
Committee on the Application of Standards

Information supplied by governments on the application of ratified Conventions

Algeria

Convention No. 87

Algeria

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Algeria (ratification: 1962). The Government has provided the following written information:

1. *Requests for the reinstatement of dismissed workers*

The national legislation provides for procedures for the prevention and settlement of individual labour disputes. Act No. 90-04 of 6 February 1990, as amended and supplemented, respecting the settlement of individual labour disputes, establishes procedures for the settlement of individual labour disputes that have to be complied with by each worker and each employer.

In this regard, in the cases of the workers referred to in the conclusions of the 106th Session of the International Labour Conference (ILC), the procedures set out in the above Act were followed, irrespective of the outcome of the settlement of their individual labour dispute.

In this context, it is necessary to recall that the Government has always responded to the requests made by the competent ILO bodies. In this respect, and following verification, it has been found that of the 86 workers, the situations of 76 workers have been settled or are in the course of being settled. The cases are before the competent jurisdictions in six cases and orders are in the course of being given effect in three cases.

With reference to the situation of eight of the remaining ten workers, two have been dismissed, following the completion of all the procedures set out in the laws and regulations, on the grounds of unjustified absence and failure to comply with the internal enterprise rules, and three workers have been dismissed for serious professional misconduct.

In this regard, the Government observes that examination of the files of the workers shows that on no occasion was it found that it was a penalty on grounds of the exercise of trade union activities, but on the grounds of types of professional misconduct envisaged by

the law and the internal enterprise rules. The workers concerned availed themselves of all of the means of recourse envisaged by the law for the settlement of individual labour disputes, including reconciliation through the labour inspection services of the competent jurisdictions. Accordingly, almost all of the workers referred to by name in the conclusions of the 106th Session are in work, with the exception of Mr Habib Benyahia (SNAPAP-CGATA) of the University of Tiaret, who has taken retirement. Moreover, it has also been found that, among these workers, Mr Haddak Arab (SNAPAP-CGATA) has been promoted to the level of administrative officer.

The clerks of court are in employment. The Government attaches all the documents provided by the employer concerning the situation of all the workers referred to in the conclusions.

2. Case No. 3210 before the Committee on Freedom of Association

The Government had provided full information on the complaint before the Committee on Freedom of Association made by the Autonomous National Union of Electricity and Gas Workers (SNATEGS) (Case No. 3210) in a communication dated 18 December 2017, in which it informed the ILO of the voluntary dissolution of SNATEGS (copy attached) and the record of the voluntary dissolution of the union. In a communication dated 5 May 2018, in relation to Case No. 3210, the Government called for the case to be closed.

3. Completion of the reform of the Labour Code

With regard to the request concerning the completion of the reform of the Labour Code, the Government provided full information on the process of the drawing up of the Labour Code and will spare no effort in the context of the dialogue organized with its economic and social partners for the development of a consensual Labour Code which will reinforce the lessons learnt from the experience of the implementation of the labour legislation that is in force and will respond to the expectations of the economic actors.

4. Registration of unions

With regard to the case of the registration of the presumed Autonomous Algerian Union of Transport Workers (SAATT), the documents submitted did not correspond to the conditions set out in the provisions of the Act, and particularly section 2. There was a lack of precision in the determination of the occupational category covered by the by-laws, which did not contain the provisions that have to be included in the by-laws as set out in section 21 of the Act. The persons concerned did not reply or ask for further details on their file.

With regard to the documentation for the Autonomous Union of Attorneys in Algeria (SAAVA), the Government recalls that any request for the establishment of a union is subject to examination of the conformity of its documentation with the law. In this regard, it was found from the examination of the by-laws of the presumed union that there were categories of persons who were salaried employees or employers. The national legislation makes a distinction between a union of salaried employees and an employers' organization. The response was communicated to the persons concerned with an invitation to comply with the provisions of the legislation, but up to now those concerned have not brought their documentation into conformity with the provisions of the law.

With reference to the documentation of the CGATA, in addition to the information already provided by the Government representative at the 106th Session of the ILC in June 2017, the alleged President of the CGATA was not a member of any legally registered trade

union and does not represent any trade union. The Government also informed the ILO through a communication of 22 September 2013, of which a copy is attached, that Mr Rachid Malaoui was dismissed from his job in accordance with the procedures set out in the law and regulations for abandoning his job through unapproved absences. This situation resulted in him losing his position as an employee.

In Algeria, representative unions benefit from prerogatives which enable them, among other functions, to negotiate and conclude accords and collective agreements, to have premises in the employer enterprise, a notice board in appropriate places for their members and leave for trade union purposes in the service of their organization during the period of office of the trade union member. The participation of workers' representatives, through trade union delegates, is a legal requirement for the negotiation of terms and conditions of employment and of work with a view to the conclusion of collective labour accords and agreements.

