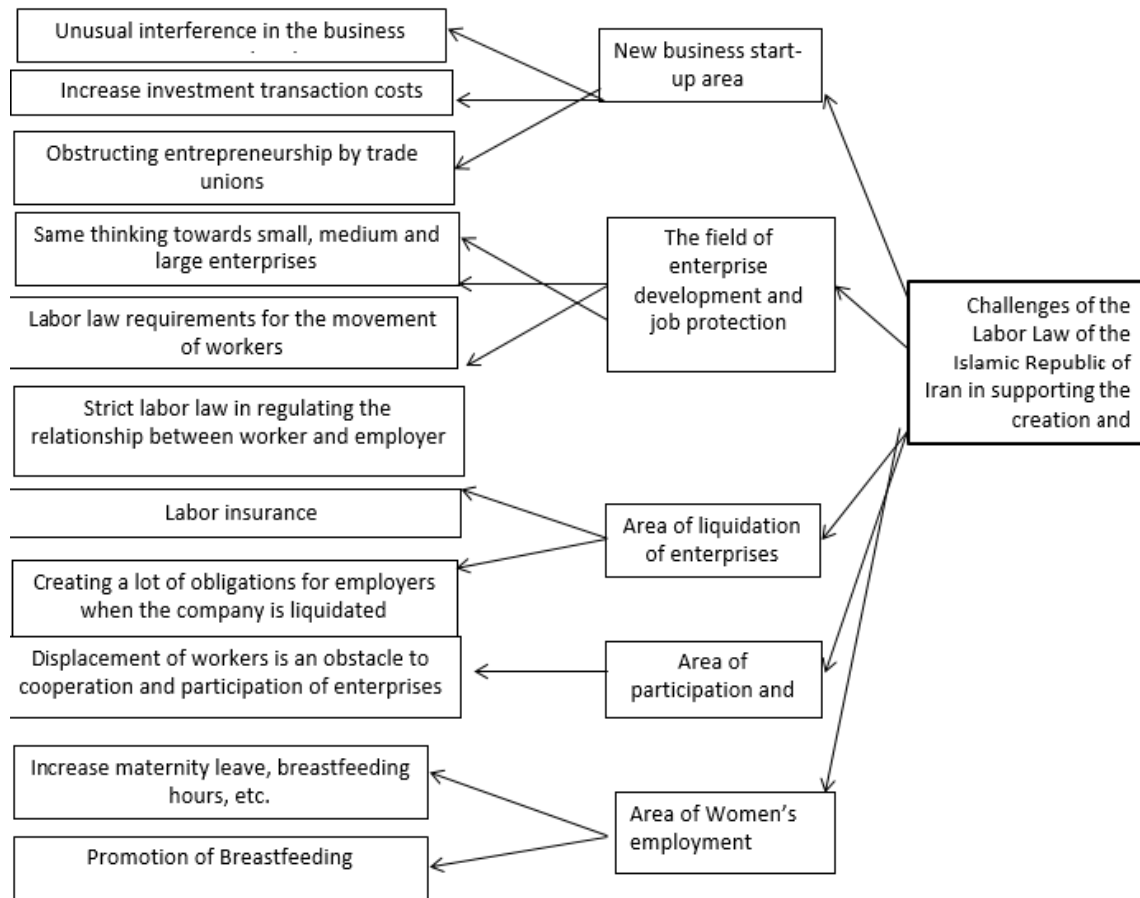


Figure 1: Conceptual model of research

Description of the conceptual model:

In the research derived model of the relationships, 11 challenges in 5 areas around the challenges of the Labor Law of the Islamic Republic of Iran in supporting the creation and development of job opportunities are shown, which we will describe each of the challenges in the related field.

1- Field of launching new businesses

(1) Unusual interference in the business management system:

According to the research findings, the widespread presence of the government in enterprises through the labor law has created unreasonable interferences in the system of labor relations between employer and worker in economic enterprises, especially small and medium enterprises, and has placed a heavy responsibility on employers. Political pressures at the time of the enactment of the Labor Law and the experiences gained from more than thirty years of implementation of 203 articles of the Labor Law in 12 chapters, which regularly, despite the second topic of Chapter 4, which is about inspections, made the government's presence at the level of small businesses, bolder and caused instability and reduction of the level of employment and dissatisfaction of job seekers and employers, and this expresses the importance of the issue.

