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**U.S. DEPARTMENT OF LABOR**  
**BUREAU OF INTERNATIONAL LABOR AFFAIRS**

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**MOROCCO**

**LABOR RIGHTS REPORT**

The large faded seal of the U.S. Department of Labor, United States of America, is centered in the background. It features a central shield with a yellow eagle perched on top. The shield is divided into three horizontal sections: a yellow top section with a red sun, a red middle section with a yellow triangle, and a yellow bottom section with a red triangle. The shield is set against a blue circular background. The outer ring of the seal contains the text "DEPARTMENT OF LABOR" at the top and "UNITED STATES OF AMERICA" at the bottom, separated by small dots.

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## **I. Introduction**

This report on labor rights in Morocco has been prepared pursuant to section 2102(c)(8) of the Trade Act of 2002 (“Trade Act”)(Pub. L. No. 107-210). Section 2102(c)(8) provides that the President shall:

[I]n connection with any trade negotiations entered into under this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating. . .

The President, by Executive Order 13277 (67 Fed. Reg. 70305), assigned his responsibilities under section 2102(c)(8) of the Trade Act to the Secretary of Labor and provided that they be carried out in consultation with the Secretary of State and the United States Trade Representative. The Secretary of Labor subsequently provided that such responsibilities would be carried out by the Secretary of State, the United States Trade Representative, and the Secretary of Labor (67 Fed. Reg. 77812).

## **II. Labor Rights**

This report examines the labor rights situation in Morocco. The labor rights taken into consideration include those rights defined as “core labor standards” by Section 2113 of the Trade Act (19 U.S.C. 3813(6)):

- (1) the right of association;
- (2) the right to organize and bargain collectively;
- (3) a prohibition on the use of any form of forced or compulsory labor;
- (4) a minimum age for the employment of children; and
- (5) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Because of the emphasis in the Trade Act on the elimination of the worst forms of child labor,<sup>1</sup> we have broadened the discussion not only to include minimum age for employment of children but also the effective elimination of the worst forms of child labor.

The report first describes the national legal framework. It then describes the administration of labor law, labor institutions, and the system of labor justice. With regard to each of the defined

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<sup>1</sup> Section 2102(a) sets out overall trade negotiating objectives of the United States; among them Section 2102(a)(9) is “to promote universal ratification and full compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.” Section 2102(b) sets out principal negotiating objectives of the United States; among them Section 2102(b)(17) is “The principal negotiating objective of the United States with respect to the trade-related aspects of the worst forms of child labor are to seek commitments by parties to trade agreements to vigorously enforce their own laws prohibiting the worst forms of child labor.”

labor rights, the report describes the relevant legal framework (national laws and international conventions) and practice. More detailed information on the extent to which Morocco has in effect laws governing exploitative child labor is provided in a companion report mandated by Section 2102(c)(9) of the Trade Act.

The report relies on information obtained from the Department of State in Washington, D.C., the U.S. Embassy in Morocco, and from other U.S. Government reports. It also relies upon a wide variety of reports and materials originating from Morocco, international organizations, and non-governmental organizations (NGOs). In addition, the report draws on consultations held in Rabat and Casablanca by U.S. Department of Labor officials and a U.S. interagency team with Moroccan government officials, representatives of worker and employer organizations, and NGOs pursuant to Section 2102(c)(7) of the Trade Act.<sup>2</sup> The Department of Labor requested public comments in a *Federal Register* notice published on April 21, 2003, but no comments were received.<sup>3</sup>

### **III. Legal Framework for Labor Rights**

The Moroccan Constitution provides equal treatment under the law for its citizens and guarantees them the right to freely choose work, equality in gaining employment, the right of freedom of association, and the right to strike.<sup>4</sup>

In July 2003, both houses of the Moroccan Parliament approved a new Labor Code. Prior to its adoption, the country's labor laws were embodied in hundreds of statutes, decrees, regulations, and court rulings, some of them dating from as early as the 1920s. The new Labor Code was published in the *Bulletin Officiel* on December 8, 2003, and took effect June 8, 2004.<sup>5</sup> Intense labor-management conflict and bitter rivalries among the country's major labor federations prevented the modernization of labor law and enactment of a Labor Code for over 25 years. The impasse was broken on April 30, 2003, when the social partners signed a historic tripartite accord that reconciled the outstanding issues, providing concrete benefits to Moroccan workers, while giving employers long-sought regulations on strikes, severance pay, and indemnities. The accord also committed Morocco to adopt and ratify International Labor Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize and to consider adoption and ratification of ILO Convention No. 151 on Labor Relations in Public Service.<sup>6</sup>

The Labor Code, as revised in December 2003, governs specific labor and employment issues, including:

- Conditions of employment and work, employment contracts, and termination of employment and dismissal;

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<sup>2</sup> The consultations were held January 8-10, 2003.

<sup>3</sup> U.S. Department of Labor, "Request for Information Concerning Labor Rights in Morocco and its Laws Governing Exploitative Child Labor," *Federal Register*, 68 no. 76, April 21, 2003, 19579-19580.

<sup>4</sup> *Constitution of Morocco*, Articles 5, 9(c), 12, 13, and 14, (September 13, 1996); available from [http://www.mincom.gov.ma/english/generalities/state\\_st/constitution.htm](http://www.mincom.gov.ma/english/generalities/state_st/constitution.htm).

<sup>5</sup> Loi n° 65-99 relative au Code du Travail [hereinafter Labor Code], as cited in the *Bulletin Officiel*, May 6, 2004.

<sup>6</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 000571*, May 28, 2003.

- Terms of work and wages, including minimum wage; minimum age for employment; maternity protection; hours of work and overtime; paid annual and holiday leave; policies for special categories of workers; and occupational safety and health protection;
- Prohibition of forced labor;
- Trade union affairs and the election and functions of labor representatives;
- Collective bargaining and the settlement of collective labor disputes, including conciliation and arbitration;
- Labor market programs to match workers with employment opportunities, including for Moroccan workers abroad and foreign workers; and
- Labor inspections, including the roles and responsibilities of labor inspectors.

The new Labor Code amends and supersedes a number of decrees regulating labor matters. Among these are Decree No. 1-57-119 on professional unions; Decree No. 1-57-067 on collective labor agreements; Decree No. 1-61-116 on representation of employees within enterprises; the Decree of July 2, 1947 on work regulations; the Decree of June 18, 1936, that regulates the work period and the minimum wage; and the Decree of July 2, 1947, on weekly rest.<sup>7</sup>

#### **IV. Administration of Labor Law**

The Ministry of Employment, Social Affairs, and Solidarity is the government agency responsible for employment and protection of workers' rights. It is divided into a Central Administration and External Services. The Ministry's Central Administration includes the Labor Department, the Department of Employment, the Department for the Social Protection of Workers, the Department of Social Affairs, the Department of Professional Training, and the Division of Cooperation.<sup>8</sup>

The Labor Department is responsible for developing the legal framework for labor, applying current laws and regulations, and promoting social dialogue. It handles relations with the trade unions, attempts to resolve labor disputes and find alternatives to industrial action, and combats child labor.<sup>9</sup> The Department of Employment develops employment objectives, collects employment statistics, conducts productivity and labor cost studies, and makes employment and population projections for the short, medium, and long- term. It also controls the immigration of foreign workers to Morocco and follows the foreign employment of Moroccans.<sup>10</sup>

The Department for the Social Protection of Workers develops measures and actions to provide workers with social safety net protection, while the Department of Social Affairs develops policies regarding the prevention, protection, and social promotion of the family, women, and

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<sup>7</sup> Labor Code, Article 586.

<sup>8</sup> The description of the structure of the Ministry is based on information received by the U.S. Embassy from the Ministry of Employment, Social Affairs, and Solidarity. See Labor Officer, U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor official, December 4, 2003.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

children. The latter is also responsible for improving the social conditions of the elderly.<sup>11</sup> The Department of Professional Training provides vocational and technical training and professional development programs in training centers located throughout the country.<sup>12</sup> The Division of Cooperation promotes, tracks, and evaluates bilateral and multilateral cooperation projects on workers' rights, employment, and the social protection of workers.<sup>13</sup>

The Labor Inspectorate operates within the External Services of the Ministry and comprises six prefectural delegations and 27 provincial delegations.<sup>14</sup> Labor and social affairs inspectors conduct general labor inspections, while social law inspectors are responsible for labor inspections in the agricultural sector.<sup>15</sup> Physicians and engineers also may be commissioned to conduct labor inspections within the scope of their specialties.<sup>16</sup> Currently, Morocco has approximately 496 labor inspectors, including doctors, engineers, and hygienists.<sup>17</sup> These labor inspectors are specifically tasked with supervising the application of legislative and regulatory labor provisions, providing employers and workers with technical advice on complying with the legal provisions, and attempting to reconcile labor disputes.<sup>18</sup>

Inspectors may freely enter any establishment subject to inspection at any time of day or night but must inform the employer of their presence unless they deem that this may harm the effectiveness of the visit.<sup>19</sup> They may undertake any investigation or search deemed necessary to ensure that the country's labor laws are being observed, including questioning the employer and workers about company practice. The labor inspectors also may demand any type of records required to carry out the inspection and may make copies or remove records from the establishment if necessary.<sup>20</sup>

Training of labor inspectors was identified as an area needing improvement, given that Moroccan labor inspectors have historically been provided little training.<sup>21</sup> To address this issue, training was afforded as part of a technical cooperation program conducted by the Arab Safety and Health Institute in 1999 and 2000 on child labor in the agricultural sector.<sup>22</sup> In addition, in October 2003, the U.S. Department of Labor launched a two-year project, executed by the ILO, to provide necessary training to Moroccan labor inspectors on how to conduct general labor

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Dr. Mrani Alaoui Abdelali, ed., *Labor Legislation in Morocco: A Practical Guide*, 120.

