

108th Session, Geneva, June 2019

Committee on the Application of Standards

Following the decisions made during the informal tripartite consultations on the working methods of the CAS in March 2019, governments appearing on the preliminary list of individual cases have now the opportunity, if they so wish, to supply on a purely voluntary basis, written information before the opening of the session of the Conference.

Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

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.

A high-level mission visited Algeria from 21 to 23 May 2019, in the context of the implementation of the conclusions of the 107th Session in June 2018 of the Committee on the Application of Standards.

The acceptance by Algeria of this ILO high-level mission is a strong indication bearing witness to the country's interest in the promotion and implementation of the ILO's conventions.

Algeria has indicated on several occasions that it has always endeavoured to reinforce and adapt the national legislation in force in conformity with the ILO's Conventions and the recommendations of the ILO supervisory bodies.

In the context of the legislative reforms, a new approach has been adopted of disassociating Act No. 90-14 of 2 June 1990 on the exercise of trade union rights, as amended and supplement, from the draft Labour Code. This approach will be aimed at gaining time in the adoption procedure, in view of the number of provisions that it contains in relation to a Labour Code that gathers together several texts, and that dialogue on a single law allows consensus to be reached more easily.

The amendments will be related to the provisions of section 4 of Act No. 90-14 of 2 June 1990 so as to take into account the conclusions of the Committee of Experts and the removal of any constraint on the establishment of federations and confederations irrespective of the sector that the unions cover.

Similarly, the amendments will relate to the provisions of section 6 of the Act, which will be drafted in conformity with Convention No. 87, taking into account international experience in

relation to the nationality of workers in the establishment of a trade union, in accordance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Moreover, the provisions respecting the protection of trade union delegates will be strengthened to reinforce the freedom of trade union delegates to exercise trade union rights.

To this effect, the draft amendments to Act No. 90-14 of 2 June 1990 will be submitted to social dialogue with all the organizations of employers and workers. This draft legislation will be given priority in accordance with the procedures established in this respect.

The schedule for the examination of this draft legislation will be communicated to the International Labour Office taking into account the current situation in Algeria.

With regard to the registration of unions in practice, it should be noted that the Government has been engaged in a process since 3 April 2019 of processing the files concerning the applications for registration made by unions.

In this context, the Ministry of Labour, Employment and Social Security has contacted those concerned with a view to requesting them to supplement the files, either through the provision of missing administrative documents or removing observations made previously. A schedule of meetings has been drawn up and implemented, and is being continued.

Working meetings have been held and clarifications provided in relation to the administrative files of founder members and the statutes of the trade union organization.

These measures have resulted in the registration of 11 new trade union organizations, including one employers' organization, which brings the number of registered organizations to 75 trade unions and 42 employers' organizations, or a total of 117 organizations, compared with a total of 101 in June 2018.

With reference to the organizations referred to in the report of the Committee of Experts, it is also necessary to provide the following information.

With regard to the Autonomous Union of Attorneys in Algeria (SAAA), the Autonomous Algerian Union of Transport Workers (SAATT) and the Higher Education Teachers Union (SESS): following communications disseminated in the information media to which they did not reply, those concerned were invited by mail to contact the Ministry of Labour, Employment and Social Security to be informed of the measures taken by the Government.

The Government will make use of every channel to contact those concerned to accompany them in bringing their files into conformity.

With regard to the file for the General and Autonomous Confederation of Workers in Algeria (CGATA), the Government had indicated that its President was not an employee. Moreover, the planned confederation does not have any registered union among its affiliates.

With reference to the allegations of violations of Convention No. 87 made by the Confederation of Productive Workers (COSYFOP), the National Union of Industrial Workers (SNSI) and the National Union of Energy Workers (SNT ENERGIE), the Government had provided full information and documentation refuting the allegations made by persons who had obtained the status of registered unions without being in compliance with the legal and statutory provisions

setting out the rules for the convening of the decision-making bodies of these unions and without the presence of any members or affiliates of the unions.

With regard to the cases of the reinstatement of employees of the administration, whose dismissal was a result of anti-union discrimination, the Government described the situation, through its delegation, during the work of the Committee in June 2018. There have been significant changes in the situation due to the follow-up action taken on these cases with the institutions and enterprises concerned. This follow-up action has resulted in the settlement of 83 of the 86 cases raised and detailed information was provided to the high-level mission.

The total number of workers concerned is 86, in the various sectors (57 workers reinstated, nine workers compensated, one worker in retirement, 12 whose situation is being regularized, three dismissed for professional or criminal offences, three cases pending before the competent jurisdictions and one case who is not employed in higher education. That makes a total of 83 cases resolved.

The Government also wishes to specify that the processing of the files for the establishment of the following unions (the Autonomous National Union of Workers in Paper and Packaging Manufacturing and Transformation, the Autonomous National Union of Wood and Derivatives Manufacturing Workers and the Autonomous National Union of Workers of EUREST Algeria) showed that the territorial coverage of these unions is of a local nature (at the level of the wilayas or communes). Consequently, they can be registered at the level of the wilaya (department) capital or the commune in accordance with the provisions of section 10 of Act No. 90-14 of 2 June 1990. The persons concerned have been informed and contacted.

The Government recalled that the Autonomous National Union of Electricity and Gas Workers (SNATEGS) was dissolved voluntarily and unanimously by its founder members at an assembly general held on 17 October 2017, in the presence of a bailiff, who prepared an official notification for this purpose. The notification was addressed to the Ministry of Labour, Employment and Social Security, which noted it, and a full report was sent to the International Labour Office. This report was provided to the mission that visited Algeria.

In this context, it should be noted that the Council of State dismissed the application by Mr Raouf MELLAL, in the case of the voluntary dissolution of SNATEGS (Council of State ruling No. 18/2436 of 19 July 2018). The Ministry of Justice also indicates that no ruling has been handed down recognizing that Mr HELLAL is the President.

The Government indicates that, with regard to the allegations of acts of intimidation and violence against workers and their organizations, that workers and their organizations exercise freely the rights and freedoms recognized by the Constitution and the right to peaceful demonstration in compliance with public order.

Finally, it is important to note that Algeria received the high-level mission based on the terms of reference proposed by the ILO and that all the conditions were met for the mission to be carried out with the various sectors and administrations and with the socio-economic partners.