(2) Increase exchange cost

The right to try topic, note 2 article 7 and Article 27 for permanent workers, which incur increasing costs for the employer because of being permanent, as well as Article 26, regarding the custom of the workshop, and Chapter 11, which, regarding penalties, crimes and social security laws, increase The cost of manpower exchange.

(3) Trade unions:

The pressures of labor organizations under the labor law in Chapter Six, as well as Article 27 of the Labor Law, which is a barrier to launching new businesses (entrepreneurship) regarding disciplinary bylaws as well as civil institutions outside the environment of enterprises (workers' house) In order to create job opportunities.

2- Field of enterprises development and retention of job opportunities:

(1) Attitude of uniformity towards small, medium and large enterprises:

The political situations and the pressures of radical elements and labor institutions at the time of formulate and enactment the labor law, preferred the political view to a specialized view so that regardless of the capacities and capabilities of small and large enterprises, both are equal from the labor law perspective. Article 1 of the Labor Law includes all enterprises in this law, although Article 191 according to expediency, temporarily has accepted enterprises under 10 from certain provisions of this law in accordance with a bylaw or Article 190 also has made expectations for some other enterprises. However, these exemptions have not been very effective. On the other hand, large enterprises, some of which are governmental, enjoy direct and indirect arbitrary support. While small enterprises with a minimal investment to create a job are responsible for a large share of employment.

(2) The conditions of the labor law for the displacement of workers:

Article 26 of the Labor Law regarding the custom of the workshop is such that if an economic enterprise wants to displace its factory for any technical or commercial reason and transfer its enterprise to another environment, the custom of the workshop regarding transportation, housing, working hours and etc must to reach an agreement with the Ministry of Labor of origin, otherwise, despite all permissions, the Ministry of Labor of origin can prevent this transfer. The permit of the Ministry of Labor will be due to the workers' consent to work in the new location, so that the employer is obliged to perform the assignments notified by the Ministry of Labor to issue a transfer permit. On the other hand, Article 12 also has imposed all the obligations of the previous employer to the new employer, and the custom of the workshop is one of these cases.

(3) Strictness labor law in regulating the relationships between worker and employer;

Articles 7, 18, 24, 27, 31, 32, 44 etc. and social security laws have created difficult conditions for small enterprises so that these enterprises, although they have a greater worker acceptance capacity, get to work with a minimum of manpower if In these conditions of recession, they are able to create more job opportunities for the society. It should be noted that in the three presidencies of Qoba, each of them has implemented economic plans to reduce the unemployment rate, but have not yet been able to digitize the unemployment rate single. Chapter 9 of the Labor Law, which deals with dispute resolution boards, has a one-sided function, and in the last 30 years, most of its rulings have been in favor of workers, and this has increased the strictness of the labor law for small enterprises. Also chapter 11, articles 175 to 184 provide for about 40 criminal offenses for employers who does not follow the labor law, while there is not any criminal offense for a worker negligence which would destroy the enterprise.

3- Field of dissolution of economic enterprises:

(1) Unemployment insurance;

According to Article 3 of the Unemployment Insurance Law, workers should use unemployment benefits for a period of time when they are unemployed, whose severance pay will be effective during the period of using unemployment insurance. This is considered a right for workers who can benefit from this possibility during their service even if they are not really unemployed. This possibility will put direct pressure on sources of social security organization and indirect pressure on enterprises.

(2) Creating a lot of commitment for employers when dissolved one of the indexes considered by the World Bank, the International Monetary Fund and the World Trade Organization for countries is their degree of economic freedom, and its concept indicates the ease of entry or exit of the business market.

Article 12 , 15, 20, 29, 30 and one-sided rulings.