<sup>15</sup> Labor Code, Article 530.

<sup>16</sup> Ibid., Article 535.

<sup>17</sup> U.S. Department of State, *Country Reports on Human Rights Practices – 2003: Morocco*, Washington, D.C., February 25, 2004, Section 6b; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27934.htm>. See also Sergio Ricca, International Labor Organization (ILO), *Needs Assessment of the Moroccan Labor Administration System: Report of the Mission Conducted November 19-29, 2002*, 2 and 10; available from <http://www.dol.gov/ilab/grants/sga0318/morocconeedsassess.pdf>.

<sup>18</sup> Labor Code, Article 532.

<sup>19</sup> Ibid., Articles 533- 534.

<sup>20</sup> Employers must respond to any requests made by the inspectors, furnishing the appropriate data and information concerning the company's application of the labor law. See Ibid., Articles 533 and 538.

<sup>21</sup> Ricca, *Needs Assessment of the Moroccan Labor Administration System*, 11.

<sup>22</sup> International Labor Conference, 90th Session, 2002, Report III (Part 1A), *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 574.

inspections.<sup>23</sup> As a supplement, the U.S. Department of Labor is also funding another ILO project aimed at increasing compliance with labor standards in Morocco, which includes the training of labor inspectors in performing occupational safety and health inspections.<sup>24</sup>

The Labor Inspectorate requires additional resources to properly monitor working conditions and investigate accidents, particularly in rural areas.<sup>25</sup> In 2001, some 36,000 inspections were conducted in 8,000 companies (or 10 percent of all enterprises). Very few workplace inspections occurred in rural areas. Labor inspectors spent the majority of their time (70 percent) settling individual and collective labor disputes through conciliation.<sup>26</sup> During the first nine months of 2003, the Labor Inspectorate intervened in 23,400 individual conflicts. It recouped 39 million dirhams (US\$4.2 million)<sup>27</sup> in back wages and reinstated some 3,000 workers. The majority of individual conflicts concerned dismissals of workers (27.5 percent), non-payment of paid leave (24.2 percent), and non-payment of salaries (22.7 percent). Seventy-one percent of the disputes came from the industrial sector.<sup>28</sup> The Labor Inspectorate settled roughly 70 percent of the collective labor conflicts.<sup>29</sup>

The Social Chamber of the Court of First Instance is the judicial body that hears labor cases. It is composed of three sections: industry, commerce and professionals, and agriculture. The court is presided over by a labor judge, who is assisted by four assessors appointed by the Minister of Labor and the Minister of Justice for a three-year period.<sup>30</sup>

## **V. Labor Rights and their Application**

### **A. Freedom of Association**

#### **1. Trade Unions**

The Constitution of Morocco guarantees freedom of association for the citizens of Morocco, including the freedom to belong to any union of their choice.<sup>31</sup> The 2003 Labor Code provides workers with the right to freely join and to withdraw from trade unions.<sup>32</sup> Civil servants also

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<sup>23</sup> This US\$1.52 million technical cooperation project includes components to train the tripartite social partners on the Labor Code and on conciliation, mediation, and dispute resolution. See U.S. Department of Labor, Bureau of International Labor Affairs, "ILAB Technical Cooperation Project Summary: Strengthening Industrial Relations in Morocco," July 1, 2003.

<sup>24</sup> In 2003, the U.S. Department of Labor obligated US\$1.45 million for this project, which also includes a workforce development component. See U.S. Department of Labor, Office of Public Affairs, "U.S. Labor Department Announces Grants for Labor Law and Trade: Labor Secretary Chao Announces \$13.6 million to Build Trade Capacity," October 1, 2003.

<sup>25</sup> U.S. Department of State, *Country Reports -- 2003: Morocco*, Section 6e.

<sup>26</sup> Ricca, *Needs Assessment of the Moroccan Labor Administration System*, 2 and 9.

<sup>27</sup> As of March 30, 2004, US\$1.00 = 9.24 dirhams.

<sup>28</sup> "Enfin l'accalmie sociale?" *L'Economiste*, November 14, 2003, 2.

<sup>29</sup> Ricca, *Needs Assessment of the Moroccan Labor Administration System*, 2.

<sup>30</sup> Mrani Alaoui, ed., *Labor Legislation in Morocco: A Practical Guide*, 124- 125.

<sup>31</sup> *Constitution of Morocco*, Article 9(c).

<sup>32</sup> If a worker chooses to withdraw from a union, the trade union may demand that he/she pay dues for six months following. See Labor Code, Articles 398 and 402.

have the right to form unions.<sup>33</sup> Approximately 600,000 workers are unionized, representing about 5.8 percent of Morocco's economically active population.<sup>34</sup>

Workers may form one of two types of unions: (1) a trade union established by workers engaged in a single profession or occupation, or (2) a union established by workers in professions or occupations that are similar or connected to each other.<sup>35</sup> The judiciary may order the dissolution of a union if its members do not fall into the above categories.<sup>36</sup>

Trade unions have the right to form federations and to affiliate with international organizations of workers.<sup>37</sup> Labor federations are allowed to receive in-kind or financial aid from the state for rental expenses, staff salaries, or labor education activities for their members.<sup>38</sup> Morocco currently has 19 labor federations, of which five play major roles:

- The Moroccan Labor Union (UMT) dominates the private sector and has negotiated the most collective labor agreements. The UMT claims to have no political affiliation, although commentators assert that it has close ties with the monarchy. It is affiliated with the International Confederation of Free Trade Unions (ICFTU).<sup>39</sup>
- The Democratic Confederation of Labor (CDT) represents public sector workers and was aligned with the Socialist Union of Popular Forces (USFP) until the 2002 parliamentary elections, when its Secretary General created his own political party.<sup>40</sup>
- The General Union of Moroccan Workers (UGTM) is closely affiliated with the Istiqlal party.<sup>41</sup>
- The National Labor Union of Morocco (UNTM) represents workers in the public education, public health, building trades, textiles, and agricultural sectors. Founded in 1973, it is the labor affiliate of the Justice and Development Party (PJD), the country's only legal Islamist political party.<sup>42</sup>
- In April 2003, disaffected members of the CDT broke away to form the Democratic Federation of Labor (FDT), citing the CDT's lack of internal democracy as the reason for the split. The FDT's first Secretary-General is a member of Parliament from the Socialist Union of Popular Forces (USFP).<sup>43</sup>

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<sup>33</sup> Decree No. 2-57-1465 of February 8, 1958, relative to the exercise of union rights for civil servants, Article 1.

<sup>34</sup> U.S. Department of State, *Country Reports – 2003: Morocco*, Section 6a.

<sup>35</sup> Labor Code, Article 398.

<sup>36</sup> *Ibid.*, Article 426.

<sup>37</sup> *Ibid.*, Articles 400 and 420.

<sup>38</sup> *Ibid.*, Article 424.

<sup>39</sup> U.S. Department of Labor, *Foreign Labor Trends: Morocco*, Washington, D.C., 2002, 7-8. See also U.S. Department of State, *Country Reports – 2003: Morocco*, Section 6a.

<sup>40</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 000456*, April 11, 2003. See also Labor Officer, U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor official, March 1, 2004. See also U.S. Department of Labor, *Foreign Labor Trends: Morocco*, 9.

<sup>41</sup> U.S. Department of Labor, *Foreign Labor Trends: Morocco*, 9.

<sup>42</sup> *Ibid.*

<sup>43</sup> U.S. Consulate-Casablanca, electronic communication, December 4, 2003.



To form a union, workers must provide the local administrative authority and the provincial labor commissioner with the trade union's articles of association and a complete list of union officials.<sup>44</sup> Any changes made to the union's statutes or its management structure must also be reported.<sup>45</sup> Failure to submit these documents to the appropriate authorities may result in a fine of 10,000 to 20,000 dirhams (US\$1,082 to US\$2,165) against the founders, heads, directors, or managers of the union. Repeated violations are punishable with a doubling of the fine.<sup>46</sup> The above requirements are also applicable to labor federations.<sup>47</sup>

Individuals may only hold union office if they are of Moroccan nationality. Union officials may not have been imprisoned for theft, fraud, breach of trust, perjury, abuse of joint funds, violation of laws concerning enterprises, drug use or trafficking, incitement of minors to vice, or aiding vice.<sup>48</sup> Failure of a trade union to ensure that its officials meet these requirements may result in the dissolution of the union.<sup>49</sup> A conviction of a union leader for committing one of the above crimes while in authority requires his/her removal from office.<sup>50</sup>

All establishments with a minimum of 10 permanent workers must hold elections for labor representatives, whose duty it is to submit individual complaints about working conditions to the employer and to refer unresolved complaints to the labor inspector.<sup>51</sup> Candidates must be Moroccan citizens, who are at least 20 years of age, and must have worked at the establishment for one year continuously.<sup>52</sup> Workers may vote in the election if they are at least 16 years old, have been on the job for at least six months, and have not been sentenced or imprisoned for a crime.<sup>53</sup> Before the election, the workers and their employer must agree on the distribution of the worker members among the electing organizations (i.e., trade unions in unionized companies) and the distribution of seats among these organizations. If no agreement is reached, the labor inspector must arbitrate the matter.<sup>54</sup> Failure by the employer to hold the election for the labor representatives may result in a fine between 25,000 and 30,000 dirhams (US\$2,706 to US\$3,247), and any infringements on the freedom to elect the labor representatives or on the discharge of their duties are punishable with a fine between 10,000 to 20,000 dirhams (US\$1,082 to US\$2,165).<sup>55</sup>

Only the "most representative" union may conduct collective bargaining. To attain this status at the enterprise level, a trade union must have at least 35 percent of the total number of labor representatives elected in the enterprise and must have the ability to negotiate. The most representative labor organization at the national level is decided by the following factors:

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<sup>44</sup> Labor Code, Articles 414-415.

<sup>45</sup> *Ibid.*, Article 418.

