

Bill no. 24-19 on Labor Unions



Committee Chair:
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Rapporteur of the
theme:
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Conducted in response to a referral on 16 December 2020 from the Head of Government, this study-based opinion was adopted by a majority of the Council's members at the General Assembly's 120th session held on 30 March 2021.

While highlighting the key points included in Bill no. 24-19 on Labor Unions, the CESE has made comments on whether and how this text meets the challenges associated with unionization. Also addressed in this study are such areas as the scope of application of the law project, definitions, concepts, conditions for the formation of labor unions, issues relating to employers' union and professional representativeness, social dialogue, criteria for granting state financial support to labor unions, etc.

In its opinion, the Council notes that the Bill does not at all cover the issue of the duality of unions and associations – which is a firmly established fact in national legislation –, even though international treaties make no distinction between the two. It was also pointed out that the Bill focused almost exclusively on the implementation of Articles (8) and (9) of the Constitution about the regulations relative to “the constitution of union organizations, to the activities and to the criteria of concession of financial support of the State, as well as the modalities of control of their financing [and wherein it is stipulated that] the political parties and the union organizations may not be dissolved or suspended by the public powers except by virtue of a decision of justice.” However, the law proposition (Bill no. 24-19) does not contribute to promoting the role of labor unions and professional organizations nor does it help with implementing the other provisions of the Constitution on collective bargaining and participatory democracy.

Moreover, the CESE argues that the articles of Bill no. 24-19 lack a common thread to stitch them together and allow for reconciled provisions on both the right to organize and the right to engage in union activities in conformity with ILO standards. The provisions in the Bill, the CESE further explains, are such that they risk restricting the freedom of association and the right to organize.

As such, the CESE goes on, the Bill would not make it possible to resolve the major problems facing labor unionism today (union practice and organization, unionization and professionalization, social dialogue, collective bargaining, etc.).

Recommendations:

- To further refine the content of Bill no. 24-19, the CESE has the following recommendations:
- Address all the challenges faced in the national context, particularly as regards the low union representativeness, the decline of unionization and professionalization, the widely dispersed geographies of trade unionism and professionalization, not to mention the weak coverage of employees by social dialogue and collective bargaining.
- Uphold the Constitution's provisions aimed at promoting the roles of labor unions and professional organizations, facilitating collective bargaining and strengthening participatory democracy.
- Address the question of the duality in national legislation between unionism and association, as laid down in international treaties on human rights and the right to organize.
- Apply a governance-oriented and democratic management approach to trade unions and professional associations, such as through making funding and financial support conditional on promotion of equity; adopt term limits for senior management roles in these institutions; enable young people's full participation in decision-making to ensure the renewal of top management; and decide on the question of retired workers assuming roles of responsibility within labor unions.