4- The field of participation and cooperation:

One of the requirements of modern societies is the possibility of participation or merger of economic enterprises to increase the capacity and created synergy by this action. Ease of doing the process of cooperation between enterprises from the perspective of labor laws, related regulations and bylaws is important. Note 2 Article 7 regarding permanent and other workers of the labor law determines the reasons of adhesion of labor forces to the enterprise and also any participation and cooperation may require the employment of new workers or the displacement of manpower, which Article 27 is an obstacle to participation and cooperation of enterprises. Article 12 is about change of ownership, which is problematic for small economic enterprises when participating and

cooperating. Article 26 Regarding the custom of the workshop, when the workers are permanent, it will cause many problems in terms of working hours, transportation, residence and etc. For example, one enterprise has a custom and another enterprise has another custom, they do not match each other when cooperating and merging these customs and it is problematic.

5- The field of women's employment:

The International Labor Organization pays special attention to the issue of women's labor from different aspects. Also our country in many of these Conventions of the International Labor Organization paid special attention to the labor rights of working women and our country pays special attention to the Convention of Decent Work and Fundamental Rights at Work. The presence of women in economic activities is a requirement of civil societies, and any factor that diminishes this presence will not be acceptable, and each country must join these conventions in accordance with its economic infrastructure and structures. Although many articles of labor law and bylaws and circulars seem to be in favor of female workers, but inwardly they reduce the motivation and willingness of economic enterprises to hire and employ them. For example, subject 4, Articles 75 to 78, is one of the barriers to employing women in small economic enterprises. Article 76, has defined 90 days of maternity leave, but in the law promoting breastfeeding approved on 13/11/1995, all private and public enterprises, and small and large enterprises, have been increased to 9 months, and Article 78, in every day breastfeeding time is set to 20 months, which will be part of working hours. In the note of Article 78, enterprises are required to establish a place for nurseries and kindergartens. It may be possible to establish such centers for large enterprises, but it is not possible for small economic enterprises. In addition, with the available information from small economic enterprises, since the date of enactment of this law, they have not been able to allocate any environment for breastfeeding and kindergarten. In Chapter 11, Articles 173 to 176, violation of the implementation of Articles 75 to 78 by employers has been considered penalties severely.

Conclusion and Recommendations:

For more than seventy years, the labor law has explained the relationship between workers and employers in the field of labor relations in Iran. During this period, this law has experienced many ups and downs and at various times in this period, researchers and experts seek to replace social justice instead of individual's benefits and groups benefits. The labor law is one of the institutions of the business market. "The development economics literature introduces institutions as a context without which economic growth and development will not be fully realized. Laws and regulations are among the institutions that play an important role in economic activities and its most obvious manifestation in Iran is the labor law. (Mahdavi, Abolghasem et al. 2011) . Creating job opportunities has been one of the biggest goals of governments, so that after the imposed war since 1991, governments have sought to reduce the unemployment rate by implementing 4 projects called self-employment plan, self-employment strike plan, fast-yielding enterprises plan and knowledge-based enterprises plan but they have not been able to digitize the unemployment rate to single. Existence of human factor in supply and demand of labor market, this market has always enjoyed a privileged position compared to the main markets of money, capital and goods. (Nobakht Mohammad Baqer 2009) A review of four employment creation schemes shows that governments look at employment category abstractly and believe that the problem of unemployment can be solved by paying for cheap facilities, unaware that the unemployment rate is a multifactorial effected; economy, politics and laws governing the work space, etc., to which no special attention has been paid. "In addition to monetary and financial instruments, these governments use the leverage of laws and regulations to regulate labor relations, implementation of support systems and necessary intervention in the labor market."(Nobakht, Mohammad Baqer 2010) Today, small economic enterprises play an important role in creating employment worldwide, and because of their large volume compared to large enterprises and the minimal need for investment to create a job, it is one of the job strategies for governments. Therefore, this research seeks to identify the drawbacks of the Labor Law of the Islamic Republic of Iran and achieve an effective model for removing barriers arising from the labor law and the regulations governing the business environment in maintaining and creating job opportunities.