<sup>46</sup> *Ibid.*, Article 427.

<sup>47</sup> *Ibid.*, Articles 421-422.

<sup>48</sup> *Ibid.*, Article 416.

<sup>49</sup> *Ibid.*, Article 426.

<sup>50</sup> *Ibid.*, Article 417.

<sup>51</sup> The number of labor representatives for a company is determined by the number of permanent workers in that company; the minimum being one primary representative and a deputy representative for establishments with 10 to 25 permanent workers. The term for a labor representative is three years. See *Ibid.*, Articles 430, 432, 433, 434, and 447.

<sup>52</sup> The employer's immediate family is excluded from being nominated. See *Ibid.*, Article 439.

<sup>53</sup> *Ibid.*, Article 438.

<sup>54</sup> *Ibid.*, Article 437.

<sup>55</sup> *Ibid.*, Articles 462 and 463.

obtaining a minimum of six percent of the total number of labor representatives elected in the public and private sectors, the union's actual independence, and its capacity to negotiate.<sup>56</sup>

The Government of Morocco ratified ILO Convention No. 11 on the Right of Association in Agriculture in May 1957,<sup>57</sup> and, in April 2003, the social partners pledged that Morocco would ratify ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize.<sup>58</sup>

## 2. Right to Strike

The Constitution guarantees the right to strike and mandates that the implementation of this right is to be determined by organic law.<sup>59</sup> Workers regularly exercise this right.<sup>60</sup> Several articles in the new Labor Code strengthen the right to strike by prohibiting attempts by employers to undermine a strike by hiring substitute workers and by prohibiting employers from discriminating against any worker or union who engage in strike activities.<sup>61</sup> The Labor Code requires that any labor dispute that could become a collective dispute must go to reconciliation.<sup>62</sup>

Some restrictions exist on the right to strike. Civil servants may be punished, without regard to disciplinary guarantees, for participating in coordinated work stoppages or collective acts of indiscipline.<sup>63</sup> In addition, the Penal Code establishes a sanction of one month to two years imprisonment for any individual using force, threat, or fraudulent activities to cause a coordinated stoppage of work in order to force a change in wages or that jeopardizes the free exercise of work.<sup>64</sup> The Penal Code also prescribes compulsory labor for persons sentenced to imprisonment.<sup>65</sup>

The ILO's Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR) has remarked on the high number of prison sentences given to striking workers in Morocco's private sector and has indicated the possibility of abuse of Article 288 of the Penal Code.<sup>66</sup> The Government has acknowledged that an abundance of court decisions have been rendered pursuant to Article 288 but has observed that, when exercising the right to strike, workers must also respect the constitutional guarantee of freedom to work.<sup>67</sup> The Government contends that Article 288 constitutes an assurance of this freedom.<sup>68</sup> The ILO's Committee on Freedom of Association (ILO CFA) and the ILO CEACR have stressed to the Government that

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<sup>56</sup> Ibid., Article 425.

<sup>57</sup> ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited November 12, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>58</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 000571*.

<sup>59</sup> *Constitution of Morocco*, Article 14.

<sup>60</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 000244*, March 8, 2004.

<sup>61</sup> Labor Code, Articles 16 and 496.

<sup>62</sup> Labor Code, Article 551.

<sup>63</sup> Decree No. 2-57-1465, Article 5.

<sup>64</sup> Penal Code, Article 288, as cited in the International Labor Conference, 86<sup>th</sup> Session, 1998, Report III (Part 1A), *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 305.

<sup>65</sup> International Labor Conference, 1998 *Report of the CEACR*, 305.

<sup>66</sup> Ibid.

<sup>67</sup> International Labor Conference, 89<sup>th</sup> Session, 2001, Report III (Part 1A), *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 435.

<sup>68</sup> International Labor Conference, 1998 *Report of the CEACR*, 305.

workers should not be deprived of their freedom or be subject to penal sanctions for organizing or participating in peaceful strikes.<sup>69</sup> The ILO CEACR has further urged the Government to ensure that sanctions, including compulsory labor, are not imposed for strike participation.<sup>70</sup> The United Nations Committee on Economic, Social and Cultural Rights also has recommended that Morocco abolish some of the provisions criminalizing strikes found in Article 288.<sup>71</sup> Under the April 2003 tripartite accord, the Government is committed to revising the Penal Code to guarantee that Article 288 cannot be used to routinely stop strikes.<sup>72</sup>

The Ministry of Employment, Social Affairs, and Solidarity has drafted a bill to regulate the right to strike, which is now under review by labor and business representatives. Once consent of the tripartite partners has been obtained, the bill will be formally presented to Parliament, with an expectation that it will become law in 2004.<sup>73</sup> Under the draft bill, only the most representative unions would be allowed to conduct a strike, although they would have to first exhaust all measures of conciliation and arbitration. In addition, a majority would have to vote in favor of striking. The strike organizers would be required to give the employer 10 days notice before they begin a walkout and to reveal the reasons for the strike, where and when it would take place, and its expected duration.<sup>74</sup> The Government would have the authority to require minimum service during a strike if it considers that a complete halt of work could endanger the health, life, and security of the citizenry. Failure of the employer or trade union to provide minimum service would be punishable with a fine between 1,500 to 5,000 dirhams (US\$162 to US\$541). In cases of national emergency, the Prime Minister would have the power to end a strike to protect the national interest. Once a collective dispute is resolved, the trade union would not be able to strike regarding these same matters for one year, unless the enterprise failed to carry out its commitments.<sup>75</sup>

The draft legislation would prohibit employers from circumventing a strike by shifting, relocating, transferring, or subcontracting the business. The employer could be sanctioned with a fine between 50,000 to 100,000 dirhams (US\$5,411 to US\$10,823) for employing temporary workers and could face imprisonment from three to 12 months and a fine between 100,000 to 200,000 dirhams (US\$10,823 to US\$21,645) for attempting to undermine a strike by these other means. Employers also would be subject to a fine between 500 and 1,200 dirhams (US\$54 to US\$130) if they conducted reprisals against workers who participated in strikes, such as dismissal or discrimination with regards to salary, benefits, promotional opportunities, or disciplinary measures.<sup>76</sup>

In the proposed bill strikers would be prohibited from threatening non-striking workers and from committing acts of violence, destruction, and sabotage. Workers would not be permitted to conduct a sit-in if it interferes with freedom to work or intimidates their working colleagues.

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<sup>69</sup> International Labor Conference, *2001 Report of the CEACR*, 435. See also International Labor Organization, Committee on Freedom of Association, Report No. 323, Vol. LXXXIII, 2000, Series B, No. 3, par. 392.

<sup>70</sup> International Labor Conference, *2001 Report of the CEACR*, 435.

<sup>71</sup> United Nations Economic and Social Council, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Morocco*, E/C.12/1/Add.55, December 1, 2000, par. 46.

<sup>72</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 000571*.

<sup>73</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001485*, September 19, 2003.

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

Strikers who infringe on the rights of non-striking employees or obstruct the delivery of services or products to clientele would be subject to punishment with a fine between 1,500 to 5,000 dirhams (US\$162 to US\$541), and those individuals who commit the same infraction within two years would be subject to a minimum of three months in jail and a doubling of the fine.<sup>77</sup>

During 2003, Morocco experienced 149 strikes, resulting in 70,287 lost workdays.<sup>78</sup> Most strikes lasted between 24 and 48 hours.<sup>79</sup> In 2000, the Ministry of Employment instituted a program on social dialogue, as employers and trade unions were having difficulties in resolving minor disputes.<sup>80</sup> As a result, according to the Ministry, some 721 strikes were prevented during 2003.<sup>81</sup> In October 2003, the U.S. Department of Labor, in collaboration with the ILO, launched a US\$1.5 million technical assistance program to strengthen industrial relations in Morocco, which includes training in mediation, conciliation, and dispute resolution.<sup>82</sup>

## **B. Right to Organize and Bargain Collectively**

The new Labor Code bans employer and worker organizations from interfering in each other's affairs with regard to their formation, management, and administration. Acts of interference include the establishment of employer-controlled unions or the provision of financial or other support to unions by employers to assert control.<sup>83</sup> The Labor Code also prohibits employers from taking disciplinary action against workers or firing them for belonging to a union, participating in union activities during non-work hours or during work hours with the employer's consent, being nominated as a labor representative, performing the duties of a labor representative, or filing a complaint against an employer.<sup>84</sup> The courts have the authority to reinstate unfairly dismissed workers and are able to enforce rulings that compel employers to pay damages and back pay.<sup>85</sup>

Two cases concerning alleged anti-union discrimination are before the ILO CFA. In a case filed by the CDT in December 2002, the Committee has commented that it cannot rule out the possibility of a connection between the creation of the trade union executive committee and the transfers and dismissals of those who participated in its establishment.<sup>86</sup> With regard to a case

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<sup>77</sup> Ibid.

<sup>78</sup> Ministry of Employment, Social Affairs, and Solidarity, 2003 strike statistics, as cited by Labor Officer, U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor Official, January 26, 2004. See also "Enfin l'accalmie sociale?" 2. See also "2003, l'année de la paix sociale?" *L'Economiste*, November 14, 2003, 1.

<sup>79</sup> U.S. Department of State, *Country Reports -- 2003: Morocco*, Section 6b.

<sup>80</sup> The General Confederation of Moroccan Enterprises (CGEM) claimed that the trade unions would declare strikes with only a moment's notice over matters that should have been negotiated with ease. The CGEM also has indicated that strikes may be called by a small number of workers, instead of by the union as a whole. However, the CDT asserted that the trade unions tried to resolve labor disputes through collective bargaining and the judicial process with little success and therefore were left only with the recourse of striking. See U.S. Consulate-Casablanca, *unclassified telegram no. 001707*, September 20, 2002. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001708*, September 20, 2002.

