DIALOGUE

Working Paper No. 14

International
Labour
Office

Geneva

Labour relations and collective bargaining in Morocco

Rachid Filali Meknassi
Claude Rioux

October 2010

Industrial
and Employment
Relations
Department
(DIALOGUE)

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International Labour Office • Geneva
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ILO Cataloguing in Publication Data

Meknassi, Rachid Filali; Rioux, Claude

Labour relations and collective bargaining in Morocco / by Rachid Filali Meknassi and Claude Rioux ; International Labour Office. - Geneva: ILO, 2010
1 v. (DIALOGUE working paper ; No.14)

ISBN: 9789221241553;9789221241560 (web pdf)

International Labour Office

labour relations / social dialogue / collective bargaining / collective agreement / Morocco

13.06.1

Printed in Switzerland

Foreword

This paper is part of a comparative study examining industrial relations and collective bargaining trends in Africa. It examines how industrial relations institutions and practices have evolved and are adapting to meet contemporary labour market issues. The focus is particularly on collective bargaining trends and innovative agreements that contribute to employment security, social protection and the implementation of workers' rights. The study helps to fill a knowledge gap on industrial relations in developing countries.

Since the establishment of a formal process of social dialogue followed by the enforcement of the new Labour Code in 2004, there has been some development and modernization, albeit slight, of Moroccan industrial relations and collective bargaining practices. The Code provides a legal and institutional framework conducive to collective bargaining as set out in the international labour Conventions. All the collective agreements so far recorded cover the negotiation process, stipulations on pay, and clauses relating to other aspects of labour relations, such as training discipline and social benefits.

Yet progress has been slow on the wider application of what is set out in the Code concerning collective bargaining and industrial relations. The number of signed agreements remains limited. Collective bargaining takes place mainly in the large companies and does not effectively influence those who work in medium-sized and small enterprises or the informal economy. These are challenges that require special attention.

There have nevertheless been positive trends, such as the widespread use of simplified agreement protocols. Innovative ways of promoting negotiation and dialogue have also been sought by the social partners at the national and sectoral levels. Examples are provided in the paper, including the Tangiers Social Charter, the draft agricultural convention in Lower Massa, the conventions of Morocco Telecom and Metragaz, and the OCP agreement protocols. These new forms of negotiation and dialogue between the parties may potentially pave the way to introducing collective bargaining progressively in compliance with the Code and could serve as references in strengthening industrial relations in Morocco. The paper's findings thus contribute to knowledge of trends and innovations in developing countries and provide implications for others to draw on.

I am grateful to Rachid Filali Meknassi of the Université Mohammed V Agdal (Rabat) and Claude Rioux of the Interuniversity Research Centre on Globalisation and Work–Université de Montréal for undertaking this study of the industrial relations system in Morocco, and commend the report to all interested readers.

October 2010

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Acknowledgements

The authors wish to thank all those who provided access to the information used in this document, in particular Abdelaziz Adoum, Ahmed Bouharrou, Mahjoub Boujemaoui, Mustafa Ankara and Karim El Aziz.

Abbreviations

AMITH	Moroccan association of textile and garment industries
CDT	Democratic labour confederation
CGEM	General confederation of Moroccan enterprises
CJD	*Centre des jeunes dirigeants* (young executives' organisation)
CNSS	National social security fund
FDT	Democratic labour federation
GPBM	Professional Association of Moroccan Banks
HCP	Kingdom of Morocco High Commission for Planning
MEFP	Ministry of Employment and Occupational Training
OCP	*Office Chérifien des Phosphates*
SMIG	Minimum basic wage
UGTM	General Moroccan trade union
UMT	Moroccan labour union
Somaca	*Société marocaine de construction automobile*

Introduction

The purpose of a system of labour relations is to structure the initiatives undertaken by the key players in order to achieve the best possible trade-off between the needs of economic efficiency and social equality. It includes a complex number of procedures and arrangements as part of a multidimensional dialogue involving the active participation of the groups who have a direct interest in the problems in question and whose actions, if they are properly organised, involve negotiation, consultation and social dialogue. If all is successfully achieved the result is new legislation and collective labour agreements.

In Morocco, this is also the pattern of labour relations. In order to give an appreciation of the breadth and state of development of labour relations at the present time we describe first the material and institutional supports (Part 1) and then we offer an analysis of contractual practice (Part 2).

1. Economic and institutional framework

Over the last twenty years there have been far-reaching reforms in the Moroccan economy in the context of globalisation. The social and economic indicators have improved, although they still remain characteristic of a developing economy (A). Institutional and legal reforms have also had an impact on labour relations, in particular by encouraging social dialogue (B).

A. A developing economy: The search for better integration into the international scene

In 1983 in the context of a programme of structural adjustment the Government of Morrocco has initiated a number of reforms in order to redress the ‘macro-economic imbalance and liberalise market forces’.[1] These reforms were aimed in particular at the tax system; at making customs and excise more efficient; at consolidating the financial and banking system and at revising public administration and the legal system, prioritising such changes in order to directly affect the business environment.

These developments have taken place alongside operations for economic privatisation and liberalisation of exchange with the outside world. Morocco has strengthened its relations with the European Union through the signature of an Association Agreement; in 1995 it became a member of the World Trade Organization; and it has signed several more free trade agreements with the Arab countries, Turkey and certain African countries with a view to promoting south-south trade. Significantly, a bilateral agreement on trade was signed with the United States in 2004. Nevertheless Europe remains the principal economic partner of the country, providing 76 per cent of imports and 62 per cent of exports, mainly through exchanges with France and Spain.[2]

Economic reform also depends on progressive reduction of the principal social debts. Priority has been granted to those areas experiencing chronic under development and which also show the most disquieting figures for human development. Aid comes particularly in the form of water supply programmes, the supply of electricity to rural homes and road improvements. An Agency for Social Development has been set up to oversee realisation of the common development projects carried by NGOs and the

[1] Growth and Human Development group, 2005, p. 41.

[2] Trade in goods has risen from 51.2 per cent of GDP in 2000 to 61.7 per cent in 2007 (World Bank 2009).

benefiting populations in rural areas. The work of the agency is finding long-term support through the actions of the Mohammed VI Foundation for Solidarity, which gives both financial and practical assistance to the most vulnerable populations, including in an urban environment.

In order to reduce the very high rate of school drop-out and improve qualifications amongst human resources an Education Charter was adopted in 2000. One of its objectives is to raise the number of girls from a rural background registered for primary school. The literacy campaign reduced the non-reading population aged 9 and over from 58.8 per cent to 45.3 per cent in 2008.

One of the most significant reforms of this period is the amendment of the Family Code in 2003, which raised the marriageable age of girls from 15 to 18 and improved equal rights within the context of the family. A Labour Code was adopted in 2004, allowing recognition of the fundamental labour rights and encouraging social dialogue. Economic and demographic constraints (a) continue nevertheless to determine the labour market and to prolong various inherent imbalances in labour relations (b).

a) Principal demographic and economic indicators

In 2009 the population of Morocco was 31.5 million, of which 50.6 per cent were females. Between 2000 and 2007 the population showed an annual growth of 1.2 per cent[3] showing a marked fall in relation to the rate of 2.3 per cent registered between 1960 and 2000. Life expectancy has significantly risen, standing at an average 72.4 years in 2006, that is, 71.2 years for men and 73.6 years for women.