Paying attention to extensive social rights increases our perspective on the interests of workers and employers and the interests of workers and employers in the direction of a larger goal that leads to economic boom and the creation and preservation of job opportunities. These rights do not look at individuals in general, but consider individuals as an element of a social group, and the ultimate goal of these rights is to establish cooperation between them instead of creating conflict between groups, this string including labor rights, rural rights, social security rights, economic rights of consumer protection, etc. (Arafi 2009) Due to the weakness of the country's development and research fields and little experience regarding the potential capacities of small and medium enterprises in reviving and creating job Opportunities, research has been looking for a model to create a labor law tailored to the characteristics of small enterprises. The results of this study showed that labor law in general cannot be formulated and

implemented in the same way in all small and large enterprises, and in addition to creating a new attitude towards small enterprises and the conditions for the formation of a strategic alliance in legislators, labor relations experts, worker and employer institutions to identify barriers due to labor law, bylaws and circulars that small and medium enterprises face them. Weakness in awareness and attitude regarding making a difference between small and medium enterprises with large enterprises from the perspective of labor law is one of the most important obstacles in the formation of labor laws and regulations commensurate with the capacities of small and medium enterprises.

More than half a century ago, the famous French legal sociologist Georigievich published a book entitled *The Thought of Social Rights*, in which he discussed social rights in detail from his point of view. (Iraqi 2008) In his view, in order to end injustices and prevent conflicts between classes of people or between governments, the solution is not the rights that dominate one person or another over others, but to achieve a goal that benefits everyone, should form an alliance. For example, in labor law, relying only on the rules of private law and based on contracts, the Employee-employer relationships cannot be integrated because the economic and social conditions of these two classes are not equal to be able to say that what he does freely is justice. Instead of valuing the special rights of each of these two classes, should be considered united, all those involved in producing, including workers and employers, to achieve a common and lofty goal, and justice should be established as a characteristic of each class (Narges Pirhiati et al. 2014) As mentioned, labor law is one of the important variables in the macro business environment and job opportunities to create employment, stability in the labor market, improve the relationship between worker and employer, create job security, non-adhesion of workers to the enterprise, investment, Affects entrepreneurship. This study purposefully selected experts to identify the weaknesses and challenges of the Labor Law of the Islamic Republic of Iran in supporting the creation and development of job opportunities by the Delphi method, which is implemented from the second quarter interval (IQR) so that the amount of this Index 1 and less than among the panels was chosen due to high consensus and challenges with an average score higher than 4 were selected as the most important challenge. All panel members participated in 3 Delphi rounds, in the first round the 5 main field affected by the labor law including (1) launching new businesses (entrepreneurship) (2) maintaining existing jobs

(3) dissolution and participation enterprises (4) cooperation and participation of enterprises (5) women's employment, was extracted, which in the second round, a questionnaire with 30 challenges was designed. 8 challenges for the first field, 13 challenges for the second field, 3 challenges for the third field, 2 challenges for the fourth field and 2 challenges for the fifth field, then, using the Likert scale, the impact of each of the challenges on the creation and development of job opportunities was scored by experts and analyzed using SPSS software and using the parameters of average, median and standard deviation and quarter interval (IQR). The impact and consensus of experts in each item was measured. At this stage, 15 challenges that had an average of less than 4 and the second quarter interval was less than one were selected as challenges with a high impact on job development and later added to next round. Then, in the third round, 4 challenges with an average of less than 4 were eliminated, then data analysis was performed and in the third round, 5 fields of the following results were obtained:

1- Launching new businesses: This field includes three challenges:

(1) Unusual interference in the business management system: In the note of Article 10 of the Labor Law of the Islamic Republic of Iran, it is required that a permanent written employment contract in 4 copies should be prepared and every of the copies to be handed over to worker, employer, labor office and Islamic Labor Council. According to Article 12, if the employer refuses to hire workers after the suspension of the enterprise is lifted, the workers can complain to the Board of Appraisals. In Article 27, If a worker fails to perform his duties, his dismissal is subject to disciplinary bylaws and the opinion of the Islamic Labor Council. According to Article 7, if the worker is recognized as permanent, any dispute between worker and employer, according to Articles 157, 158, 159, 165, 166, dismissal of worker is subject to the opinion of the appraisal boards, which usually vote to return the worker to work. Article 12 regarding the change of ownership of the enterprise, Article 27 regarding the custom of the workshop, which is the preferred custom of the articles of the labor law, has caused the labor force to adhere to the enterprise.