<sup>81</sup> Ministry of Employment, Social Affairs, and Solidarity, 2003 strike statistics, as cited in U.S. Consulate-Casablanca, electronic communication, January 26, 2004. See also "Enfin l'accalmie sociale?" 2.

<sup>82</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001629*, October 23, 2003. See also U.S. Department of Labor, "ILAB Technical Cooperation Project Summary: Strengthening Industrial Relations in Morocco."

<sup>83</sup> Under Decree No. 1-57-119, as amended by Law No. 11-98, legal entities and natural persons were also prohibited from hindering the right to organize. The new Labor Code has replaced Decree No. 1-57-119. See Labor Code, Article 397.

<sup>84</sup> Ibid., Articles 9 and 36.

<sup>85</sup> U.S. Department of State, *Country Reports -- 2003: Morocco*, Section 6a.

<sup>86</sup> ILO, Committee on Freedom of Association, Report No. 331, Vol. LXXXVI, 2003, Series B, No. 2, par. 621.

submitted by the UMT and ICFTU in December 2000, the UMT reported that workers who participated in the establishment of the trade union executive committee at a multinational company had been harassed by militia hired by management and that the trade union officers had been dismissed and then physically assaulted and arrested briefly.<sup>87</sup> The Government of Morocco does not dispute the facts of the case, observing that the Labor Inspectorate determined that there had been a violation of freedom of association and an unauthorized collective dismissal at the factory and had requested that the company reinstate the dismissed workers.<sup>88</sup> The trade unionists ultimately were reinstated and were able to establish the union.<sup>89</sup> The ILO CFA suggested to the Government that steps needed to be taken to ensure that the relevant authorities receive appropriate instructions to prevent acts of intimidation and other measures aimed at depriving trade unionists of their freedom.<sup>90</sup>

The Labor Code grants the right to bargain collectively with employers or employer associations to the “most representative” labor organizations.<sup>91</sup> Collective bargaining must be for the purpose of establishing conditions of employment and work and/or to regulate relations between workers and employers.<sup>92</sup> Collective labor agreements must include the types and conditions of employment, the elements for determining professional qualification levels, work conditions, wage components to be applied to each occupational class, occupational safety and health protections, provisions for the dismissal of workers, procedures to settle collective labor disputes, training for workers, compensations, and union facilities.<sup>93</sup> Collective bargaining may be conducted at the enterprise, sectoral, or national levels, with negotiations being required at the enterprise and sectoral levels annually unless otherwise specified in the collective labor agreements.<sup>94</sup>

Either party may request negotiations by sending a registered letter with notification of receipt. The party that is served must respond with its position by registered letter.<sup>95</sup> Once negotiations have been concluded, the parties must deposit a signed copy of the agreement with the labor authority, which must provide a copy to the Collective Bargaining Council.<sup>96</sup> The employer is required to post an announcement of the collective labor agreement at work sites and where hiring occurs. A copy of the agreement also must be accessible to the workers.<sup>97</sup>

Any trade union, employer, or employers’ association may subsequently request to join a collective labor agreement as a non-founding party by sending a registered letter to the labor

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<sup>87</sup> ILO, Committee on Freedom of Association, Report No. 325, Vol. LXXXIV, 2001, Series B, No. 2, par. 451 and 453.

See also U.S. Department of State, *Country Reports on Human Rights Practices – 2002: Morocco*, Section 6a, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18284.htm>.

<sup>88</sup> ILO, Committee on Freedom of Association, Report No. 325, par. 455.

<sup>89</sup> U.S. Department of State, *Country Reports – 2002: Morocco*, Section 6a.

<sup>90</sup> ILO, Committee on Freedom of Association, Report No. 325, par. 462(b).

<sup>91</sup> Public sector workers are granted the right to organize and bargain collectively under Decree No. 1-58-008 and Decree No. 2-57-1465. See Labor Code, Articles 92 and 95. See also International Labor Conference, *2002 Report of the CEACR*, 383.

<sup>92</sup> Labor Code, Article 92.

<sup>93</sup> *Ibid.*, Article 105.

<sup>94</sup> *Ibid.*, Articles 95, 96, and 111.

<sup>95</sup> *Ibid.*, Article 97.

<sup>96</sup> *Ibid.*, Article 100.

<sup>97</sup> *Ibid.*, Article 130.

authority and to the clerk of the Court of First Instance.<sup>98</sup> A collective labor agreement covering two-thirds of workers in a given occupation must be extended to all enterprises having workers in that occupation. If an agreement covers 50 percent of workers in a given occupation, the labor authority, at its discretion, may extend the scope of the agreement to cover all relevant enterprises after consultation with the Collective Bargaining Council, employers' associations, and the most representative trade unions.<sup>99</sup>

Collective labor agreements may be concluded for an undetermined period, a determined period, or for the duration of a specific project.<sup>100</sup> Either party may end at any time a collective labor agreement that is for an undetermined length; however, if one of the parties represents a number of unions (or employers), the agreement may be annulled only if all the unions (or employers) renounce it.<sup>101</sup> A collective labor agreement concluded for a definite period may be for no longer than three years; upon its expiration, the agreement is automatically renewed for an undetermined period until terminated by one of the parties.<sup>102</sup> A collective labor agreement established for the duration of a project must be concluded upon the termination of that project.<sup>103</sup> If a collective labor agreement lapses or is terminated, the workers will continue to receive the benefits acquired under the agreement until a new collective labor agreement with more advantageous benefits for the workers goes into force.<sup>104</sup>

Labor inspectors are authorized to monitor compliance with the requirements of collective labor agreements.<sup>105</sup> Failure to comply with the requirements of an agreement may be punishable with a fine between 300 to 500 dirhams (US\$32 to US\$54). The fine may be multiplied by the number of workers for whom the provisions were not observed, up to a total fine of 20,000 dirhams (US\$2,164).<sup>106</sup> An employer who fails to properly post the announcement of the collective labor agreement or does not provide workers access to the agreement may be sanctioned with a fine between 2,000 to 5,000 dirhams (US\$216 to US\$541).<sup>107</sup>

Currently there are 30 collective labor agreements in force in Morocco that cover overall labor-management relations and are for an indefinite period. An average of 100 accords are concluded annually in response to specific disputes and have a limited duration.<sup>108</sup> Collective bargaining is a long-standing tradition within the industrial sector and is becoming more prevalent in the public sector, as well as in banking and health services.<sup>109</sup> In general, the wages and conditions of employment for unionized workers in Morocco are determined by collective bargaining. Labor disputes have arisen when employers failed to implement collective bargaining

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<sup>98</sup> Ibid., Article 110.

<sup>99</sup> Ibid., Article 133.

<sup>100</sup> Ibid., Article 115.

<sup>101</sup> Ibid., Articles 116-117.

<sup>102</sup> Ibid., Article 119.

<sup>103</sup> Ibid., Article 120.

<sup>104</sup> Ibid., Article 121.

<sup>105</sup> Ibid., Article 128.

<sup>106</sup> Ibid., Article 129.

<sup>107</sup> Ibid., Article 132.

<sup>108</sup> Mohamed Tadili, Ministry of Employment, Social Affairs and Solidarity, as cited by Labor Officer U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor Official, December 11, 2003.

<sup>109</sup> U.S. Department of Labor, *Foreign Labor Trends: Morocco*, 10. See also U.S. Department of State, *Country Reports – 2003: Morocco*, Section 6b.

agreements or withheld wages.<sup>110</sup> The new Labor Code provides for conciliation and voluntary arbitration in resolving such disputes.<sup>111</sup>

Morocco ratified ILO Convention No. 98 on the Right to Organize and Collective Bargaining in May 1957.<sup>112</sup>

### C. Prohibition of Forced or Compulsory Labor

The new Labor Code prohibits employers from coercively or forcibly subjugating workers to perform work, and those who violate this provision may be sanctioned with a fine of 25,000 to 30,000 dirhams (US\$2,706 to US\$3,247).<sup>113</sup> Although the Government lacks the resources to inspect all workplaces to ensure that compulsory labor is not being used,<sup>114</sup> forced labor is not viewed as an issue in the commercial and agricultural sectors. Morocco ratified ILO Convention No. 29 on Forced Labor in May 1957 and Convention No. 105 on the Abolition of Forced labor in December 1966.<sup>115</sup>

A widespread form of involuntary labor is “adoptive servitude.” Children, predominantly girls from rural areas, are contracted by their parents or sold by orphanages as maids to wealthy urban families and work for little or no payment.<sup>116</sup> A law was enacted in 1993 for the protection of abandoned children in Morocco. According to this law, persons younger than 18 and unable to support themselves economically are identified as abandoned if their parents are unknown, unable to be located, or incompetent of assuming a parental role.<sup>117</sup> These children are then considered eligible for adoption, and adoptive parents are entitled to a stipend from the Government. However, there has been some concern that girls are being adopted at higher rates than boys, and that some of these girls find themselves in situations equivalent to forced domestic servitude.<sup>118</sup>

Child maids usually receive little or no payment or their wages are given directly to their families, and many report being forced to work long hours and in abusive conditions.<sup>119</sup> The practice of adoptive servitude is socially accepted and unregulated by the Government because domestic workers are not specifically covered by the new Labor Code. However, the new Labor Code does empower inspectors to bring charges for employing children under age 15.<sup>120</sup> The

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<sup>110</sup> U.S. Department of State, *Country Reports – 2003: Morocco*, Section 6b.

<sup>111</sup> Labor Code, Article 550.

<sup>112</sup> ILO, *Ratifications by Country*.

<sup>113</sup> Labor Code, Articles 10 and 12.

<sup>114</sup> U.S. Department of State, *Country Reports – 2002: Morocco*, Section 6c.

<sup>115</sup> ILO, *Ratifications by Country*.

<sup>116</sup> U.S. Department of State, *Country Reports on Human Rights Practices – 2003: Morocco*, Sections 5, 6c, and 6f.

