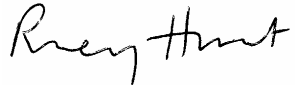




**Impactt Limited**  
**Summary of labour law and issues**  
**Morocco**

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## **1. Employment is freely chosen**

### **ETI Base Code**

- 1.1 There is no forced, bonded or involuntary prison labour.
- 1.2 Workers are not required to lodge 'deposits' or their identity papers with their employer and are free to leave their employer after reasonable notice.

### **Law**

- Forced or compulsory labour is prohibited by law.

### **The Issues**

- Although the Government lacks the resources to inspect all workplaces to ensure that compulsory labour is not being used, forced labour is not viewed as an issue in the commercial and agricultural sectors.

## **2. Freedom of association and the right to collective bargaining are respected**

### **ETI Base Code**

- 2.1 Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.
- 2.2 The employer adopts an open attitude towards the activities of trade unions and their organisational activities.
- 2.3 Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.
- 2.4 Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.

### **Law**

- Employees have the right to form and join a trade union, if they so wish.
- Labour union candidates must be Moroccan citizens and must have worked at the establishment for one year continuously.
- Union representatives have the right to be absent from work to carry out their functions. They must get 15 hours off per month, paid by employers, in which to represent workers.
- Any group of eight workers may organize a union. A work site may contain several independent unions, however, only unions able to show that they have at least 35% of the workforce as members must be recognized as negotiating partners to bargain collectively.
- If there is no union, there must be elected representatives. These individuals also receive 15 hours per month, paid by employers in which to represent workers.
- Workers have the right to strike.
- The new labour law in 2003 expressly prohibits companies from dismissing workers for participating in legitimate union organizing activities. The authorisation of the labour inspector is required to dismiss a union representative. The new law also prescribes the Government's authority to intervene in strikes. Employers are no longer able to initiate criminal prosecutions of workers for stopping work if they strike.
- The Labour law forbids any form of industrial action, such as sit-ins, which interferes with non-striking employees' right to work.

### **The Issues**

- Approximately 600,000 workers are unionized, representing about 5.8 % of Morocco's economically active population.
- Although workers are free to establish and join trade unions, the unions themselves are not completely free from government interference.

### **3. Working conditions are safe and hygienic**

#### **ETI Base Code**

- 3.1 A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.
- 3.2 Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.
- 3.3 Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided.
- 3.4 Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.
- 3.5 The company observing the code shall assign responsibility for health and safety to a senior management representative.

#### **Law**

- The employer must provide a safe working environment.
- The employer must provide drinking water, washbasins, sanitary facilities, showers and dressing rooms, meal and rest stations.
- First aid kits must be permanently available in all buildings where there are more than 10 workers.
- Employers must provide training for employees on the safe use of all machines and facilities and any precautions relevant to their work.
- Workers who perform hazardous works must have access to showers and have the right to 15 paid minutes to shower,
- Measures must be taken to prevent fire and to allow quick evacuation.
- If there are more than 50 workers, there must be a medical service with:
  - a regular doctor's visit (by a specialist in industrial medicine)
  - a well equipped medical room
  - individual medical files.
- If there are more than 200 workers, there must also be a nurse permanently on site.
- If there are more than 50 female employees over 15 years of age, a nursery room must be provided.
- New workers must have a health check including a chest x-ray.
- Workers must have regular medical check ups.
- Labour laws and safety laws must be displayed and visible to the workforce.
- Women are not allowed to work under dangerous conditions.
- Each woman must be given a chair.

#### **The Issues**

- Occupational health and safety standards are generally rudimentary.
- The labour inspectors who monitor working conditions and accidents, lack sufficient resources to do it effectively.

### **4. Child labour is not used**

#### **ETI Base Code**

- 4.1 There shall be no new recruitment of child labour.
- 4.2 Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; 'child' and 'child labour' being defined in the appendices.
- 4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions.

4.4 These policies and procedures shall conform to the provisions of the relevant ILO standards.  
*See definitions at the end of this document.*

#### **Law**

- In Morocco, the minimum working age is 15 (since 2002).
- All workers under 18 must be working with the approval of a parent or guardian who must agree the young worker's contract, whether they are an employee or an apprentice.
- Apprentices must be registered with Social Security.
- Apprentices must be paid national minimum wage (SMIG) at 18 years old (whether they are on an apprenticeship scheme or not) or on completion of 3 years of apprenticeship, whichever comes first.
- Employers must have records for apprentices.
- Young workers may also work whilst continuing their schooling, attending school for one month and working in the factory for one month.
- Young workers (under 18 years old):
  - should not work between 10pm and 5am, since they must have an 11 hour rest between shifts.
  - must not be employed in hazardous work.
  - must not work more than 10 hours a day including overtime.
  - must have a total of at least one hour of breaks in a day and must not work for more than 6 hours without a break of at least ½ an hour.
- Education is compulsory for children between the ages of 7 and 13 years.

#### **The Issues**

- Child labour is common, especially in agriculture, rug making and handicraft and also exists to some extent in the textile and leather goods industries.
- According to a current Ministry of Labour survey, 81% of the country's 600,000 underage workers work on family farms.
- In practice, children often were apprenticed before age 12, particularly in small family-run workshops in the handicraft industry.
- The safety and health conditions, as well as the wages in businesses that employ children are often substandard.
- In rural areas schools are poor or non-existent, therefore the reality is that many children work.