(2) Increase investment transaction costs: Articles 17 and 18 of the Labor Law regarding the detention of the worker and the employer's complaint against the worker that does not lead to the conviction of the worker, the employer is obliged to employ him and pay arrears during the complaint, Article 20 which after the suspension, employer obliges to employ the worker or to pay the costs resulting from dismissal of the worker, Article 24 which obliges the employer to pay the termination benefits at the end of the work, Article 26 regarding the custom of the workshop, Article 29 which disapproval of the suspension mode by the employer's identification boards, obliges to pay damage of suspension, Article 44 regarding payment method of workers' debts to the employer, Article 52 regarding working hours of hard and harmful jobs, Article 56 regarding increase of pay in shift work, Article 59 regarding overtime, Article 87 regarding the construction or development of enterprises, Article 96 regarding inspections,

Article 98 regarding the powers and manner of inspections, Article 101 regarding the report of inspectors as judicial officers has tightened conditions and increased the cost of manpower exchanges and reducing the possibility of competitiveness in small enterprises. This increase in costs has reduced the possibility of investment.

(3) Creating credit for entrepreneurship by trade unions: If an entrepreneur decides to invest in the creation or development of an enterprise, he worries about the future of this work. In Article 27, the dismissal of a worker will be with the positive opinion of the Islamic Labor Council or the Guild Association. In Article 28, the representatives of workers and members of the Islamic Labor Council and Note 2 of this article, in the absence of the Islamic Labor Council, discretionary board are responsible for their duties. In Article 32, which terminates the contract of a worker whose ability is due to the work of the worker, one of the institutions that must approve this issue is the Islamic Labor Council or the legal representatives of the worker. Note 2 of Article 130 which the limits of duties and authorities of Islamic associations are approved by the Ministry of Interior, the Islamic Propaganda Organization and the Board of Ministers. Article 131 and its notes regarding formation of Islamic councils and associations and guilds, Article 136 which extends the presence of the Supreme Center of the Islamic Labor Council, the Supreme Center of Workers' Associations or the Assembly of Workers' Representatives to enterprises. Article 137 regarding the formation of central trade unions, Articles 167-170 regarding the Supreme Labor Council, which has a decisive role in the approvals and bylaws.

2- The field of enterprise development and maintain job opportunities: This field includes three challenges:

(1) Homogeneity towards small, medium and large enterprises: Another challenge of the labor law of experts is not to differentiate between small, medium and large enterprises from the perspective of the labor law of the Islamic Republic.

Article 1 which all employers consider the workers of economic enterprises obliged to comply with this law, Article 4 considers the workshop as any place where the worker works at the request of the employer in any dimensions and number of workers, Article 5 considers all workers and employers of enterprises subject to this law, Note 2 of Article 7 considers any continuous work as permanent work and recognizes that worker as permanent worker according to the labor law, Article 12 does not consider any change of ownership for any reason to be effective in the employee's contract with the enterprise, Article 26 is about the custom of the workshop, Article 20 which criminalizes the non-implementation of Articles 15, 16, 17, 19 by all enterprises, Article 52 regarding the working hours of hard and harmful work, Articles 79 to 84 regarding the employment of adolescents, Article 11 regarding probationary employments which causes vocational training, Article 15 regarding religious rites, Article 148 regarding the obligation of all enterprises to insure employees, Chapter 11 of Articles 171 to 186, which imposes heavy criminal liability on employers and small enterprise owners.

(2) The conditions of the labor law regarding the displacement of labor: According to experts, whenever enterprises want to change the type of job or place of employment according to job requirements, they will be challenged according to the articles of the labor law of the Islamic Republic of Iran. According to Article 12, any change of ownership in any form will not change the contract of the workers whose contract is permanent, Article 26 regarding the custom of the workshop which it can be stated that the law is one party and the custom of the workshop is the other and if the employer moves his business to another city and place, he must provide the necessary facilities for the workers, otherwise the workers can complain to the discretionary board, According to the notes of Articles 158, 165, 166 with their unilateral votes in favor of the workers, they create many challenges for the employers.

