

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)  
**INTERNATIONALLY RECOGNISED CORE LABOUR  
STANDARDS IN MOROCCO**

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE  
POLICIES OF MOROCCO (Geneva, 24 to 26 June 2009)**

**EXECUTIVE SUMMARY**

Morocco has ratified seven of the eight ILO core labour standards. However in every area, Morocco needs, in both legislation and practice, to adopt measures enabling it to meet the commitments it made in Singapore, Geneva and Doha in the WTO Ministerial Declarations adopted between 1996 and 2001, and in the ILO Declaration on Fundamental Principles and Rights at Work adopted in June 1998.

Morocco has ratified Convention 98 on the Right to Organise and to Bargain Collectively but has not ratified Convention 87 on Freedom of Association. Certain categories of workers are not allowed to form trade unions, including members of the judiciary, domestic workers and agricultural workers. Although the authorities showed greater tolerance last year and workers' protest actions went ahead with fewer difficulties than in 2007, trade unions continued to be subjected to harassment. The rapid growth of subcontracting and temporary employment has made it hard to organise trade unions, despite the fact that those forms of employment are often accompanied by a degradation of working conditions.

Morocco has ratified the ILO conventions covering the principle of non-discrimination. Despite government measures, in practice women are subject to many forms of discrimination. One worker in four is a woman but their wages are a third lower than those of men. The illiteracy rate is almost twice as high for women as compared to men. And women are over-represented in sectors with the most insecure working conditions, such as agriculture, domestic work, the textile industry and informal work.

Morocco has ratified the ILO conventions on child labour, however the trade unions report that approximately 600,000 children are working in Morocco. The government's efforts are welcome but remain too modest given the extent and gravity of the problem. The sanctions applied for breaches of the laws on child labour are not sufficiently dissuasive.

Morocco has ratified the ILO conventions on forced labour, but the country's legislation is not in line with those conventions. The sanctions applied in the event of violation of the laws on forced labour are not sufficiently dissuasive. In practice, domestic work, which is frequently carried out by girls under 18 years old, can sometimes come close to forced labour. There are reports of human trafficking within the country, including trafficking of children.

## INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN MOROCCO

### **Introduction**

This report on the observance of internationally recognised core labour standards in Morocco is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first WTO Ministerial Conference (Singapore, 9 to 13 December 1996) and ratified at the second WTO Ministerial Conference (Geneva, 18-20 May 1998) at which the ministers stated: "We renew our commitment to the observance of internationally recognised core labour standards." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed that commitment. Those standards were further upheld in the Declaration of the International Labour Organisation (ILO) on Fundamental Principles and Rights at Work, which was adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

Three trade union confederations are affiliated to the ITUC: the Union Générale des Travailleurs du Maroc (UGTM), the Union Marocaine du Travail (UMT) and the Confédération Démocratique du Travail (CDT).

### **I. Freedom of association and the right to collective bargaining**

Morocco has not ratified ILO Convention 87 (1948) on Freedom of Association and Protection of the Right to Organise. It ratified ILO Convention 98 (1949) on the Right to Organise and to Bargain Collectively in 1957.

Moroccan workers are free to form or join a trade union without prior authorisation, however they must follow cumbersome administrative procedures. Members of the judiciary are barred from forming trade unions, while domestic and agricultural workers are not covered by the Labour Code, thereby depriving them too of the right to form unions.

The right of organisations to elect their representatives in full freedom is curtailed by the requirement that union officials must be of Moroccan nationality.

The 2003 Labour Code, designed to modernise labour relations and make Moroccan industry more attractive to outside investors, has "flexibility" as its recurring theme. It includes provisions to bring the law into line with ILO Conventions, such as those on maternity and the minimum working age. At the same time, however, the unions complain that the law makes it easy for employers to hire temporary staff, who are hard to organise in unions.

The Labour Code specifically prohibits employers from sacking workers for participating in legitimate union organising. The courts have the power to reinstate arbitrarily dismissed workers, and can compel employers to pay compensation and back pay.