Urban development is fast increasing. At the start of the 1980s the proportion of the population living in towns was 40 per cent; in 2004 it was 55 per cent. Two-thirds of the population is made up of persons under the age of 35 and nearly half of the population is aged under 25. The under-15 age group, however, is decreasing, going from 37 per cent fifteen years ago to 29.1 per cent in 2007.[4]

Per capita GNP has risen from 2,570 USD in 2000 to 4,050 USD in 2007.[5] Nevertheless economic growth fluctuates considerably. It reached 1.6 per cent in 2000, 7.8 per cent in 2006, 2.7 per cent the following year and 5.6 per cent in 2008. This volatility can partly be explained by the large share in the economy of agriculture, hence the strategic importance of implementing reforms aimed at greater diversity of the economy and more competitiveness in the various sectors of production. Since the beginning of this decade the efforts targeted in this direction have focused mainly on infrastructures, large-scale housing and industrial structure and equipment. Gross fixed asset formation, which from 2000 had been relatively stable at between 26 per cent and 29 per cent of GDP, made a distinct progression in 2007 and rose to 37 per cent. Generally speaking, the structure of the Moroccan economy seems to have stabilised since the beginning of this decade.

[3] World Bank 2009 Data Profile. Morocco.World Development Indicators Database. April 2009.

[4] El Aoufi and Bensaïd, p. 5.

[5] US Dollars, as per the World Bank Atlas method.

Table 1.
Added value in the main sectors of the Moroccan economy as a percentage of GDP, 2000–2007

Sector	2000	2005	2006	2007
Agriculture	15	15	15	14
Industry	29	28	27	27
Services	56	57	56	59

Source: World Bank, World Development Indicators, Database: Morocco, April 2009.

The strategy of opening up the country to international trade has led to a marked increase in the flow of trade, so that between 2000 and 2007 the proportion of exports of goods and services rose from 28 per cent to 36 per cent of GDP, while imports which were at 33 per cent of GDP in 2000 reached 45 per cent in 2006.

Tourism is a major axis of development: it shows an annual growth rate of 6.7 per cent since 2000. In spite of the fall in demand due to the global crisis, this branch has remained steady, recording a growth in 2008 of 5 per cent in the number of visitors.

Diversification of the manufacturing industry can be seen in the automobile branch with the favourable development of wiring and assembly plants in the region of Tangiers.

The textile sector, which includes garments and leather and for which the main establishments are located between Casablanca and Tangiers, remains strongly oriented towards the European market. Employment in this industry has stabilised since 2007 at around 200,000 personnel in the course of a process of adaptation to the opening of the international market which involves increasing specialisation in the sourcing of the ‘fast fashion’ collections of fashion franchises. This sector contributes 25 per cent to exports,[6] equal to 5.1 per cent of GDP. According to AMITH, the Moroccan association of textile and garment industries, the recession, which affected the European economy in 2008, caused a fall in exports of around 10 per cent, repeated in 2009.

In order to diversify the industrial base of the country, a programme called ‘Emergence’ has been set up to encourage innovation and investment. It is aimed at the emerging sectors such as aerospace and the new information technologies. Competitive clusters have been created to house activities of the offshore type. The programme offers financing facilities and other measures for support and technical assistance to innovative schemes.

Controlling inflation remains one of the main pivots of economic and monetary policy and this has indeed resulted in a low rate of inflation.

Table 2.
Cost of living in Morocco, percentage of annual variation, 2000-2008

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
%	1.9	0.6	2.8	1.2	1.5	1.0	3.3	2.0	3.9

Source: Ministry of the Economy and Finance

[6] Morocco in figures, 2007.

The recent rise in the cost of living is essentially due to the massive importation of agricultural products brought about by the poor agricultural campaign of 2007 and the explosion in the price of cereals on the international market.

b) Informal sector

Obviously the informal sector overshadows a certain part of the economic flow. It covers numerous activities, which cannot be tracked by the official instruments for statistics and accountancy because these activities take place in the home or are of a disorganised or illegal nature. In a survey published in 2003, the Statistics Office of Morocco estimated added value for the informal non agricultural sector at 17 per cent of GDP for 1998. According to a recent survey prepared and published in December 2009 by the Moroccan High Commission for Planning, based on a survey carried out in 2007,[7] the contribution of the informal sector to GDP is in the order of 14.3 per cent.

Note that, according to this survey, the informal sector has a 37.3 per cent share in total non agricultural employment, as against 39 per cent in 1999. Informal work is found particularly in the service industry and in small scale commercial production. The 2007 survey evaluates the share of informal employment in trade at 81 per cent, compared to 91.2 per cent in 1999. In the building and public works sector the HCP estimates that informal employment represented 23.6 per cent of total employment in 2007, up on 1999, when the figure was 17 per cent. A statistic provided by the World Bank indicates that in 2003 the total informal sector represented 34 per cent of GDP. Such a high level of informal employment naturally has heavy consequences for the employment market and therefore on the levels of pay.

c) Employment and pay

The difficulties of obtaining a stable paid job with adequate pay push a large number of workers into unstructured micro enterprises, as shown in Table 3. According to the most recent figures more than 2 million persons are occupied in this manner, equal to 37.3 per cent of the total non agricultural employment in 2007[8] The majority of other enterprises in the survey had at the most only one employee; they practised as shopkeepers or in repair services.

Table 3.
Reasons for creation of an informal production unit
(survey carried out in 1999–2000)

Reason	Men %	Women %	Total %
Lack of paid work	35.13	28.45	34.30
Search for better pay	20.57	22.44	20.80
Search for independence at work	24.36	12.56	22.89
Family tradition	13.00	22.56	14.18
Other	6.94	13.99	7.83

Source: Kingdom of Morocco, Statistics Department, 2003.

We should note that in fact the active population of Morocco (cf. Annex 1), which numbered 11.2 million in 2007, shows a 12 per cent increase compared to the year 2000. The rate of participation of men aged at least 15 is 82.8 per cent and that of women is 26.6 per cent. The growth rate of the active population, which was 2.5 per cent between 1960 and 1990, dropped to 1.7 per cent in the consecutive decade (World Bank 2006). Since the

[7] HCP 2009. Survey on the Informal Sector 2007, main results. December 2009. pp 3-7.

[8] HCP 2009: Survey on the informal sector 2007, main findings. December 2009, pp 3-7.

year 2000 it has fallen to 1 per cent. Out of the total active population 36.1 per cent of men and 11.1 per cent of women are independent workers. We can discern a very slight increase in the age of starting work; and there is a 5 percent point increase in the 45 - 49 year old age group of the working population.

The proportion of active salaried workers is 44.9 per cent of the active population. The favourable development of the last ten years is due to activities in the service industry and in construction and public works. According to HCP, “the non agricultural sector is registering a notable economic performance: labour productivity grew by 2.3 per cent between 1998 and 2006”. [9] The same department estimates that the activity rate of the under 15 population fell between 2003 and 2007 by 3.9 per cent to 2.7 per cent.[10] This indicator shows the relative importance of child labour and at the same time the effort that has been made to eradicate it. The proportion of active young men aged 15 - 24 fell from 62.8 per cent in 2003 to 57.4 per cent in 2007; and female workers have followed this trend, going from 24.3 per cent to 21.9 per cent in the same period.