(3) Strictness of labor law in regulating the relationship between worker and employer: According to experts in the labor law of the Islamic Republic of Iran, the relationship between workers and employers at the level of enterprises is difficult and challenging. The first chapter of Article 5, which recognizes the inclusion of this law in small and large enterprises, the second chapter defines the employment contract and the conditions for concluding the contract under Articles 1,4, 5,. Articles 14,15,17,18,20 suspicion of contract employment, Articles 21, 24, 26, 27, 28, 29, 31, 32 of Chapter 9 regarding the dispute resolution authorities, Chapter 11 of Articles 171 to 186 including crimes and criminal penalties.

3- Field of dissolution of enterprises: It includes 2 challenges:

(1) Unemployment insurance: According to experts, unemployment insurance sources can prevent dissolution of a group of small enterprises. Article 30 of the Labor Law obliges the government to use public revenues and revenues from people's participation, as well as through the creation of an unemployment insurance fund, to provide for the subsistence of unemployed workers of the enterprises subject to Article 4 of this law. According to paragraph A of Article 7, unemployment insurance is provided full salaries for 6 to 36 months for singles and 12 to 50 months for married people during a table based on years and history of insurance payment. Articles 1, 2, 3, 4, 5 unemployment insurance is in a way that insured people try to use the insurance by arranging the documents in accordance with the provisions of this law during the service period according to insurance payment period even though they are not unemployed and they know the use of this capacity of law as their inalienable right.

(2) Creating a lot of commitment for employers when dissolved: One of the indexes of the degree of economic freedom is the entry and exit of enterprises from the market. According to experts, whenever economic enterprises for any reason want to suspend their activities or exit the market, they face many challenges. Article 12 any change of ownership of the enterprise has considered the responsibility of the employer towards the workers, Article 15 regarding unpredictable events that lead to suspension of enterprise, the relationship between employer and worker will be suspended temporarily, Article 26 regarding custom of workshop when dissolving an enterprise is another challenge, Article 29, Article 30, Articles 171 to 186 regarding crimes and penalties create many challenges for small enterprises, Articles 157 to 166 in dispute resolution authorities and rulings issued by them create challenges for enterprises.

4- Field of participation and cooperation: includes a challenge:

(1) Displacement of workers: According to experts, Article 26 custom of the workshop, Article 12 regarding any change and ownership of the enterprise, etc., Article 15 regarding suspension, etc., Article 7 regarding the employment contract and permanence of the worker, Article 21 regarding termination of the contract, Article 28, Articles 157 to 166 on dispute resolution authorities and their votes, Articles 171 to 186 regarding penalties and punishments, Articles 139 to 146 regarding collective agreements create many challenges for the employer when participating.

5- The field of women's employment: includes two challenges:

(1) Maternity leave and breastfeeding hours: According to Article 6 of the Labor Law, men and women are equally supported, Article 75 regarding The amount of women's work according to the instructions determined by the Supreme Labor Council and approved by the Council of Ministers, Article 76 determines maternity leave 90 days, which has been increased to 180 days in Note 3 of Article 3 of the Breastfeeding Promotion Law, In Note 3 of the same law, more facilities have been provided for twins and triplets, Note 1 of Article 6 obliges the employer to return mothers to work after their leave, Article 77 regarding entrusting proper work to pregnant mothers, Article 173 imposes heavy fines for non-implementation of Article 78. Articles 157 to 166 regarding dispute resolution boards and their votes provide challenges for small economic enterprises.

(2) Breastfeeding Promotion Law: Article 78 determines 1 hour daily for breastfeeding to infant who may use milk powder. Note 1 of Article 3, the Breastfeeding Promotion Law also provides facilities in this regard. Article 78, obliges employers to create nursery and kindergarten, which is challenging for small enterprises. The audience of this research can be rulers, legislators, workers and employers' institutions, researchers and academics who intend to plan and manage employment and entrepreneurship. The mentioned groups will be able to consider challenges and important factors influencing the labor laws, bylaws, and circulars and hereof gain a comprehensive view of labor law reform.

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