Workers' representatives in enterprise committees or units are designated by the most representative trade union or, failing that, by the representative committee. Where there is no union or representative committee, they are elected by the workers collectively. It is a requirement for workers' representatives to be associated with any decision concerning the establishment of occupational medical services by the employer.

Similarly, representative organizations of workers and employers are represented by twelve (12) workers' representatives and twelve (12) employers' representatives on the national occupational safety and health and medicine board.

Moreover, in the context of the prevention and settlement of collective labour disputes and the exercise of the right to strike, workers' representatives hold regular meetings with employers with a view to undertaking a joint examination of the situation with regard to the socio-occupational relations and general conditions of work of the employer.

At the national level, Algeria has acquired great experience of social dialogue through tripartite meetings bringing together the Government and representative organizations of employers and workers. These dialogue and negotiation forums have resulted in agreements on economic and social life, the conclusion of economic and social pacts and the creation of institutions and other bodies. A summary of tripartite and bipartite meetings is attached.

Cases of workers referred to by name in the conclusions of the 106th Session of the International Labour Conference (June 2017)

No.	Sector	Case	Remarks
01	Ministry of Higher Education and Scientific Research	1. Mr Nacer KASSA (CGATA), University of Béjaia	Reinstated in his post. Report No. 49 of 27 December 2015. Decision No. 289/17 of 2 July 2017. Currently working.
		2. Mr Haddak ARAB (SNAPAP-CGATA), University of Béjaia	Promoted to administrative officer. Report No. 46 of 27 December 2015. Decision No. 264/17 of 10 June 2017. Currently working.
		3. Mr Habib BENYAHIA (SNAPAP-CGATA), University of Tiaret	Retired on 1 November 2015. (Pension No. F 8Z560143).
		4. Mr Ahmed MANSRI (SNAPAP-CGATA), University of Tiaret	Work certificate No. 19 of 20 February 2018. Payslip (January/February 2018). Currently working.
		5. Mr Fouad HASSANE (CGATA), University of Béjaia	According to the information provided, Mr Hassan is not on the staff of the Ministry of Higher Education and Scientific Research.
02	Ministry of Water Resources	1. Ms Nadia BEDRI (SNAPAP-CGATA)	At her request, Ms Bedri was transferred to a new post on 28 November 2016 in the Water Resources Department of Alger Wilaya (Report No. 2356/2016).
03	Ministry of the Interior, Local Government and Land Planning	1. Ms Hassina BENSaid (CGATA), Tazmeit local council, Béjaia Wilaya	Ms Bensaid is carrying out her duties as normal (titularization decision No. 269/2016 of 26 July 2016 confirming her as a regional administrator).
		2. Mr Nadji HASSANI	On appeal, the Court of Batna issued a ruling on 20 January 2014 overturning the ruling of first instance and ordering the public authorities (G CET Batna) to pay a fine of 100,000 dinars. The authorities paid the fine on 2 February 2016 (payment receipt dated 9 February 2016), cheque No. 7 112 525.
		3. Mr Noureddine MEZIANI	On appeal, the Court issued a ruling dated 21 December 2014 upholding the Tribunal's ruling of 4 December 2013. The claimant's financial claims were settled retroactively up to March 2013 (payslip No. 0059 attached).
		4. Mr Messaoud BOUDJELLAL	The Batna Tribunal, social chamber, dismissed the claim. Mr Boudjellal was provided with back-pay up to March 2013 (payslip No. 227 attached).
		5. Abdesamed HAMZA	On appeal, the Court issued a ruling on 10 March 2014 upholding the Tribunal's ruling of 18 November 2013. The claimant's financial claims were settled retroactively up to March 2013 (payslip No. 0041 attached).
		6. Mr Mourad TCHIKOU (UNCP-SNAPAP)	Awaiting the ruling of the Supreme Court.
04	Ministry of Justice	Clerks of court	The clerks of court were reinstated (work certificates attached).

No.	Sector	Case	Remarks
05	Ministry of Posts, Information Technology and Communications	1. Mr Mourad NEKKACHE (SNAP) 2. Mr Khodja Tarek AMMAR (SNAP)	Awaiting information from the employer. Awaiting information from the employer.
06	Ministry of Energy Sonelgaz Group	46 workers SNATEGS	Table attached showing the employment situation of those concerned.
	Total	86 workers	<ul style="list-style-type: none"> – 76 workers: situation has been or is being rectified. – The remaining ten cases are before the competent jurisdictions, with the exception of one case that was dismissed, one person convicted of abuse of trust and three dismissals for serious professional misconduct.