Micro enterprises provided 44.4 per cent of total employment in 2001; this figure can be explained particularly by the important number of businesses in the primary sector. Medium size and large companies in the same year only employed somewhat over 70,000 workers out of some 4.2 million paid workers recorded in the survey. Businesses remain of moderate size: 64.7 per cent of jobs are in companies with fewer than 5 employees, taking all branches together.[11]

When we examine the structure of employment according to the branch of economic activity we can see that a slow change is taking place: see Table 4. The most important change has happened in the proportion of agricultural workers, which has fallen by 4.6 percent points. Activity in the construction and public works sector and in the service industry shows a marked increase. This change in the structure of employment can be explained by the growing importance of infrastructure works and the construction of social housing and private homes over the last few years. Similarly the development of activities in the tertiary sector such as communications and services has begun to produce an effect on the structure of employment.

Table 4.
Structure of employment 2000–2009
by branch of activity, as percentage of total employment

Indicators	2000	2009
Agriculture, forestry and fishing	45.1	40.5
Industry (including crafts)	13.4	12.3
Construction and public works	6.2	9.4
Trade	12.6	12.7
Transport, storage and communication	3.3	4.3
General administration and social services	10.4	10.2
Other services	8.9	10.5

Source: HCP Activity, Employment and Unemployment, 2000 and 2009

According to the files of the national social security fund (CNSS), in 2004 83 per cent of businesses employed fewer than 10 staff and only 1 per cent reported more than

[9] HCP 2007. Human Development and Millenium Objectives, p.11.

[10] HCP 2008. Activity, employment and unemployment.

[11] Cf. Annex 3.

200 paid workers. In the secondary and tertiary sectors only 2.1 per cent of workers are likely to be employed in a company with personnel of over 200.

There is apparently a slight fall in unemployment since 2000.[12] Over the last four years the level of unemployment has remained steady at around 10 per cent. It remains nevertheless a major social problem in the urban areas and amongst young persons, particularly those with an academic degree. With regard to the status of workers depending on their type of contract, we see that in 2004, 28.8 per cent of paid workers had a permanent contract and in 2008 this percentage fell to 24.4 per cent. The proportion of wage earners on a short-term contract was 3.8 per cent in 2008, up by 1.7 percent points compared to 2004.[13]

The legal minimum wage has a determining role because of its impact on the structure of pay in the private sector. Since 2000 the legal minimum wage has gone up from 8.78 DH to 10.64 DH per hour in 2009, i.e. an average annual increase of 1.8 per cent, and slightly less than the increase in the cost of living, which was 2.0 per cent for the same period. However, in order to take account of the difficult economic situation in the garment industry, the minimum wage in the textile and leather industry has been established at 10.14 DH; this rate will catch-up the general legal minimum wage over the next four years.

According to the survey “Economic growth and Human Development” published by HCP in 2005 the average industrial gross wage has been increasing regularly by 5 per cent in nominal value, but in real terms the average wage diminished by 1.5 per cent in the course of the 1990s.

The data prepared by the HCP Statistics Department in 2009, based on the year 2007, provide a measure of the average yearly household income. Sources of income from wages and other payments amount to a yearly average in 2007 of 24,983.1 dirham, at the national level. The average yearly income in the urban areas is 33,011.4 dirham, which is 32.1 per cent above the rate given for the country as a whole and nearly 37 per cent of SMIG (the legal minimum wage) in 2007. In the rural areas the average income was 11,669.8 dirham. Note that wages and other forms of pay account for 40 per cent of all household income calculated at national level[14].

Besides, in 2005 the civil service absorbed nearly 11.8 per cent of GDP.[15] A programme to encourage voluntary early retirement was set up in order to bring the proportion of civil service salaries in the GDP down to 10.5 per cent. More than 38,000 civil servants benefited from the scheme.

A similar scheme is likely to be introduced for the local authorities and in public establishments and companies. In the semi-public sector the number of workers in 2007 was estimated at around 125,000, showing a drastic fall since privatisation operations started at the beginning of the 1990s. The social movements triggered at this time contributed to the restoration of social dialogue and to its current institutionalisation.

B. Institutional and legal framework of social dialogue

The Labour Code, which came into force in 2004, gives a substantial new form to the institutional framework for collective bargaining, with the aim of encouraging social dialogue. It was adopted in a climate that favoured political consensus and tripartite

[12] Cf. Annex 2.

[13] HCP Statistics Department 2009. Social Indicators in Morocco in 2008, p. 77.

[14] HCP Statistics Department 2009. Social Indicators in Morocco in 2008, p.145.

[15] Ministry of Modernisation of the Public Sector, 2005.

discussion. The first phase of negotiations resulted in the establishment of a formal process of social dialogue; they then continued, bringing the reforms to their conclusion and in particular, to adoption of the Labour Code. It took the professional organisations more than six years of negotiation on the basis of the proposed law to arrive at an agreement on the final version of the Code. This was finally adopted unanimously by Parliament.

The institutions envisaged in the Code have not as yet all been put in place but the results in 2009 of the first trade union elections to be held since the Labour Code came into force seem to confirm that (a) consolidation of collective representation and (b) the encouragement of collective bargaining will not necessarily lead to the development of collective agreements, as against (c) the atypical agreements which were the norm up to the present time.

a) *Collective representation*

Before the Labour Code came into force in 2004, workers' representation within a company was done exclusively by means of personnel delegates who were elected in an establishment with at least 10 employees. Since then this institution, which has been extended to agricultural exploitations, coexists with trade union representation where there are more than 100 employees. The duties of an elected delegate remain limited to presenting the head of the company with complaints and claims relative to working conditions and to ensuring workers' rights. The duties of the trade union representative consist therefore in formulating claims and presenting them to the company. Both types of workers' representative have the same legal protection and participate jointly in the institutions and collective procedures set up by the Labour Code, in particular the Works Council, the Health and Safety Committee and the compulsory consultations.

The most representative union, i.e. the one which has obtained the greatest number of workers' elected representatives within a company, has the right to appoint one or more delegates to the company, the number being determined by the number of company employees. In order to qualify as the most representative union in a company, a trade union organisation has to demonstrate its independence and ability to negotiate; and most importantly it has to obtain 35 per cent of the seats at the above-mentioned elections. At national level, the criterion for qualification is 6 per cent of elected representatives at the above-mentioned elections and those that are held to appoint the joint committees of personnel in mining companies and public administration.

b) *Collective bargaining*

A new standard arrangement has been set up to encourage permanent dialogue with the most representative unions at national level and also at company level. It deals principally with the rules and arrangements for collective bargaining, on the assumption that the legal framework of the collective agreement has been only slightly modified in relation to previous legislation.

In effect, on the basis of the legislation to which it relates, the Labour Code sets out the matters, which a collective agreement should cover. Once such an agreement has been drawn up, it remains open to any employer or professional organisation to join it should they so wish. The field of application may be extended by government decree if the organisation covers at least half of the workers in the country or in the particular branch of activity concerned. This decision becomes law when the field of application of the agreement concerns at least 2/3 of the relevant workers.