<sup>117</sup> Under this “*kafala*” system, foster parents assume the same entitlements as birth parents; however, foster children do not have the same rights as legitimate children. See United Nations Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Second periodic reports of States parties due in 2000*, CRC/C/93/Add.3, February 12, 2003, paras. 18-19.

<sup>118</sup> *Ibid.*, para. 43. See also U.S. Department of State, *Country Reports- 2002: Morocco*, Sections 5, 6d and f.

<sup>119</sup> U.S. Department of State, *Country Reports – 2002: Morocco*, Section 6d. See also U.S. Department of State, *Country Reports – 2001: Morocco*, Washington, D.C., March 3, 2001, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8277.htm>.

<sup>120</sup> Labor Code, Articles 4 and 143. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001830*, October 15, 2002. See also U.S. Department of State, *Country Reports – 2001: Morocco*, Section 6f. See also U.S. Embassy-Casablanca, *unclassified telegram no. 001257*, August 3, 2003.

U.S. Department of Labor is supporting a US\$3 million project, being executed by Management Systems International (MSI), which aims to eliminate the practice of selling and hiring child domestic workers.<sup>121</sup> (For further information, see Section D.)

Various decrees authorize the calling up of individuals to satisfy national needs. The Government claims that these provisions may only be invoked during emergencies as allowed by ILO Convention No. 29, e.g., during war or natural disasters. The ILO CEACR has requested that the Government amend or repeal its law in order to bring the legislation into conformity with practice.<sup>122</sup>

The ILO CEACR has determined that the Decree of February 24, 1958, establishing the General Conditions of Employment of the Public Service, is not compatible with ILO Convention No. 29, because it denies public servants the right to freely resign from employment. The Government of Morocco has indicated that resignations are accepted or rejected based on the needs of the agency and whether a qualified replacement may be found. According to the Government, a civil servant whose resignation request is refused may appeal before the competent jurisdiction on grounds that the respective agency exceeded its authority.<sup>123</sup> The ILO CEACR has emphasized to the Government that preventing an employee from terminating employment with reasonable notice is tantamount to compulsory service by law and has requested that the Government amend the decree to restrict denials of resignation only to emergency situations, as provided for in the Convention.<sup>124</sup>

As noted in the right to strike section of this report, strikers may face imprisonment with compulsory labor under the Penal Code if they are found guilty of committing acts of violence, force, threats, or fraudulent activities during work stoppages. The ILO CEACR has asked the Government to ensure that compulsory labor not be imposed on workers who participate in peaceful strikes.<sup>125</sup> Additionally, the ILO CEACR has indicated that the employment of prisoners by private individuals in general is not compatible with ILO Convention No. 29, unless it is similar to a free labor relationship. Act No. 23-98 allows for convicts to be employed by a private individual or organization under an administrative agreement setting the terms of employment and remuneration.<sup>126</sup>

#### **D. Minimum Age for Employment of Children and Effective Elimination of the Worst Forms of Child Labor**

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<sup>121</sup> U.S. Department of Labor, *Letter of Agreement between the U.S. Department of Labor, the Moroccan Ministry of National Education, and the Moroccan Ministry of Employment, Vocational Training, Social Development and Solidarity Regarding the U.S. Department of Labor Child Labor Education Initiative*, Washington, D.C., January 2003.

<sup>122</sup> The provision of calling up citizens is found in the Decrees of August 10, 1915 and March 25, 1918, as contained in the Decree of September 13, 1938 and reintroduced by Decree No. 2-63-436 of November 6, 1963. See International Labor Conference, 91st Session, 2003, Report III (Part 1A), *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 138- 139.

<sup>123</sup> *Ibid.*, 139-140.

<sup>124</sup> *Ibid.*, 140.

<sup>125</sup> International Labor Conference, *2001 Report of the CEACR*, 434- 435.

<sup>126</sup> International Labor Conference, *2003 Report of the CEACR*, 137- 138.



The new Labor Code raises the minimum age for employment from 12 to 15 years.<sup>127</sup> The minimum age restriction applies to the industrial, commercial, and agricultural sectors and also extends to children working in apprenticeships and family enterprises.<sup>128</sup> Under the Labor Code, children under the age of 16 are prohibited from working more than 10 hours per day, which includes at least a one-hour break.<sup>129</sup> Children under the age of 18 are not permitted to work in hazardous occupations that include work involving the operation of heavy machinery and exposure to toxic materials or emissions. They also are prohibited from working at night between the hours of 9:00 p.m. and 6:00 a.m. for non-agricultural work and between 8:00 p.m. and 5:00 a.m. for agricultural work.<sup>130</sup> The Labor Code also prohibits children under 18 from working in stone quarries and mines<sup>131</sup> and from performing activities that pose an extreme danger to them, exceed their capacities, or result in the breach of public morals.<sup>132</sup> Further, the Labor Code provides for legal sanctions against employers who recruit children under the age of 15 to work.<sup>133</sup> Violations of child labor laws are enforceable by criminal penalty, civil fine, and withdrawal or suspension of one or more civil, national, or family rights, including denial of residence for a period of five to 10 years.<sup>134</sup>

For information on forced and bonded labor, please see Section C.

The prostitution of children, corruption of minors, and involvement of children in pornography are prohibited under the Penal Code.<sup>135</sup> The Code also prohibits soliciting for the purposes of prostitution, as well as aiding, protecting, or profiting from the prostitution of others.<sup>136</sup> In December 2003, Parliament changed the Code to make child sexual abuse a crime and to increase penalties against those who hire children under age 18 for purposes of sexual exploitation. Under Penal Code Article 497 (revised), anyone who incites a minor under age 18 to commit a vice or who contributes to the corruption of a minor is subject to a prison sentence of two to 10 years, and a fine of up to 200,000 dirhams (US\$ 21,739).<sup>137</sup>

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<sup>127</sup> Labor Code, Article 143. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001157*, October 12, 2001.

See also U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>128</sup> Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, prepared by the Inter-Agency Research Cooperation Initiative of the ILO, UNICEF, and World Bank, March 2003, 38; available from [http://www.ucw-project.org/pdf/publications/report\\_morocco\\_draft.pdf](http://www.ucw-project.org/pdf/publications/report_morocco_draft.pdf). The Government is reportedly engaged in the development of a new law specifically on the issue on child domestic workers. See Management Systems International (MSI), *Combating Child Labor through Education in Morocco, technical progress report*, Rabat: March 31, 2004, 3.

<sup>129</sup> Labor Code, Articles 184 and 191. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001157*.

<sup>130</sup> Labor Code, Article 172.

<sup>131</sup> Labor Code, Article 179.

<sup>132</sup> *Ibid.*, Article 180.

<sup>133</sup> Employers who hire children under age 15 may be punished with a fine of 25,000 to 30,000 dirhams (US\$2,705 to US\$3,247). See *Ibid.*, Article 151.

<sup>134</sup> United Nations Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Second periodic reports of States parties due in 2000*, para. 647.

<sup>135</sup> Criminal Code of Morocco, Articles 497-504, as cited in The Protection Project Legal Library, [online] [cited November 10, 2003]; available from <http://209.190.246.239/protectionproject/statutesPDF/MOROCCO.pdf>.

<sup>136</sup> The Protection Project, "Morocco," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, Washington, D.C., 2002; available from <http://www.protectionproject.org/main1.htm>.

<sup>137</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 0077*, January 8, 2004. The same penalties applied in cases where an attempt was made to commit such offenses or when part of the offense was committed outside Morocco. See Labor Officer, U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor official, March 25, 2004.

In November 2003, the Immigration and Emigration Act came into effect, prohibiting trafficking of persons through the levying of strict fines and prison sentences against individuals involved in or failing to prevent trafficking in persons, including government officials.<sup>138</sup> There are several statutes under which traffickers can be prosecuted, including laws on kidnapping, forced prostitution, and coercion.<sup>139</sup> Law enforcement agencies actively investigate, prosecute, and convict traffickers.<sup>140</sup> The Government of Morocco ratified ILO Convention No. 138 on Minimum Age on January 6, 2000, and ILO Convention No. 182 on the Worst Forms of Child Labor on January 26, 2001.<sup>141</sup>

According to the 2002 National Survey of Activity, Employment and Unemployment, approximately 3.4 percent of children in Morocco under the age of 15 were engaged in child labor.<sup>142</sup> This represents 311,233 children out of a total population of more than nine million children under age 15. More than 85 percent of these children were in rural areas, where 6.6 percent of boys under the age of 15 and 5.1 percent of girls were engaged in work.<sup>143</sup> A recent study argued that these figures underestimate the true extent of child labor in the country, and that the best estimate of child labor was likely somewhere between the number of economically active children between the ages of seven and 15 (approximately 600,000) and the total number of children in that age group who are not in school (approximately two million).<sup>144</sup> The majority of child labor is found in the agricultural sector,<sup>145</sup> where boys and girls often work as shepherds and are paid in cash or in kind. Girls also feed and milk animals, fetch water, and collect firewood.<sup>146</sup> Children are known to work as metalworkers, mosaic-makers, mechanics, porters,

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<sup>138</sup> U.S. Department of State, *Country Reports - 2003: Morocco*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report-2003: Morocco*.

<sup>139</sup> *Ibid.* According to Articles 472-478 of the Penal Code, any person who uses violence, threats, or fraud to abduct (or attempt to abduct) a minor under 18 years of age, or facilitates the abduction of a minor, may be imprisoned for up to five to 10 years. If the minor is under the age of 12, the sentence is doubled, from 10 to 20 years. Article 466 of the Penal Code assigns a penalty of one to six months imprisonment and a fine for any person who encourages or attempts to mediate the sale or transfer of a newborn or expected baby from one or both parents. See United Nations Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Second periodic reports of States parties due in 2000*, para. 665.