The Labour Code recognises the right to collective bargaining, but it can only be conducted by the "most representative" union, which must have at least 35 per cent of the total number of employee delegates elected at the enterprise or establishment level. The law does not clearly stipulate whether certain categories of public servants

(teachers, prison officials, lighthouse workers, and water and forestry workers) have collective bargaining rights.

The Constitution guarantees the right to strike, though with certain restrictions. Civil servants may be punished for taking part in work stoppages or collective insubordination.

Further to a court ruling, sit-ins are prohibited and employers can suspend any worker who prevents non-strikers from going to work for seven days. A second offence during the year can lead to a 15-day suspension.

Under the Labour Code, employers have the right to seek criminal prosecution of any strikers who hold a sit-in, damage property or carry out active picketing. The government can break up demonstrations in public areas held without government permission, and can prevent factory occupations.

While there were many incidents and much police violence during workers' demonstrations in 2007, in 2008 trade unions generally found it easier to organise marches and other forms of protest.

However harassment continued:

- The day after it was created on 8 February 2008, the Air Traffic Controllers Union at Casablanca airport, affiliated to the Democratic Confederation of Labour (CDT) was faced with many forms of harassment. On 9 February, one of its members was transferred from his job as an air traffic controller to a job in the library. After showing their solidarity with the CDT's national strike on 21 May, five other activists from the union were transferred to regional airports in posts that prevented them enjoying the same salary advantages that they had had in Casablanca. Union members had the right to work overtime withdrawn after they held a general assembly and elected an enlarged executive bureau. All members had to undergo a new oral procedure to validate their skills to work in the regional airports. In October the flight licence of a union executive board member was not renewed owing to the prevarication of the airport's administration. On 17 November, after a meeting between the union representatives and the National Airport Office (ONDA), the latter agreed to allow the transferred workers to return to their jobs in Casablanca and to remove the administrative obstacles to obtaining licences. Over the next few weeks, however, anti-union harassment resumed with a vengeance, with ONDA going so far as to question the existence of the union, given that several of its members had been transferred to other airports. At the end of 2008 the union complained that this harassment was still going on.
- At the end of February 2008, the management of the market gardening group Soprofel transferred or dismissed several members of the National Federation of the Agricultural Sector (affiliated to the UMT) in retaliation for a strike that had taken place a few days earlier on seven farms employing 800 workers. This followed sit-ins organised by the staff in response to the employer's refusal to engage in social dialogue. Staff representatives had also been transferred in 2007. According to the UMT, over 70,000 people, nearly three quarters of whom are women, work in

this arable farming region in the south of Morocco, yet barely 15,000 of them are officially registered. Trade unions are tolerated on some farms but they are unable to negotiate collective agreements. The effect of intensive farming on the water table in an already semi-arid region is forcing companies to regularly change location, abandoning the workers to their fate, and start up new farms, hiring new agricultural workers. The UMT was also busy throughout the year helping peasant farmers' organisations in Aoulouz in the south of the country, who were protesting at the corruption of the local authorities and a so-called farmers' association imposed by the administration since the construction of a dam that dried up their land. The UMT succeeded in getting the association dissolved. At the end of 2008, after several protests and all sorts of intimidation, the peasant farmer unions finally secured recognition of their rights.

- At the International Labour Conference, the International Textile, Garment and Leather Workers' Federation (ITGLWF) strongly criticised the attitude of the Moroccan authorities who had sentenced workers in the Dihanex case on the basis of Penal Code provisions on the "freedom to work". On 15 November 2007, men and women workers at the Dihanex factory had been beaten by the police. They were attempting to stop the employer of this company that had gone into liquidation from illegally moving the machines and equipment that were supposed to be sold in a public auction. Three trade union leaders had been detained by the police whilst trying to lodge a complaint. On 21 November, they were sentenced to one year's imprisonment under Article 288 of the Penal Code. Dihanex had been shut down in March 2007 following three months of fruitless efforts by the union and the Labour Ministry to try and resolve the numerous breaches of the workers' statutory rights. At the time the factory was closed, the employer owed up to two years of wage arrears.

Export processing zones are beginning to develop, particularly in the port of Tangiers and in Casablanca. The companies concerned are often small production units (in the textile or food sectors) and are failing to declare their employees and pay them the minimum wage. Sub-contracting is increasingly common, making union organising particularly difficult.