The new collective bargaining scheme fills a legislative gap, which had existed since independence, when the 1946 law on conciliation and arbitration in the various labour collectives ceased to apply.

The Moroccan general confederation of enterprises CGEM is anxious to maintain the tripartite dialogue which their representatives had painstakingly obtained under the 1996, 2000 and 2003 declarations, when the trade union signatories made sure that the Labour Code included measures that recognised the right of workers to organise and a commitment to regular collective negotiation, at least once a year, with the company and all the relevant branches of activity. At the initiative of the most diligent party, there is a period of 15 days following notification to the other party in which they can commence short term negotiation. Such talks may not be prolonged for more than 15 days, unless the negotiators, thus attesting to their commitment to the discussions, agree a different schedule. The results of the negotiation are recorded in agreements or reports, which must be communicated to the employment authorities and to the relevant sectorial department.

Implicitly, therefore, the State has a monitoring role in the matter. More explicitly, it has missions for assistance, information and animation. In particular, the department responsible for labour and employment affairs and all the relevant sectorial department supplies the parties with all the necessary economic and statistical information and provides any other information they may need for the good conduct of their negotiations. These authorities are also empowered to convene a meeting of a mixed committee in order to negotiate a collective agreement (Article 109 CT (Labour Code).

Alongside the arrangements for the encouragement of regular collective bargaining with the most representative trade unions, the Labour Code includes a procedure for the prevention and management of collective conflicts, which may also be invoked by the elected representatives of the workers' collectivity where there is no trade union. . The Code covers any labour dispute that might become a collective conflict requiring an attempt at conciliation under the Labour Inspectorate. In the case of failure, such a conflict may be brought within three days before the relevant provincial conciliation committee, or before a national committee if the dispute is of wider importance.

The above Provincial Committee is composed of government officials and representatives of the larger professional organisations. The governor of the province, who as such has "wide powers to enquire into the situation of a company and its employees, chairs the committee. He may order any investigation which he deems necessary and demand the production of any document or information of whatever nature that may be useful in the course of his enquiry." At the request of the Committee, the parties are also required to "make available all facilities and supply all documents and information in relation to the conflict." The results of the enquiry are written up in a report signed by the president. In the event that the parties do not appear or the conflict persists, the case is brought before the National Committee of Enquiry and Conciliation, which is presided by the Minister of Labour. His powers also cover in the first instance those conflicts whose territorial concerns cover more than one province.

If the conflict is not resolved at this stage, it may be the object of a procedure of voluntary arbitration which may in the second instance come before the Supreme Court and from there be referred for renewed arbitration, or for ultimate recourse, to the same court following an enquiry procedure conducted by an officer appointed from amongst its members.

The deadlines fixed for each of these procedures are intended to ensure that the conflict is rapidly resolved, in spite of the cascade of referrals involved. The reason why this arrangement is so complex may be found in the fact that initially the project was in the civil service domain; this was finally altered to ensure conformity with international labour standards. As it now stands, it would seem unlikely to bring the uncooperative parties to heel, since the penalty in case of violation of the obligations it contains does not exceed 20,000 MAD (equivalent to 1,700 euros).

Nevertheless it is true to say that if there is a risk of outburst or pursuit of a collective labour dispute, the administrative procedure can be initiated by one or other of the parties or by the labour inspectorate. The search for a compromise can be facilitated by the skills of the negotiators, by company sensitivity to the investigations that may get under way, and by the persuasive skills of the representatives of the professional organisations, who might at least succeed in launching a dialogue between the parties concerned. Negotiations that take place either within the context of these procedures or outside in other circumstances may result in a collective agreement or in some other simplified form of agreement. We are forced to note that in the majority of cases the latter solution is most common.

c) *Collective agreements and special collective agreements*

Although the collective agreement remains the most advance form of collective labour agreement and the only one which a worker may use to request a court for the modification of his employment contract on the basis of a common agreement, we must concluded that the conditions required for such a conclusion are rarely present either as provided by the law or simply in fact.

In the first few years after independence more than one hundred collective agreements were drawn up, particularly in the agricultural sector, but in the decades immediately preceding adoption of the Labour Code barely a dozen collective labour agreements have been made. Most negotiations took place within the company and usually ended in the signing of simplified agreements in the form of a report or agreement protocol. Just prior to adoption of the Labour Code, the following was the picture of these agreements and their articulation with labour disputes:

Table 5.
Collective conflicts and agreement protocols
concluded 2001, May 2003

Unions	Number of agreement protocols								
	Without strikes			With strikes			Total		
	2001	2002	2003 May	2001	2002	2003 May	2001	2002	2003 May
CDT	31	15	6	6	6	1	37	21	7
UMT	46	19	16	9	7	4	55	26	20
UGTM	22	10	10	6	2	–	28	12	10
SAS	16	9	8	1	2	1	17	11	9
UNTM	1	–	–	–	1	–	1	1	–
Others (including confederations)	03	–	04	–	1	1	03	1	05
Total	119	53	44	22	19	7	141	72	51

Data collected by the Labour Department, October 2009.

In formulating the criteria for union representation and in giving the larger more representative unions the right to draw up collective agreements, or at least to use the procedures instituted for this purpose, the authors of the Code clearly took the risk of restricting even further the opportunity to reach a collective agreement, given the difficulty already experienced by workers' organisations in obtaining 35 per cent of elected representatives in their company. The results of the 2009 elections show that nearly two thirds of the elected representatives did not belong to any union. Given the predominance of small and medium size businesses and the number of unions, there is a risk of having a majority of companies with no trade union and a large number of other companies with no union that can be described as representative.

Table 6.
Results of professional elections 2003 and 2009, by membership

List	2003		2009	
	Elected representatives	%	Elected representatives	%
Union	4,829	47.32	7,449	35.3
No union membership	5,378	56.58	13,579	64.6
Total	10,207	100.0	21,028	100.0

Source: Data supplied by the Ministry of Employment and Occupational Training, October 2009.

If we also consider the lack of organised social dialogue up to the middle of the last decade and the negative impact that this has had on recognition of union representation in the workplace, we have to admit that these results show not only a weak union presence in small and medium size businesses but also the absence of a culture of collective participation by workers in the life of the company. In such a context, the extensive recourse to atypical agreements can be explained by the episodic nature of collective bargaining and also by the fact that it is strongly articulated towards the risks of collective conflict and its direct causes. The use of a written document that records the outcome of the negotiations or an agreement protocol makes it possible to circumvent the problem of formal recognition of the status of workers' representatives and to concentrate on the issues that are the object of the collective conflict.

Nor is it uncommon for the conclusions of collective negotiation to be undone by legal measures in the form of unilateral acts on the part of the company, such as circulars or amendments to the status of personnel. This practice finds suitable support, in the current context of conforming to the Labour Code, in the revised internal company rules. The parties consent willingly, since the application of these rules and any modification are subject to prior approval by the employees' elected representatives and possibly by the union representative, as well as being checked by the government department in charge of labour, which adds its stamp of approval.

We should also note that when labour legislation automatically covers various aspects of labour relations, the field in which contracts on professional relations can be made becomes highly restricted, especially as most companies have difficulty meeting the publicly accepted standards in the Code, which was only adopted five years ago. A study of what happens in practice gives more insight into the difficulties.