<sup>140</sup> U.S. Department of State, *Trafficking in Persons Report - 2003: Morocco*.

<sup>141</sup> ILO, *Ratifications by Country*.

<sup>142</sup> Ministry of Economic Forecasting and Planning, *Activité, Emploi et Chômage: 2002 Premiers Résultats*, Rabat, 2002, 12; available from <http://www.statistics.gov.ma>.

<sup>143</sup> *Ibid.*, 12-14. In 2000, another household survey, the National Labor Force Survey, estimated that 11.1 percent of children ages seven to 15 years (approximately 600,000 children) in Morocco were working. See ILO-IPEC, *Combating Child Labour in Morocco by Creating an Enabling National Environment and Developing Direct Action Against Worst Forms of Child Labor in Rural Areas*, 2003.

<sup>144</sup> The available estimates on the number of working children in Morocco are likely to underestimate the true extent of child labor because the nature of household surveys do not lend themselves to collecting data on children who are working in the informal or illegal sectors of the economy, because of the unlikelihood that a household member would report to a survey interviewer that a child is engaged in dangerous or unconditional worst forms of child labor. For these reasons, two recent reports on child labor have cited these estimates but also cautioned against the probable margin of error. See Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 17-18. See also Prof. Mehdi Lahlou, Ministry of Planning, "Child Labour in Morocco: The Socio-economic Background of the "Little Maids" Phenomenon," (paper presented at the Children and the City Conference, Amman, Jordan, December 13, 2002); available from <http://www.araburban.org/childcity/Papers/English/Lahlou Morocco.pdf>

<sup>145</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001157*. See also ILO-IPEC, *Combating Child Labour in Morocco*.

<sup>146</sup> International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail: A Case Study of Young Garment Workers in Méknès (Morocco) Dismissed from Their Jobs Following Foreign Media Attention*, International Society for the Prevention of Child Abuse and Neglect, 1998, 15.

tour guides, street vendors, beggars, and carpet weavers.<sup>147</sup> A Ministry of Labor and ILO-IPEC investigation found that 98 percent of children working in the carpet sector are 12 years old or younger.<sup>148</sup> A 2001 study on street children found that they engage in diverse forms of work including selling cigarettes, begging, shining shoes, and other miscellaneous occupations.<sup>149</sup> Additionally, children work as laborers in small family-run workshops that produce ceramics, jewelry, woodwork, and leather goods.<sup>150</sup> Many children work as apprentices before they reach 12 years of age, particularly in the informal handicraft industry.<sup>151</sup> In urban areas, girls can be found working as domestic servants, often in situations of unregulated “adoptive servitude.”<sup>152</sup> A 2000 study by the Ministry of Planning funded by UNICEF estimated that there were approximately 13,000 girls under age 15 working as maids in Casablanca, while another put the total at 20,000 in other major Moroccan cities.<sup>153</sup> Girls and boys working as domestic servants and street vendors are increasingly targets of child sex tourism, particularly in the cities of Marrakech and Casablanca.<sup>154</sup>

The Government of Morocco is taking steps to address the country’s child labor problem. The Ministry of Employment, Social Affairs, and Solidarity is responsible for implementing and enforcing child labor laws and regulations.<sup>155</sup> However, with only a small number of labor inspectors, limited investigative powers, limited awareness of the child labor issue, and a lack of resources, the Ministry’s enforcement activities and application remedies are severely constrained.<sup>156</sup> Furthermore, although the new Labor Code does empower inspectors to bring

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<sup>147</sup> United Nations Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Concluding Observations*, para. 60. See also International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail*, 15. UNICEF estimates that 5,000-10,000 children work in the artisan carpet industry, and it is estimated that up to 3,000 are producing carpets for export.

<sup>148</sup> UNICEF has estimated that 5,000 to 10,000 children between the ages of eight and 14 work in the artisan carpet industry. See U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>149</sup> Ministry in Charge of the Condition of Women, the Protection of the Family, Childhood, and the Integration of the Handicapped, *Synthèse d'une étude préliminaire sur les enfants de la rue*, Rabat, October 2001.

<sup>150</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>151</sup> A study of the artisan sector in the city of Fez found that 45 percent of workers were less than 15 years of age. See U.S. Consulate-Casablanca, *unclassified telegram no. 001157*. See also U.S. Department of State, *Country Reports – 2000: Morocco*, Section 6d, Washington, D.C., February 2001; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=804>. See also International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail*, 15. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>152</sup> It is estimated that 45 percent of household employees under the age of 18 are between the ages of 10 and 12, and 26 percent are under the age of 10. See U.S. Department of State, *Country Reports – 2002: Morocco*, Section 5. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001157*. See also U.S. Department of State, *Trafficking in Persons Report-2003: Morocco*. Over 80 percent of child maids are illiterate, and 80 percent are from rural areas. See U.S. Department of State, *Country Reports – 2001: Morocco*, Section 6d. The United Nations Children’s Fund (UNICEF) estimates the average age of all child maids was less than 11 years old and the Morocco Statistics Directorate estimates that child maids work on average 67 hours per week. See U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>153</sup> U.S. Department of State, *Country Reports – 2001: Morocco*, Section 6d. See also U.S. Department of State, *Country Report – 2002: Morocco*, Section 6d.

<sup>154</sup> UNICEF, *Profiting from Abuse: An investigation into the sexual exploitation of our children*, New York, November 2001, 11; available from [http://www.unicef.org/publications/pub\\_profiting\\_en.pdf](http://www.unicef.org/publications/pub_profiting_en.pdf). See also Dr. Najat M’jid, “Rapport sur la situation de l’exploitation sexuelle des enfants dans la région MENA” (paper presented at the Arab-African Forum against Commercial Sexual Exploitation, Rabat, Morocco, October 26, 2001); available from [http://www.unicef.org/events/yokohama/background8.html#\\_edn1](http://www.unicef.org/events/yokohama/background8.html#_edn1).

<sup>155</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001157*. See also U.S. Department of State, *Country Reports – 2002: Morocco*, Section 6d.

<sup>156</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001157*.

charges for employing children under age 15, inspectors have limited ability to monitor the work of children in the informal sector, including the work of child maids.<sup>157</sup> Courts can take action once two witnesses file a complaint, but few employers of child maids have been prosecuted.<sup>158</sup> In the few cases where legal sanctions for child labor are applied, they are generally insufficient to act as effective deterrents.<sup>159</sup>

While education is compulsory for children ages seven to 15 years,<sup>160</sup> the Government does not enforce the law consistently.<sup>161</sup> Although in 2000 the net primary enrollment rate in Morocco was 78.0 percent,<sup>162</sup> participation rates for working children are much lower. In 1999, an estimated 80 percent of working children were not in school.<sup>163</sup> Morocco has high dropout rates, particularly for rural girls who often do not complete primary school.<sup>164</sup> The Ministry of National Education and Youth runs programs for out-of-school children under its Non-Formal Education Program,<sup>165</sup> contracting with over 40 local NGOs to provide non-formal education.<sup>166</sup>

The Government of Morocco has also undertaken various projects, some in collaboration with international organizations, to combat child labor. The Government of Morocco became a member of the ILO's International Program on the Elimination of Child Labor (ILO-IPEC) in 2000 and launched its first program with ILO-IPEC in July 2001.<sup>167</sup> In January 2003, the Government of Morocco signed a Letter of Agreement with the Government of the United States to collaborate on reducing child labor and providing education alternatives for children vulnerable to child labor.<sup>168</sup> As a result, the U.S. Department of Labor is supporting a US\$3

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<sup>157</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 1157*.

<sup>158</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001257*. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>159</sup> Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 38.

<sup>160</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001257*.

<sup>161</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>162</sup> The net primary enrollment rate is the enrollment of primary students of the official age expressed as a percentage of the primary school-age population. Enrollment statistics are an indicator of access to achieving universal primary education. See World Bank, *World Development Indicators 2003 [CD-ROM]*, Washington, D.C., 2003.

<sup>163</sup> Kingdom of Morocco, *Plans national et sectoriels d'action de la lutte contre le travail des enfants au Maroc*, October 1999, 3. Girls, disabled children, and children from poor or rural families accounted for the majority of children not enrolled in school. See United Nations Committee on the Rights of the Child, *Summary Record of the 882nd Meeting, Consideration of Reports Submitted by States Parties (continued): Second Periodic Report of Morocco (continued)*, CRC/C/SR/882, paras. 53-55, July 16, 2003.

<sup>164</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>165</sup> Ministry of National Education, *Education non-formelle: L'école de la deuxième chance*. The capacity of the non-formal system to address needs is strained. Around two million Moroccan children under the age of 16 are not going to school, whereas the non-formal program of the Ministry of Education has the capacity to serve 35,000 children. The non-formal program, created in 1997, has served 113,545 children from ages eight to 16 years. The Ministry of Employment's Social Affairs Directorate provides non-formal "Formation-Insertion" programs to older children and young adults. See U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>166</sup> Ministry of National Education, Non-Formal Education Directorate, and Partnership Division, *Liste des Associations Partenaires du M.E.N. dans le Programme d'Education Non-Formelle*, Rabat, October 19, 2001.

<sup>167</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 29, 2003]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm). See also U.S. Consulate-Casablanca, *unclassified telegram no. 001830*.