#### *Conclusions:*

*Certain categories of workers are not allowed to form trade unions, including members of the judiciary, domestic workers and agricultural workers. Although the authorities showed greater tolerance in 2008 and workers' protest actions went ahead with fewer difficulties than in 2007, trade unions continued to be subjected to harassment. The rapid growth of subcontracting and temporary employment has made it hard to organise trade unions, despite the fact that such forms of employment often involve a degradation of working conditions.*

## II. Discrimination and equal remuneration

In 1979, Morocco ratified ILO Convention 100 (1951) on Equal Remuneration, and in 1963 it had ratified ILO Convention 111 (1958) on Discrimination in Respect of Employment and Occupation.

Article 346 of the Labour Code enshrines the principle of equal pay for work of equal value. The labour inspectors are legally required to ensure respect of the principle of equal remuneration and to encourage the social partners to apply that principle when setting wage levels.

In 2006, the government adopted a national strategy on gender equity and equality aimed at integrating the principle of equality between men and women in development policies and programmes. Equal access for men and women to the labour market is one of the explicit objectives of that strategy.

It is important to note that the strategy also stresses the need to combat sexist stereotypes and prejudice as a means of changing people's attitudes and ways of thinking. In practice, these stereotypes are, indeed, widespread and are the main cause of the discrimination that women face in employment.

In practice, women's employment situation remains disturbing. Women's rate of economic activity fell from 28% in 2004 to 25% in 2005, whereas the rate for men decreased from 77% to 76.5% in the same years. Women are hit harder by unemployment and most women are engaged in informal work and are therefore deprived of protection against discrimination and exploitation.

The Moroccan High Commissioner for the Plan ("Haut Commissariat au Plan marocain") refers to a "*clear imbalance*" between men and women on the country's labour market, stressing that "*just one worker in four is a woman and a man's wages are one third higher than a woman's*".

Serious discrimination exists in both the private and public sectors.

In the civil service, the government statistics for 2004 show that 35.2% of civil servants are women, compared to 34.3% in 2002. According to the unions, women workers in the civil service are confined to the lowest ranks of the hierarchy. In addition, they are largely employed in jobs that are regarded as an extension of their role in private life, i.e. health, education and provision of services. Moreover, women are often offered posts in distant regions and so sometimes have to refuse them.

In the private sector, women are concentrated in jobs requiring few qualifications, such as those in the textile and food sectors. That is indicative of the very real problem of illiteracy, which affects around 60% of women compared to 35% for men.

The unions have complained about the unrecognised or "invisible" work of many women, as well as the process of feminising poverty. Women employed in agricultural or domestic work have extremely hard working conditions and receive poverty wages. The unions say that the conditions and level of discrimination are often worst in these sectors. Many women workers are not registered for social security. Sexual harassment is regarded as normal behaviour. The women are working under constant threat of dismissal.

There are many abuses too in the textile and clothing sector. Women represent 71% of the workforce in this sector and suffer most from job insecurity, wage discrimination, limited access to vocational training, long working hours and mediocre working conditions. The new employment law covering this sector came into force in July 2004, however the unions report major and continuing problems with its application.

Also, some specific discrimination against Berbers (Amazigh) have been reported with respect to equal employment and work opportunities.

*Conclusions:*

*Despite the efforts by the government to apply the principle of non-discrimination, in practice women suffer many abuses. One employed worker in four is a woman and women's wages are one third lower than men's. The illiteracy rate is nearer twice as high for women as for men. And women are over-represented in sectors with the most precarious working conditions such as agriculture, domestic work, textiles or informal work. The government needs to increase its efforts and its budget in order to greatly reduce the sexist stereotypes that remain very widespread in society.*

### **III. Child Labour**

Morocco ratified ILO Convention 138 (1973) on the Minimum Age for Admission to Employment in 2000, and ILO Convention 182 (1999) on the Worst Forms of Child Labour in 2001.

The law protects children against exploitation at work. However that law is only applied in certain economic sectors and does not, for instance, cover children working on their own account or domestic employees.

Labour laws set the minimum age for admission to employment at 15. Children between 15 and 16 years old cannot work over 10 hours per day including a one hour break. They are banned from doing night work. Children under 18 are not allowed to work in quarries, mines or in any other jobs that the government classifies as dangerous.