2. Analysis of bargaining practice

A. Key players in trade union relations

The practice of negotiating collective agreements must be seen in Morocco against a background of a level of unionisation less than 10 per cent of the active population. In fact, the available data on the level of unionisation suggest that it is more in the order of 6 per cent.[16] The principal union organisations are UMT (Moroccan labour union), CDT

[16] US Dept. of State, at www.state.gov/g/drl/rls/hrrpt/2009/nea/136075htm, consulted 12 April 2010.

(democratic labour confederation), UGTM (general union of Moroccan workers) and FDT (democratic labour federation). In a presentation prepared by Mr. Alaoui of UMT and presented at the ILO International Training Centre in Turin in April 2005, the author estimated the rate of unionisation at 10 per cent in relation to the active population and at 20 per cent of the active population in urban areas, with a high concentration in the civil service and in public institutions[17]. In some big companies there is a significant union presence; this is true of OCP, Morocco Telecom, the public television channel 2M, Royal Air Morocco and the CTM group, the national coach transport company.

An employer can also become a member of an association. The main employers' association is CGEM (general confederation of Moroccan enterprises) which includes large industrial and commercial companies and also small and medium size businesses. In 2010 CGEM numbered 31 sectorial federations in practically all branches of activity. In 2008 CGEM declared 2,637 member companies, whereas in 2000 the number was 1,234, showing an strong progression in the course of the last ten years.[18] As regards professional relations, CGEM has set up a Committee for Employment and Social Relations, within which it has formed a working party on collective agreements. There is also another institution representing business enterprise: this is FCCIS, the Moroccan federation of chambers of commerce, industry and services. But contrary to CGEM, the latter is a public representative organisation, which includes the existing chambers of commerce and industry in each province. Their members are elected by all the professionals across the country, whether or not they qualified as employers. As these individual and family companies and micro enterprises dominate by their number , particularly in trade and related activities, these institutions are representative of these social and professional profiles. CGEM represents industry and large commercial companies and FCCIS can be said to represent the mass of small and medium size businesses, especially in trade.

B. Collective agreements

The Ministry of Employment and Occupational Training records 39 collective agreements registered according to the rules (A). We do not have the data to establish the extent of cover of these conventions; however it is clear that the practice of negotiating a collective agreement is essentially limited to the large companies. On the other hand, the number of agreement protocols remains relatively high (see Table 5) and new forms of promoting collective bargaining are appearing at national and sectorial level (B).

In the following section we look at the most significant clauses in the collective agreements, they all deal with three main features : (a) the negotiation process, (b) stipulations on pay, and (c) the usual other clauses relating to promotion, discipline, training and leave. We shall complete this section by presenting some important initiatives which although different from negotiated collective agreements in the true sense may still be considered as a structural step forward in the construction of social dialogue, potentially opening the way to collective bargaining. These are: the Tangiers Social Charter, the initiatives of AMITH in the textile and garment branch and the draft agricultural convention in Lower Massa.

[17] www.authorstream.com/presentation/Luciana-21805-Rapport=Nationale-MAROC -SOMMAIRE -PRESENTATION -GENERALE-GEOGRAPHIQUEDU -POPULATION-SUPERICIE-CIVILISA- as-Entertainment-ppt -powerpoint/. Consulted 12 April 2010.

[18] Le Matin, 22 May 2009. www. lematin.ma/Actualite/journal/Articel.asp?origine=jrn&id=113749 Consulted 13 April 2010.

a) Process of collective bargaining and application of agreements

The agreement in the banking sector between GPDM, the Professional Association of Moroccan Banks, and UMT, the union representing banking employees, illustrates, by its renewed adoption and substance , how well integrated this agreement is as a support in the relations between the parties. This negotiation at the branch level of the banking sector and the substance of its master collective agreement, are clearly influenced the French bargaining system model.

The agreement provides for two joint committees to deal respectively with individual and collective questions such as disputes, discipline management, mechanism for the application of the agreement and the employment legislation and administration of occupational training. The agreement was tacitly re-adopted several years running and revised in 1978, 2000 and 2006, preserving the mechanisms for union participation and equal decision-making contained in the original. The joint committees meet when they need to address an issue; in fact the parties only meet occasionally for a substantial review of the agreement, as shown by the practice of tacit renewal already mentioned.

Around 1994, UMT and a large American tyre company drew up an agreement typical of the North American model in its general economy and very detailed clauses. Under this agreement the parties guarantee “industrial peace” while the agreement is in force, with a procedure for the resolution of conflicts. From the moment a dispute breaks out, the union representative and the personnel officer take responsibility and seek a solution. Should they be unable to agree, they submit the dispute to a joint conciliation committee, before recourse to arbitration. Only if all this procedure has been followed can the parties have recourse to strike or lock-out. As to questions of discipline, they are submitted to a joint committee similar to that in the banking sector.

In 2005, CDT and Somaca signed a three-year convention taking up the obligations in the Labour Code with regard to personnel representation, the status of union officers and training of the works council. It also provides for weekly meetings between management and employee delegates to handle individual disputes.

More recently, CDT and UMT, joining together , have drawn up an initial three-year agreement with Moroccan Telecom, a company which in 2008 had over 11,000 employees in Morocco. The preamble describes the commercial context of the company and the spirit of cooperation, which should prevail between the parties in order to direct joint relations towards “consolidation of a culture of dialogue and negotiation”. There are several clauses, which include important provisions of the Labour Code, notably concerning the right of association and the works council. Follow-up of the convention is in the hands of a committee composed of representatives of all the signatory parties.

The organisation known as *Chantiers et Ateliers du Maroc* in Casablanca negotiated an agreement in 2003 with UMT under which management recognises personnel delegates. One of the purposes of the agreement is in a general manner to “guarantee the maintenance of a spirit of collaboration and to improve the social climate.” The parties entrusted a joint consultative committee formed of six members with formulating opinions to the director of human resources on subjects such as appreciation of workers’ professional skills and disciplinary measures.

The company Metragaz in Tangiers and CDT has taken a different and rather original approach to engage in collective bargaining. This works in two phases. The first phase was designed to set up an agreement on the conduct of professional relations to achieve peaceful resolution of their differences by setting up a joint conciliation committee and maintaining a rigorous and systematic dialogue approach within the consultative bodies and committees. Later on, in 2008, the parties signed an innovative agreement, which provides for an advanced level of transparency in collective relations by including the company code of practice and a due process procedure to handle the individual claims of employees.

b) *Conditions of pay*

It seems that they are very few collective agreements covering conditions of pay or salary scales and systems. For instance, it is very rare to find an agreement that includes a pay scale. On the other hand there are often agreed modalities for pay progression and for pay components such as bonuses and indemnities.

The Morocco Telecom agreement stipulates that jobs shall be entered into a classification mechanism according to activity and professional category in order to determine the basic level of salary. To this may be added two premiums , which vary according to length of service, and three indemnities that relate to place of work, domicile and transport. There is also a bonus related to performance and company productivity, including a variable individual component, which is determined in relation to the employee's achievements and the personal objectives that are set for him.