<sup>168</sup> Transcript of the Remarks of Deputy Under Secretary for International Labor Affairs, Thomas B. Moorhead, at the Morocco Education Initiative Letter of Agreement Signing Ceremony, January 8, 2003. See also extensive press coverage on the agreement cited in Public Affairs Section, Media Relations Unit, U.S. Embassy, Rabat, Morocco Daily Press Summary, "Deputy Under Secretary for International Labor Affairs, Thomas B. Moorhead," *L'Opinion, Liberation, and Le Matin* of January 10, 2003.

million project being executed by MSI, which aims to eliminate the practice of selling and hiring child domestic workers and to create educational opportunities for child laborers and those vulnerable to child labor.<sup>169</sup> In addition, the U.S. Department of Labor provided US\$2 million to fund an ILO-IPEC child labor project in Morocco, which aims to strengthen national efforts against the worst forms of child labor in Morocco and to remove and prevent children from work in rural areas of the country.<sup>170</sup>

In October 1999, the Government of Morocco established national and sectoral action plans to combat child labor, especially in its worst forms.<sup>171</sup> The focus of the national plan includes improving implementation, raising awareness of child labor laws, and improving basic education.<sup>172</sup> Sectoral plans target children in agriculture and herding, the industrial sector (carpets and stitching), metal and auto work, construction, hotel work, tourism, and food production, as well as children working in informal, domestic, and other services.<sup>173</sup> In 2000, the Government began a pilot program focusing on girls who work as domestic servants to provide them with education, health care, and recreation.<sup>174</sup> Between February 1998 and April 2001, the Ministry of Employment held awareness-raising campaigns for the general public conducted by labor, safety, and health inspectors, and, in April 2001, inspectors began holding child labor awareness-raising and training sessions for employers.<sup>175</sup>

## **E. Acceptable Conditions of Work**

### **1. Minimum Wage**

Morocco's first minimum wage law was established in 1936. In the 1970s, Morocco adopted a dual minimum wage law, with one minimum wage for industry, trade, and other professions and another for the agricultural sector.<sup>176</sup> By royal decree, the Minister of Labor and the Minister of Finance adjust the minimum wages using a cost of living index and by conducting an assessment of the financial capacity of the affected establishments to consider the demands of the workers' and employers' organizations.<sup>177</sup> The Labor Code requires that the most representative trade

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<sup>169</sup> U.S. Department of Labor, *Letter of Agreement*, January 8, 2003.

<sup>170</sup> U.S. Embassy-Rabat, "Deputy Under Secretary for International Labor Affairs, Thomas Moorhead." See also Labor Officer, U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor Official, January 10, 2003.

<sup>171</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001157*. See also Kingdom of Morocco, *Plans national et sectoriels d'action*.

<sup>172</sup> Kingdom of Morocco, *Plans national et sectoriels d'action*, 5-6.

<sup>173</sup> *Ibid.*, 10-35. The plan is based on a survey of working children in Morocco. See Kingdom of Morocco, *Le travail des enfants au Maroc*. See also ILO, *Diagnostic et propositions de plan national et de plans sectoriels d'action*, Rabat, October 1999.

<sup>174</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001157*. Also in 2000, authorities in the city of Fez began a program to open four centers for the protection of child handicraft workers, where children's rights education is provided to child workers, their families, and employers. See U.S. Department of State, *Country Reports – 2000: Morocco*, Section 6d.

<sup>175</sup> U.S. Consulate-Casablanca, *unclassified telegram no. 001830*. See also U.S. Consulate-Casablanca, *unclassified telegram no. 001157*.

<sup>176</sup> Mrani Alaoui, ed., *Labor Legislation in Morocco: A Practical Guide*, 26.

<sup>177</sup> Decree No. 1-75-21 of August 30, 1975, as cited in United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of all Forms of Discrimination Against Women: Second Periodic Report of States Parties: Morocco*, CEDAW/C/MOR/2, 29 Feb 2000, 35. See also telephone interview with Labor Officer, U.S. Consulate-Casablanca, by U.S. Department of Labor Official, October 25, 2002.

unions and the employers' associations must be consulted in setting each minimum wage.<sup>178</sup> According to the Ministry of Employment, the minimum wages have been set by consensus of the social partners since May 1996. Under the April 2003 accord, the minimum wage will come up for review every three years.<sup>179</sup>

In accordance with the April 2003 accord, Morocco implemented one of two five percent pay increases in the minimum wage for non-public sector employees on June 7, 2004. This pay increase applies to manual laborers, blue-collar workers, white-collar professionals, and service personnel and represents the sixth pay raise since 1991. The implementing legislation stipulates that the first five percent increase will run from June 7 to June 30, 2004, and the second increase takes effect July 1, 2004.<sup>180</sup> For non-agricultural workers, hourly pay will jump from 8.78 dirhams to 9.22 dirhams (US\$0.95 to US\$0.99). The second increase scheduled for July 1, 2004, will bring the hourly wage to 9.66 dirhams (US\$1.05). The minimum wage for agricultural workers will increase from 45.50 dirhams (US\$4.92) per day to 47.77 dirhams (US\$5.16) through June 2004, and increase to 50 dirhams (US\$5.41) per day starting on July 1, 2004.<sup>181</sup>

The Clean Clothes Campaign, an international coalition aimed at improving working conditions in the garment industry, has reported that, in the Moroccan textile industry, subsidiaries of foreign-owned companies, companies with foreign capital, and contracting companies generally comply with the minimum wage requirements, noting that many workers in these subsidiary companies earn more than the minimum wage because of bonus systems based on productivity and years of service.<sup>182</sup> Wages in the informal sector, however, fall below the set standard. In the city of Tangiers, a 2002 study of informal textile workshops found that workers' monthly wages were inconsistent with the agreed hourly rate, which by law may not be lower than the minimum wage. Although the minimum wage equaled 8.78 dirhams (US\$0.95) per hour in 2002, the typical hourly rate for seamstresses in the informal Tangiers workshops was seven dirhams (US\$0.76), while workers who ironed or cut cloth were generally paid between three to five dirhams (US\$0.32 to US\$0.54) per hour. Young and illiterate workers were often paid at the lower rates.<sup>183</sup>

Morocco ratified ILO Convention No. 26 on Minimum Wage-Fixing Machinery in March 1958 and Convention No. 99 on Minimum Wage Fixing Machinery in Agriculture in October 1960.<sup>184</sup>

## 2. Hours of Work

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<sup>178</sup> Labor Code, Article 356.

<sup>179</sup> Mohamed Tadili, Ministry of Employment, Social Affairs and Solidarity, as cited by Labor Officer, U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor Official, February 9, 2004.

<sup>180</sup> Labor Officer, U.S. Consulate-Casablanca, electronic communication to U.S. Department of Labor official, June 22, 2004.

<sup>181</sup> Ibid.

<sup>182</sup> Clean Clothes Campaign, *Working Conditions in Morocco*, May 2003, [online] [cited December 2, 2003]; available from <http://www.cleanclothes.org/publications/03-05-morocco.htm>.

<sup>183</sup> Over 500 informal textile workshops exist in Tangiers, Morocco. In its 2002 study, the Clean Clothes Campaign investigated 20 of these workshops to obtain a random, representative sample of the sector's activity. See Clean Clothes Campaign, *The Responsibility of Spanish Garment Retailers for the Social and Working Conditions in Small Production Centers in Northern Morocco*, March 2002, [online] [cited December 2, 2003]; available from <http://www.cleanclothes.org/publications/02-03-morocco.htm>.

<sup>184</sup> ILO, *Ratifications by Country*.

The new Labor Code reduces the standard legal workweek for non-agricultural activities from 48 hours to 44 hours, with the daily work period not to exceed 10 hours unless legally stipulated. The annual work period for agricultural workers also has decreased from 2,700 hours to 2,496 hours per year.<sup>185</sup> Employees must receive one full day of rest each week, although this may be suspended in cases justified by the nature of the company's work, an unexpected increase in the volume of work, the materials used, or the implementation of emergency tasks.<sup>186</sup> Children under age 18 and women below the age of 20 may not have their rest day suspended.<sup>187</sup> Employers who require workers to exceed the standard legal period of work or who fail to comply with the provisions regarding weekly rest are subject to a fine between 300 to 20,000 dirhams (US\$32 to US\$2,165), depending on the number of affected workers.<sup>188</sup>

The law permits overtime work if the company performs tasks that are deemed in the national interest or if it experiences an exceptional increase in its volume of work.<sup>189</sup> Workers in non-agricultural activities receive an additional increase of 25 percent for extra hours worked between the hours of 6:00 a.m. and 9:00 p.m. and a 50 percent increase for hours worked between 9:00 p.m. and 6:00 a.m. These increases are raised to 50 and 100 percent for overtime hours worked on a rest day.<sup>190</sup> Workers must be compensated with 100 percent of their wage for work on paid holidays and leave days.<sup>191</sup> Employers who fail to provide the correct overtime compensation may be punished with a fine between 300 to 20,000 dirhams (US\$32 to US\$2,165).<sup>192</sup>

An employer may extend the daily work hours of employees to make up for lost work hours following a work stoppage that is due to an accident or force majeure. In this situation, only 30 days may be allotted for the make up of lost hours, with the daily work period not to exceed 10 hours.<sup>193</sup> The daily work period also may be increased to 12 hours per day if it is not possible for workers to complete intermittent, preparatory, or complementary work during a normal workday, though the workers receive no additional compensation.<sup>194</sup> Daily work hours may be extended by two hours for a three-day period at regular compensation rates in order to repair damaged equipment or buildings of a company, to avoid the spoiling of materials, to implement rescue measures, or to protect against an imminent danger.<sup>195</sup> The above exceptions are restricted to

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<sup>185</sup> Pursuant to the Labor Code, the decrease in hours worked will not result in a loss of wages. See Labor Code, Article 184.

<sup>186</sup> Workers whose weekly rest period has been suspended must be given compensatory rest within a month. The Government is to provide a regulatory provision that specifies the method for determining if an enterprise is justified in suspending the rest day. See *Ibid.*, Articles 205, 212 and 215.

<sup>187</sup> *Ibid.*, Article 214.

<sup>188</sup> *Ibid.*, Articles 203 and 216.

<sup>189</sup> *Ibid.*, Article 196.

<sup>190</sup> Agricultural workers are paid an extra 25 percent for overtime hours between 5:00 a.m. and 8:00 p.m. and 50 percent for extra work between 8:00 p.m. and 5:00 a.m. See *Ibid.*, Article 201.