Trade union sources report that 600,000 Moroccan children are working when they should be in school. This is a striking figure that should be added to the 800,000 additional children who do not attend school but are not working either.

However the ILO study "Understanding Children's Work in Morocco", published in March 2003, reported that some 372,000 children between 7 and 14 years old, i.e. 7% of the reference group, were in this situation. Amongst those between 12 and 14, the proportion of those working was 18%. According to the study, 87% of the child workers were living in rural regions and were mainly employed in agriculture. In urban areas, children were employed in the textile sector, shops and minor repair jobs. A large number of them, mainly girls, were domestic workers. The average weekly working time of these children was 45 hours, with strong variations depending on the sector.

Measures restricting child labour, including its worst forms, have been taken by the government. The National Action Plan for Children (PANE) covering the decade 2006-2016 contains some important measures.

But in practice child labour remains a major problem, as noted by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), which stated in 2008 that “*enforcement of the legislation on child labour remains difficult*”.

The CEACR noted more specifically that the sanctions stipulated in articles 150 and 183 of the Labour Code are not adequate or sufficiently dissuasive for ensuring application of the provisions of the Convention regarding hazardous employment. It therefore requested the government to take the measures needed to ensure that dissuasive and sufficiently effective sanctions are provided for in the event of breaches of the provisions of the Labour Code regarding dangerous work. Articles 150 and 183 of the Labour Code currently set a fine of 300 to 500 dirhams (36 to 60 US dollars) for violations of the ban on employing children under 18 in dangerous jobs.

The most serious cases of child labour include young girls employed as domestic servants. Some start working as young as 7 years old in conditions that the ILO Committee of Experts says “approximate slavery or are hazardous” and in which they are “exploited”. Trade union sources report that 50,000 little girls are in this situation.

In December 2005, Human Rights Watch (HRW) denounced the suffering of these little girls, who work up to 126 hours per week as domestic employees, earning pitiful wages and vulnerable to physical and sexual attacks by their employers.

To address this situation, a draft law on domestic employment has been adopted and is currently being validated. The draft law sets the minimum age for admission to this type of work at 15, defines the working conditions and provides monitoring measures and sanctions. However the ILO Committee of Experts maintains that given the harsh working conditions of these “little housemaids” (“*petites bonnes*”), the legal age for admission to such work should be no lower than 18.

Lastly, in its concluding remarks in March 2006 on the initial report of Morocco on the Optional Protocol to the Convention on the Rights of the Child, the Committee on the Rights of the Child noted the modification of the Criminal Code of 2003, which introduced the crime of sexual tourism. However the Committee said it remained concerned by the persistence of child prostitution and sex tourism involving young Moroccans though also immigrants, especially boys. The Committee recommended that the government step up its efforts to solve the problem of child prostitution, particularly in connection with sex tourism.

#### *Conclusions:*

*The unions report that approximately 600,000 children are working in Morocco. The government’s efforts are welcome but remain too modest given the extent and gravity of the problem. The sanctions applied for breaches of the laws on child labour are not sufficiently dissuasive. Much stricter regulations need to be implemented in order to eliminate the worst forms of child labour, especially domestic work by young girls and sexual abuse of children. Better monitoring of the implementation of the legislation on child labour is absolutely essential.*

#### IV. Forced labour

In 1957 Morocco ratified ILO Convention (1930) on forced labour and in 1966 it ratified ILO Convention 105 (1957) on the abolition of forced labour.

The law bans forced labour, whether compulsory or clandestine, including forced child labour.

Several legal texts on the requisitioning of persons are not in line with the conventions. That particularly applies to the Dahir of 10 August 1915 and 25 March 1918, as retained in the Dahir of 13 September 1938 and reintroduced by Decree No. 2-63-436 of 6 November 1963, which authorise the requisitioning of persons and goods in order to satisfy the needs of the country. The ILO Committee of Experts (CEACR) has repeatedly stressed the need to amend or repeal the provisions of those texts, which go beyond what is authorised by the convention, according to which requisitioning should be strictly limited to situations endangering the existence or well-being of the whole or part of the population.