The Somaca agreement makes reference to the legal minimum wage (SMIG), stating that the "minimum salary paid by the company shall not be increased unless it is below the level of the revised SMIG." The agreement's annex provides a job classification table and the salary categories. In addition, the agreement includes a production bonus which formula relates to a measure of productivity performance in vehicle manufacture.

The Metragaz agreement is the only one, which presents a comprehensive system of job classification, and evaluation of employee productivity as well as it includes the hierarchic coefficients that determine the salary grades and the grid for the monthly rate. The monthly wage rates are indexed for each of the three years' duration of the agreement to the annual variation in the cost of living index as published by the Government. To our knowledge this is the only convention that makes such provision.

Recently, in 2009, *Banque Populaire* and the labour confederation CDT signed an agreement protocol that provides for a general pay increase and a number of other advantages such as an employment premium, housing loans and private pension contributions to the CIMR scheme. Special committees have been set up to examine various aspects of remuneration: qualifications, promotion and interest. A similar agreement was signed between GPBM and UMT in 2006.

c) *Clauses relating to other aspects of labour relations*

Measures relating to training, discipline and social benefits provide a different illustration of the advantages of contractual provisions.

Recent agreements contain general clauses on in-house training; in the case of Somaca this is expressed as "actions to combat illiteracy amongst employees."

The agreements also cover procedures and disciplinary measures. The provisions are usually of a general nature concerning the extent of a disciplinary measure in relation to the gravity of the fault; and the lines of appeal open to an employee.

It is not unusual for a collective agreement to specify the number of paid days off ; and periods of annual leave and extensions thereof, depending on length of service. In the Metragaz agreement, the normal allowance for annual leave is 22 days, but this can increase to 30 days for shift workers. There is also special provision for private pension schemes.

C. Other types of agreement

Agreement protocols are still widespread. This model of agreement is sometimes used by holding companies and is quite similar to the more formal model of collective agreement (a). The dynamics of social dialogue sought by the social partners can also take innovative forms such as (b) a national charter (c) a standard collective agreement or (d) a negotiated internal rule.

a) Maintaining the practice of an agreement protocol

Although the number of collective agreements that have been renewed or signed in the last three years is not more than 20, the number of agreement protocols remains relatively high, even if on the decrease. The number of pay related demands seems to be on the increase, but the main object of the agreements and the ensuing negotiations relates principally to the list of union demands submitted to employers and to conformity with labour legislation.

Table 7.
Content of agreement protocols 2007–2009
(percentage)

Year	No.	Object		
		List of union demands	Labour law	Pay issues
2007	265	32.8	28.7	11.0
2008	151	30.5	25.2	18.0
2009	99	25.0	17.0	19.0

Source: Data supplied by the Ministry of Employment and Professional Training, Oct. 2009.

At the company known as *Office Chérifien des Phosphates* (OCP), the social partners have negotiated such model of agreement. This is the largest Moroccan public enterprise founded in 1924. In 2008 it was transformed into a limited company with capital subscribed by the State. At present the company has more the status of a holding and is the top national industrial entity. Before entering into an agreement protocol the social partners drawn up in 2005 a charter for consultation on employment policies.

The agreement protocol expresses company policy, made up of a synthesis between internal agreements and the collective bargaining committee (CNC) consisting of representatives of top management and five unions in a confederation.

The charter proposes a ‘flexible framework of consultation and dialogue’ with the aim of modernising industrial relations, based on the Labour Code. The intention is to consolidate company culture. The process of consultation and dialogue is derived from methods of problem resolution and techniques that belong to what is known as integrative negotiation. Two dialogue bodies are identified: the works council and the collective bargaining committee. The annual negotiation process begins with the adoption of an agenda that includes presentation of union demands by all the unions and issues that general management wish to settle. Differences are handled according to the stipulations in the rules: they may be passed on to a mediator or brought before a special committee consisting of OCP top management and the chief union leaders.

Since the adoption of this charter, annual negotiation has always resulted in the signing of protocols. The 2006 protocol was particularly substantial as it dealt with occupational and academic training, career advancement, promotion based on merit, medical coverage, housing assistance and indemnities and premiums added to the basic wage. The 2007 protocol dealt with the revised pay scales and certain indemnities as well as new arrangements concerning access to housing. Recently, in December 2009, OCP management and the four main unions in the company drew up a new agreement protocol, providing in particular for a 10 per cent pay increase and a monthly housing allowance. There was agreement on a clause concerning something the unions had been claiming for several years: revision of the internal promotion process, under which certain job categories were upgraded. Finally there were improvements to employees' medical coverage; and the parties agreed to initiate the implementation of a complementary pension scheme by drawing up specifications and starting consultations with the competent bodies so that by 2010 the partners could consider the various possible scenarios for introducing this retirement scheme.

What is important to note in this case is the constancy of the negotiation process engaged every year since adoption of the social charter in 2005. Given the importance of this company in the industrial structure of the country, this initiative represents exemplary practice, which could serve as a reference in strengthening the Moroccan model of industrial relations.

b) Social charter for the Tangiers-Tetouan region

In 2007, the Tangiers section of the young executives' organisation CJD invited the representatives of some dozen companies and the four main unions present in the Tangiers-Tetouan region to exchange views and concerns over the accelerating industrial development in this region and to address the issues surrounding important social conflicts. As reported in l'Economiste in 2007, the project was presented as an initiative on the part of the Tangiers section of CJD, designed as to experiment an enabling method of mediation. At the time CJD offered, with the support of its partners, to start a new project aimed at strengthening capacity for mediation between employers and the unions, in order to introduce a "culture of consultation, social dialogue and negotiation." ILO made a contribution to this initiative with the help of training activities within its programme to strengthen labour relations in Morocco and in the context of its project for sustainable development under the UN Global Compact, whose object is to promote the social responsibility of companies. The training agreement made at the time gave priority to the acquisition of techniques for mediation and negotiation and to methods for the resolution of problems. The relations which the partners were able to develop in the course of this procedure enabled them to make a diagnosis of their relations and to establish a social charter that is open to signature by other companies, in the hope of preventing conflicts or resolving them through dialogue. In particular the agreement states that "conflictual labour relations constitute an impediment to investment and undermine employment and social stability. It is preferable to establish labour relations based on partnership, participation, sensitivity to other views and dialogue, given that industrial peace is an essential factor for social and economic development and for job creation."

c) Initiative to improve competitiveness in the textile and garment sector through decent work

As we have already mentioned, the garment sector plays a key role in the industrial structure of Morocco because of its level of employment and its contribution to foreign trade and to GDP. The considerable knowledge that has been acquired in this sector puts it in a good position to take advantage of the changes in international demand, positioning itself in the promising new sectors and ridding itself of the dependence imposed by the subcontracting relations that confine so many enterprises. The Government is encouraging this action, focusing on support and promotion measures under the National Pact for Industrial Emergence 2009-2015, adopted in 2009.

This development owes much to the social dialogue which was established in this sector in 2004 following an initiative on the part of the social partners (MEFP, MCI, ANPPME, AMITH, UMT, CDT and UGTM), with the support of ILO, to promote decent work in the textile and garment industry of Morocco. The principal axis is the strengthening of competitiveness and industrial productivity by improving the social management of enterprises. The programme notably includes training in six modules of which three deal with industrial relations as strategic elements influencing company productivity and competitiveness: cooperation between management and workers, labour conditions, and skills as instruments of promoting productivity.