<sup>191</sup> *Ibid.*, Article 226.

<sup>192</sup> *Ibid.*, Article 203.

<sup>193</sup> The employer must consult with the labor representatives before increasing the hours of work in this instance. See *Ibid.*, Article 189.

<sup>194</sup> *Ibid.*, Articles 190 and 193.

<sup>195</sup> *Ibid.*, Articles 192-193.

workers over the age of 18.<sup>196</sup> Failure to comply with these provisions on extra work may result in the employer being sanctioned with a fine of up to 20,000 dirhams (US\$2,165).<sup>197</sup>

After consultation with the enterprise-level union or the elected labor representatives, employers may reduce the regular work period by up to 60 days per year when their businesses experience an economic crisis or unforeseen circumstance beyond the employer's control. If a greater reduction of work hours is necessary, the employer must reach an agreement with the labor representatives; if such an attempt fails, the employer must receive permission from the governor of the province or the prefect of the prefecture.<sup>198</sup> The employer must provide notice of the reduction of work to the labor representatives at least one week in advance and must consult with them regarding all measures that may preclude or ease the adverse effects of the reduction.<sup>199</sup> Wages must be paid for the time worked and cannot be less than 50 percent of the normal salary.<sup>200</sup> Failure to comply with the reduction of work provisions may result in a sanction of 10,000 to 20,000 dirhams (US\$1,082 to US\$2,165).<sup>201</sup>

In Moroccan companies that perform subcontracting work in the textile and garment industry, the workday may be more than 10 hours if there is a surge in manufacturing orders, and working hours may be reduced when work is lacking.<sup>202</sup> The Clean Clothes Campaign has reported that, in informal Tangiers workshops, work hours are typically 10 hours, but occasionally employees, including children aged 14 to 16, are required to work all night, in addition to their regular work hours, to meet employers' deadlines. It also found that overtime was paid at the standard rate, not at the required premium rates of 125 to 200 percent.<sup>203</sup>

In the informal sector, the majority of workers (54.5 percent) work seven days per week, and 44.5 percent work six days per week. Only two percent of these workers engage in work less than six days a week.<sup>204</sup> Of the informal sector workers, 62.5 percent work between nine and 12 hours a day, while 17.5 percent work more than 13 hours a day. The remaining 20 percent engage in work between four and eight hours per day.<sup>205</sup>

The Government of Morocco ratified ILO Convention No. 14 on Weekly Rest in Industry in September 1956 and Conventions No. 30 on Hours of Work in Industry and No. 106 on Weekly

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<sup>196</sup> The Labor Code allows workers who are between the ages of 16 and 18 to work beyond the regular work hours in medical offices and daycare facilities. Minors in this age range that are warehouse workers, attendance monitors, office couriers, cleaning workers, and auxiliary workers also may be required to exceed their regular work period. See *Ibid.*, Article 191.

<sup>197</sup> *Ibid.*, Article 203.

<sup>198</sup> *Ibid.*, Article 185.

<sup>199</sup> The employer also must furnish the workers with information about the measures to be taken and the possible effects. See *Ibid.*, Article 186.

<sup>200</sup> *Ibid.*, Article 185.

<sup>201</sup> *Ibid.*, Article 204.

<sup>202</sup> Clean Clothes Campaign, *Working Conditions in Morocco*.

<sup>203</sup> Clean Clothes Campaign, *The Responsibility of Spanish Garment Retailers for the Social and Working Conditions in Small Production Centers in Northern Morocco*.

<sup>204</sup> Azeddine Akesbi, "Analysis of the Labor Market in Morocco: A Segmented Approach," Centre d'orientation et de planification de l'Education Morocco, September 3, 2000, 7; available from <http://www.erf.org.eg/html/blabor1.pdf>.

<sup>205</sup> *Ibid.*, 7.



Rest in Commerce and Offices in July 1974. Most recently, the Government ratified ILO Convention No. 180 on Seafarers' Hours of Work in December 2000.<sup>206</sup>

### 3. Occupational Safety and Health

Pursuant to the new Labor Code, employers must ensure that work sites are clean and meet all safety and health requirements, and they must provide fire protection devices, ventilation, noise reduction, drinking water, and appropriate bathroom facilities.<sup>207</sup> Machinery must meet the highest safety standards possible. Appropriate guards must be in place, and employers must post notices in the workplace warning of machine hazards and listing precautions that need to be taken.<sup>208</sup> The Government of Morocco ratified ILO Convention No. 119 on Guarding of Machinery in July 1974.<sup>209</sup> For over 25 years, the ILO CEACR had indicated to the Government of Morocco that legal measures were needed to ensure that workers not use or be required to use machinery without the protective guards being in the proper position. With the adoption of the new Labor Code in July 2003, the Government finally addressed this issue, and companies that fail to have guards properly in place on machinery now face a fine between 2,000 and 5,000 dirhams (US\$216 to US\$541).<sup>210</sup>

A worker's failure to comply with safety and health regulations may result in his/her immediate dismissal.<sup>211</sup> Violations by employers of the general safety and health law are punishable by fines between 2,000 and 20,000 dirhams (US\$216 to US\$2,165). This may be doubled if a violation is repeated within two years.<sup>212</sup> If legislative or regulatory requirements concerning safety and health protection are breached, a court may issue a ruling to close the establishment for 10 days to six months, with the employer being required to continue to pay wages, compensation, and in-kind benefits to the workers. If the violation is repeated, the court may issue a judgment for permanent closure, at which time the employer must provide appropriate compensation to the workers, including compensation for damages.<sup>213</sup>

Businesses that employ 50 workers or more are required to establish safety and health committees composed of an employer representative, the chief safety officer, the company physician, two labor representatives, and one to two union representatives.<sup>214</sup> The committee is tasked with investigating occupational hazards that threaten workers, supervising the maintenance and use of company equipment, and initiating efforts to apply safety and health legislative and regulatory provisions.<sup>215</sup> Failure to establish a safety and health committee may result in the employer being sanctioned with a fine between 2,000 and 5,000 dirhams (US\$216 to US\$541).<sup>216</sup>

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<sup>206</sup> ILO, *Ratifications by Country*.

<sup>207</sup> Labor Code, Article 281.

<sup>208</sup> *Ibid.*, Articles 282, 283, 286, and 289.

<sup>209</sup> ILO, *Ratifications by Country*.

<sup>210</sup> International Labor Conference, *2003 Report of the CEACR*, 556.

<sup>211</sup> Labor Code, Article 293.

<sup>212</sup> *Ibid.*, Articles 296, 297, and 299.

<sup>213</sup> *Ibid.*, Articles 300-301.

<sup>214</sup> *Ibid.*, Articles 336-337.

<sup>215</sup> *Ibid.*, Article 338.

<sup>216</sup> *Ibid.*, Article 344.

In addition to the Labor Code, the Government has implemented various decrees to regulate occupational safety and health conditions. The Decree of November 14, 1952, covers general hygiene and safety measures; Decree No. 2-56-1019 concerns the prohibition of women and children in performing dangerous work.<sup>217</sup> Otherwise occupational safety and health standards are rudimentary, and enforcement of the law by labor inspectors is hindered by a lack of resources.<sup>218</sup> The ILO Safework Program reported 1,409 work-related fatalities in Morocco in 2002, with 1,166 occurring in the agricultural sector. Three hundred and fifty fatal accidents transpired in the industrial sector and another 477 in services. In addition, some 1,993 Moroccan workers suffered accidents requiring a three-day absence from work.<sup>219</sup>

According to the U.S. Department of State, workers in the phosphate and leather industries, among others, are not adequately protected from regular exposure to dangerous chemicals. This exposure, coupled with rudimentary legislation and inadequate enforcement, has led to serious long-term health consequences for a number of workers.<sup>220</sup> The UMT has cited the garment, textile, construction, food, public transport, cleaning, and agricultural sectors as also having poor sanitary and safety conditions.<sup>221</sup>

The study by the Clean Clothes Campaign on informal garment workshops found that old and obsolete machinery caused numerous minor work-related accidents, such as cuts and needle injuries. The most frequent illnesses reported involved dermatological, respiratory, and lumbar problems. According to the study, workplace illnesses primarily occurred due to the inadequacy of care and protections provided by employers, resulting in employees' exposure to multiple hazards.<sup>222</sup> Some informal garment workshops were located in underground garages that generally lacked light and proper ventilation.<sup>223</sup>

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<sup>217</sup> Mrani Alaoui, ed., *Labor Legislation in Morocco: A Practical Guide*, 109-114. See also ILO, NATLEX, [online database] [cited December 4, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

<sup>218</sup> U.S. Department of Labor, *Country Reports – 2003: Morocco*, Section 6e.

<sup>219</sup> ILO, *Occupational Accidents, 2002: Africa, according to ILO Regions*, In Focus Program on Safety and Health at Work and the Environment, [online] [cited December 4, 2003]; available from [http://www.ilo.org/public/english/protection/safework/accidents/globest\\_2002/reg\\_afri.htm](http://www.ilo.org/public/english/protection/safework/accidents/globest_2002/reg_afri.htm).

<sup>220</sup> Labor Officer, U.S. Consulate-Casablanca, telephone interview with U.S. Department of Labor official, October 25, 2002.

<sup>221</sup> Khadija Ramiri, General Secretary of the UMT Regional Office in Rabat, as cited by Cécilia Locmant, "Morocco: The Textile Industry Goes Underground," *Trade Union World*, June 10, 2002; available from <http://www.icftu.org/displaydocument.asp?Index=991215450&Language=EN>.

<sup>222</sup> Clean Clothes Campaign, *The Responsibility of Spanish Garment Retailers for the Social and Working Conditions in Small Production Centers in Northern Morocco*.

<sup>223</sup> *Ibid.* See also Clean Clothes Campaign, *Working Conditions in Morocco*.