The Committee of Experts has also repeatedly expressed its reservations as to the dissuasive nature of the penalties against persons guilty of exacting forced labour in the legislation. According to sections 10 and 12 of the new Labour Code, any employer in breach of the prohibition to requisition employees to perform forced labour or to work against their will, is liable to a fine of between 25,000 and 30,000 dirhams and, in the event of a repeated offence, a fine of double that amount and imprisonment for between six days and three months, or one of those two penalties. Only cases of repeated violations of the prohibition of forced labour could be penalised by a prison sentence, although the judge could opt simply for a fine if s/he considered it appropriate.

The legal texts providing for the imposition of prison terms including compulsory labour as a punishment for participation in strikes are also in breach of the conventions. Indeed, under section 288 of the Penal Code, anyone who, through violence, the use of force, threats or deception, causes or endeavours to cause a concerted stoppage of work is liable to a sentence of imprisonment of between one month and two years. Sentences of imprisonment involve the obligation to work under section 28 of the Penal Code and section 35 of Act No. 23-98 regarding the organisation and operation of prisons. But according to the ILO conventions a worker who has taken part in a peaceful strike cannot be subjected to criminal penalties and can in no event be handed a prison sentence.

In practice forced labour does exist. The case of young girls employed as domestic servants, described in the previous section, can be approximated to forced labour.

Reports testify to the existence of human trafficking in Morocco, of which children are the main victims. According to UNICEF, the children are sent to work as domestics in other countries or are victims of sexual abuse.

#### *Conclusions:*

*Moroccan legislation is not in line with ILO conventions. The sanctions applied in the event of violation of the laws on forced labour are not sufficiently dissuasive. In practice, domestic work, which is often carried out by girls under 18 years old, can sometimes approximate to forced labour. Some reports attest to human trafficking within the country, including trafficking of children.*



## CONCLUSIONS AND FINAL RECOMMENDATIONS

1. Though Morocco has ratified seven of the eight ILO conventions covering core labour standards, serious problems linked to the application of those rights remain in both law and practice.
2. The government must ratify Convention 87 on freedom of association. The legislation must be amended to ensure that all employees can enjoy freedom of association and collective bargaining rights, including members of the judiciary, domestic workers and agricultural workers.
3. The government must ensure that all workers in both the public and private sectors can negotiate their working conditions collectively.
4. The government should set up the necessary arrangements and promote effective social dialogue geared to ending the harassment of trade unions and trade unionists.
5. Labour inspection must be reinforced as regards subcontracting firms and those that employ temporary workers, so as to ensure better monitoring of the laws governing working conditions.
6. The government should step up its efforts and increase its budget for combating sexist stereotypes.
7. The government must take the necessary measures to apply the conventions on combating discrimination. More specifically, the government must take action to enforce the principle of equal pay for work of equal value.
8. Literacy programmes for women should be widened and expanded. The government should take all necessary measures to ensure that girls attend school and do not leave school too early.
9. The government must strengthen the law concerning child labour and, in particular, significantly increase the penalties for those employing children in hazardous jobs. The draft law on domestic employment should set the minimum age for admission to that type of work at 18 years old, in line with the conventions.
10. The government must take all necessary measures to end the suffering of housemaids (“petites bonnes”) and to ensure that these young girls go to school.
11. The government must bring its legislation into line with the ILO conventions on forced labour. Tougher and dissuasive sanctions must be provided for.
12. The inhumane working conditions of domestic workers that approximate forced labour must be ended.
13. The government must put an end to human trafficking and set up effective instruments for ensuring that children are no longer victims of trafficking.
14. In line with the undertakings by Morocco at the WTO ministerial conferences in Singapore and Doha, and its obligations as a member of the ILO, the Moroccan government must provide regular reports to the WTO and the ILO on amendments to

its legislation and on its programmes for implementation of all the core labour standards.

15. The WTO should draw the attention of the Moroccan authorities to the commitments they made on respecting the core labour standards at the WTO ministerial conferences in Singapore, Geneva and Doha. The WTO should ask the ILO to intensify its work with the Moroccan government in these areas and to provide a report for the WTO General Council at the forthcoming review of trade policies.

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