A recent report on 4 out of the 12 pilot enterprises that are taking part in this scheme for upgrading company relations (with ILO support for 9 months) has returned positive results. 395 participants benefited from the training given both to management and employees. This focused primarily on progressively widening the fields of communication, dialogue and exchange in the workplace; on bringing institutions into line with the new legislation; and on strengthening social responsibility within a company.

This amounts therefore to a new initiative providing social partners with the basis to construct sustained social dialogue, leading ultimately to the practice of collective bargaining in this sector.

We should also add that in this sector the International Textile Garment and Leather Workers Federation drew up a framework agreement in 2007 with the Spanish-based company INDITEX, under the terms of which the signatory company and the Federation jointly agree to apply in their establishments and throughout their supply chain all the provisions of the 10 international conventions, thus affirming the foundations of sound industrial relations.

The above company INDITEX obtains an important share of its supplies from Moroccan enterprises, especially those situated in the region of Tangiers. It is estimated that nearly 50 per cent of the 60,000 workers in the garment industry in this area produce for INDITEX, hence the considerable impact that this framework agreement can have, not only within a company but on all the industrial relations that surround their transactions. The agreement will surely also be felt in the changes that are taking place due to standardisation of the various suppliers according to the Moroccan Labour Code and the INDITEX code of practice. At the same time collective labour relations are being firmed up to meet the international standards, which are described in the agreement.

In this context INDITEX has set up a mechanism for social dialogue with AMITH and has signed up for the programme of industrial conformity that the latter has elaborated under the title '*Fibre citoyenne*' (social fibre).

The INDITEX 2008 annual report mentions the appointment of 9 industrial standards managers to supervise the Moroccan contracting companies and 57 industrial standards checks carried out amongst them, providing 43 jobs.

d) Plan for a collective agricultural agreement in Lower Massa

Until adoption of the Labour Code the agricultural sector was only partially protected, under the 1973 Act. Even its social security system, which was not introduced until 1981, made no provision for family benefits, putting it in a very weak position as regards legal protection.

Now that agricultural workers benefit from all the rights granted to their comrades in industry and the services, the need emerges to adapt this common right to their particular social status. The farms in the Agadir region, which are amongst the most modern in the country and which provide more than 90 per cent of Morocco's exports in fruit and vegetables, were amongst the first to make clear their interest in the matter, taking account of the competition they face during periods of seasonal work; inadequacy of the existing procedures, particularly as regards social security; the sometimes violent conflicts that break out and their wish to honour the social responsibilities demanded of them by their customers.

These expectations are no different from those of the unions, who often experience difficulty penetrating this area of work. The Ministry of Employment, which also seeks to conform to the Labour Code by introducing regional action plans, has invited the representatives of the various parties to the negotiating table in order to conclude an open collective agreement, as a means of encouraging collective bargaining at national and sectorial level. The discussions, which took place locally and were followed up at Rabat were suspended at the time of union elections. The plan put forward by the Ministry and debated by the parties includes stipulations on apprenticeship and entry into the labour market; a distinction between the status of temporary and permanent worker; pay and promotion; length of service; social protection; collective bargaining and the resolution of collective conflicts through arbitration.

D. Negotiated internal settlements

The adoption of an internal rule which is compulsory for companies with ten employees or more automatically leads to discussion with the workers' representatives. It may then become the subject of negotiation; and the outcome is recorded in a document which has a legal force for all concerned. The company Altadis has had this experience. The management of a major hotel in Casablanca have also had discussions of this type with the representatives of UMT, adapting the main obligations in the Labour Code and integrating them into their document. Since MEFP has validated 765 internal rules in the course of the last two years, we may assume that this practice is widely observed elsewhere.

Conclusion

The main object of the process of collective bargaining is to introduce standards into the workplace, particularly in private industry. The Labour Code expresses the wish of social partners to make collective bargaining part of regular practice in the structure of collective labour relations, particularly within companies. To this end it has provided a legal and institutional framework conducive to collective bargaining as described in the international conventions.

Of the agreements we have considered, some were negotiated after adoption of the Labour Code and contain suitably adapted measures for consultation and discussion. The conventions of Morocco Telecom and Metragaz put the accent on the legitimacy of union action and integrating human resources principles, particularly with regard to pay, mobility of personnel or multi-functional employment. The OCP agreement protocols are innovative in the sense that they result in confederate union negotiation enshrined in a social charter that affirms the values of a company; leads top management to recognise the legitimacy of the unions and encourages stability of collective labour relations. Nevertheless these are limited initiatives which we offer as examples.

We are forced to conclude that in reality these labour relations do not produce the rapid changes that are desired in matters of social dialogue. Apart from the banking sector, which is partially covered by a branch agreement, contractual provisions remain essentially in the domain of company agreements. Furthermore this feature is limited to big industry and affects only two union organisations, UMT and CDT, in the major sectors of economic activity.

The challenge is enormous. Negotiation of collective agreements, in any form, is developing in Morocco, (with the exception of the public sector) towards a dual model. On the one hand, a Moroccan company is typically modest in size, with a small capital, centred on activities that link in with local markets. On the other hand, we see the emergence of a type of enterprise that works with the national and international markets, using up-to-date sophisticated technology and the most advanced methods of management, particularly of human resources. This model is a vector which directly influences the organisation and spread of collective bargaining, although its practice still depends strongly on the business model.

The new labour legislation compels key players to apply collective bargaining in relation to their needs and to progressively introduce collective labour agreements. Unions and employers have a duty to diffuse this experience, informing and familiarising their members and managers with the usefulness of negotiation in the management of collective relations. In this respect, we have considered three initiatives.

The development of a bargaining platform agenda by a union confederation, with the involvement of its leaders and its rank and file representatives, is a strategic tool to design proposals on wage and conditions for bargaining and to familiarise themselves with the employment conditions contained in the Labour Code and improve their negotiation capacities. This is also the ideal moment to train the union's leader and representatives in the technical aspects of collective bargaining. With this in mind, CDT adopted a negotiation instrument in 2006 covering the principal demands of the organisation to address and negotiate issues at the workplace including their arguments and their legal aspects.

The initiatives of CJD and their partners in the Tangiers region also illustrate the manner in which employers are now prepared to influence the practice of industrial relations. In this vein, CGEM adopted a charter of social responsibility in 2006 in which one of the objectives is to "continually improve labour conditions and industrial relations." These initiatives are signs that discussion is developing in employers' and union organisations, going beyond the strict framework of the law that underpins industrial relations, to encourage an economy that is moving towards transformation and modernisation and to meet the many challenges.

On the other hand it is difficult to assess the impact of this development on labour relations in the informal sector. In fact the expression itself describes social and professional relations which do not follow the forms and standards by which we form economic and social opinions on labour. In territories where the informal market predominates, such as in the rural areas, the Rif region in the north or in the vast deserts of the south, the law becomes ineffectual and it is hardly possible to introduce an industrial social model, particularly with regard to collective labour relations. On the other hand, when the informal market meets the formal economy, they interact in both a positive and a negative manner. Some formal enterprises have no hesitation in using additional undeclared labour, either occasionally or regularly. There are numerous undeclared micro enterprises and small and medium size businesses acting as outsourcers for certain activities by big companies (confection, algae, shoes, craft products, etc.). One may maintain that these relations have a negative influence on labour conditions and collective organisation on the part of employees in the contracting company; just as one may accept the point of view of the employers who say that such practices remain marginal and allow them to remain competitive in difficult times. Nevertheless it is certain that the global weakness of the paid sector has an impact on the informal sector and its articulation with a modern economy. On the other hand, the low qualifications of most workers in the informal sector does not lead one to suppose that they could have a negative influence on individual or collective labour relations in big industries. The impact of collective bargaining on informal enterprises might only be found in two different places: one, an indirect effect brought about by a general improvement in the employment situation and two, rather unusually, an effect brought about by reason of the interconnection between a formal enterprise and its informal contractors.

Annex 1.

Indicators of the active population, 2003 and 2007

Indicators	2003	2007
Active population aged 15 plus (per 1000)	10.707	11.148
Structure in % of the active population		
▪ Men	73.2	72.8
▪ Women	26.8	27.2
Age in %		
▪ 15-24	25.5	23.3
▪ 25-34	29.9	28.6
▪ 35-44	21.4	22.0
▪ 45-59	17.3	22.1
▪ 60 plus	5.9	5.9
Rate of activity of the population aged 15 plus		
▪ Total	52.4	51.0
▪ Men	77.7	76.1
▪ Women	27.7	27.1
▪ Under 15 year-olds	3.9	2.7
o Male	4.4	2.9
o Female	3.5	2.4
Occupational status		
▪ Employee	37.0	44.9
▪ Independent	26.2	24.9
▪ Employer	2.5	2.3
▪ Domestic help or apprentice	31.8	25.4
Spread of employment by branch		
▪ Agricultural sector	47.1	43.1
▪ Industry	12.8	12.6
▪ Construction and public works	6.4	8.2
▪ Services	33.7	36.0
▪ Transport and communications	12.1	12.2
▪ Trade	3.3	3.9

Source: HCP. Social indicators in Morocco, 2007.

Annex 2.

Unemployment in Morocco, 2000–2007

Indicators	2000	2004	2005	2006	2007
National unemployment	13.6	10.8	11.1	9.7	9.8
Rural unemployment	21.4	18.4	18.3	15.5	15.3
Urban unemployment	5.0	3.2	3.6	3.7	3.8
▪ Age 15–24	37.6	33.2	32.9	31.7	31.6
▪ Age 25–44	17.0	14.8	14.7	11.7	12.1
▪ Unqualified	13.1	10.5	10.0	9.2	9.0
▪ Middle qualifications	30.3	24.7	24.9	21.9	21.2
▪ Higher qualifications	28.4	27.1	26.8	19.2	20.3
Unemployment in the urban female population	26.7	24.3	24.9	20.9	20.8

Source: HCP.

Annex 3.

Spread of the active population by sector of activity and size of establishment, 2001

Establishment Employment/size	Personnel	
	Number	Proportion %
Agriculture, forestry and fishing		
▪ Micro: fewer than 5 employees	2,981,582	32.2
▪ Small : 5–19	1,148,948	12.4
▪ Medium : 20–200	67,867	0.7
▪ Large : 200 and over	5,973	0.1
Subtotal	4,281,505	46.2
Other sectors		
▪ Micro: fewer than 5 employees	3,015,700	32.6
▪ Small : 5–19	474,989	5.1
▪ Medium : 20–200	429,922	4.6
▪ Large : 200 and over	195,368	2.1
Subtotal	4,983,104	53.8
Total	9,264,609	100.0

Source: HCP National Survey on Employment, 2001.

References

Al-Maghrib Bank. 2009. *Annual Report 2008.*

Democrati. 2006. Report and claims by the delegates and CDT union leaders. Programme to adapt the Labour Code to collective bargaining (Casablanca).

El Aoufi; Bensaid, M. 2005. "Unemployment and employability amongst the youth of Morocco" (Geneva, ILO, Department of Employment Policy and Department of Employment Strategy).

High Commission for Planning. 2009. "National survey on the informal sector 2007: Main results", (Rabat), Dec.

——. 2008. *Activity, employment and unemployment*.

INDITEX. *Annual Report 2008*.

International Labour Organization. 2004. *Bulletin of the Decent Work Pilot Programme to Promote Decent Work in Morocco's Textile-Garment Sector*, No.1, July.

——. Undated. "Improving competitiveness in the textile-garment sector by decent work. Successful trials: Moroccan enterprises and their workers report on 9 months' support in updating industrial relations", Project on Decent Work in Morocco's Textile/Garment Sector, consulted 8 January 2010: www.un.org.ma/IMG/PDF/BIT_02_fr.PDF

Kingdom of Morocco. 2008. "Millenium objectives for development", in *National Report, 2007.*

——. 1999/2000. "National survey on the non-agricultural informal sector", Report on initial results (Prime Minister Department of Economic Planning).

Moroccan High Commission for Planning. *Social Indicators in Morocco in 2007and 2008*.

Morocco in figures 2007 and 2008.

Sustainable Development and the Global Compact. 2007. "Elements for a report on social responsibility in Moroccan enterprise".

Tawfik Mouline, Mohamed and Anissa Lazrak. 2005. "Report on perspectives in Morocco for the 2025 horizon: Towards higher human development".

World Bank, 2009. Poverty reduction and economic management. Social Economic Development Group. Morocco Country Management Unit. Middle East and North Africa Region. Implementation Completion and Results Report on a Series of Programmatic Loans to the Kingdom of Morocco for a Public Administration Reform Loan. June 25, 2009

——. 2009. Data profile. Morocco. World Development Indicators Database. April 2009.

——. 2006. Kingdom of Morocco. Country economic memorandum: Promoting growth and employment by productive diversification and competitiveness. Economic and Social Development Group. Middle East and North Africa Region. Volume I: Summary Report No. 32948-MOR

Collective agreements and agreement protocols

Workshops and construction sites: Agadir, Sous, CDT, 2006 (2007–2009).

Cellulose in Morocco.

Goodyear Morocco and UMT, 1994.

Construction sites and workshops in Morocco: Casablanca and UMT, 2003–2005 and 2006–2008.

CTM and UMT (Transport Federation), 1992, tacit renewal.

OCP Group and UMT, UNTM, UGTM, FDT, CDT. Agreement protocols 2006, 2007 and 2009.

GPBM and UMT: Collective agreement on banking personnel, 1960, revised 1978, 1984, 2000, 2008.

Morocco Telecom and CDT (post and telecommunications union) with the telecom federation, 2004. Tacit renewal.

Metragaz and CDT. Collective agreement, 2008 .

Samir and CDT, 2005–2008. Tacit renewal.

Somaca and CDT 2005–2008, renewable.

Soread (2M) and UMT – SNPM, 2001–2004. Tacit renewal.

Social charters

OCP Group, 2005

CJD Tangiers 2007

Codes of conduct and international framework agreements

INDITEX Code of Conduct. Annual Report 2008.

International Framework Agreement between INDITEX S.A and International Textile, Garment and Leather Workers Federation, 2007.