### **5. Living wages are paid**

#### **ETI Base Code**

- 5.1 Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income.
- 5.2 All workers shall be provided with written and understandable information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid.
- 5.3 Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.

#### **Law**

- The minimum monthly wage (referred to as SMIG) is expressed in Dirhams per hour. It is revised regularly and the correct level for the business can be obtained from the local labour department or from professional associations.
- Apprentices' wages may be less than the SMIG minimum rate, as follows:
  - 14-15 years old: up to 50% less than SMIG

- 15-16 years old: up to 40% less than SMIG
- 16-17 years old: up to 30% less than SMIG
- 17-18 years old: up to 20% less than SMIG
- Overtime hours must be paid at:
  - Hours worked between 5pm–10pm: 125% of ordinary hourly rate
  - Hours worked between 10pm–5am: 150% of ordinary hourly rate
  - Hours worked between 5pm–10pm, on Public Holidays: 250% of ordinary hourly rate
  - Hours worked between 10pm–5am, on Public Holidays: 300% of ordinary hourly rate
  - National or religious holidays: 200% of ordinary hourly rate
- Workers paid by the piece must receive overtime at the above rates for work carried out outside ordinary time.
- Employers may take deductions for the following: debts for supplies, cash advances, securities, fines.
- Employers must pay a Seniority Bonus as follows:
  - 5% of salary after 2 years service
  - 10% after 5 years
  - 15% after 12 years
  - 20% after 20 years
- Employers must pay all employees at least twice a month or with a maximum of 16 days between payments. (Or by agreement once per month with an opportunity for an advance.)
- Wages must be paid in legal tender.
- Workers must receive payslips listing their name, date of birth, Social Security number, hours worked, overtime hours, gross salary, net salary and all deductions.
- Social Security Scheme (Caisse Nationale de Sécurité Sociale or CNSS).
  - The factory must join the CNSS scheme
  - all employees must be registered with CNSS from the beginning of their employment
  - all employees must have CNSS cards and numbers
  - full salary and hours must be declared on a monthly basis
  - contributions must be paid on a monthly basis
  - CNSS pays for sickness leave, maternity leave, death allowance, pensions and family allowance.
  - CNSS does not pay for medical fees, but has its own hospitals where affiliates may benefit from reductions.
- Employers must be covered by injury insurance and public liability insurance.

### **The Issues**

- According to the US Department of State Human Right report, neither the minimum wage for the industrialized sector nor the wage for agricultural workers provides a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. However, most workers in the industrial sector earn more than the minimum wage.

## **6. Working hours are not excessive**

### **ETI Base Code**

- 6.1 Working hours comply with national laws and benchmark industry standards, whichever affords greater protection.
- 6.2 In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7 day period on average. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate.

## Law

- The standard workweek is 44 hours. (Reduced from 48 hours in the new Labour Law)
- Exceptions are allowed for busy periods with written agreement from labour department.
- Workers must have a minimum of one day off per week.
- The maximum working day is 10 hours, including overtime. Workers may work a maximum of 12 hours overtime per week and 48 hours per month.
- Women and young workers (under 18) must not work more than 10 hours a day including overtime.
- Women and young workers (under 18) must have a total of at least one hour of breaks in a day and must not work for more than 6 hours without a break of at least ½ an hour.
- Children under 16 years and women must not work between 10pm–5am (night work).
- Mothers must have one extra hour (paid) per day for breast feeding for up to 1 year after birth.
- Information on employees hours of work and the name, address and telephone number of local labour department must be clearly displayed in a language the workers can understand.
- Paid Leave: provisions vary between localities. In general:
  - Workers with 6 months or more service receive 18 days paid leave, in addition to festival days.
  - Workers with 5 years service or more receive an additional 2 days per year.
  - Paid sick leave is covered by social security (CNSS)
  - Maternity leave: 12 weeks leave, paid for by social security (6 weeks prior and 6 weeks after).
  - Men have 3 days paternity leave, refunded by CNSS but paid by the employer
  - Workers under 18 years old receive 24 days holiday.
  - 11 days paid Public holidays
  - Additional holiday includes:
    - employee's marriage- 4 days; child's marriage- 2 days,
    - death of a parent- 3 days; death of a child- 2 days; death of a spouse- 1 day,
    - surgical operations for spouse or child- 1 day.

## 7. No discrimination

### ETI Base Code

7.1 There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.

## Law

- Morocco has ratified ILO Convention No. 111, which prohibits employment discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
- Men and women must be paid equal wages for equal work.
- There must be no discrimination against pregnant women and employers are prohibited from terminating female employees' contracts during pregnancy and maternity leave.

## 8. Regular Employment

### ETI Base Code

- 8.1 To every extent possible work performed must be on the basis of a recognised employment relationship established through national law and practice.
- 8.2 Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour-only contracting, subcontracting, or home-working arrangements, or through apprenticeship schemes where there is

no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment.

#### **Law**

- Workers must have a contract or letter of engagement specifying wage, job, probation period
- Labour contracts may be oral or written. A legal guardian must authorise disabled employee contracts.
- Contracts can be fixed term or indefinite.
- Workers must receive compensation for early termination of a fixed term contract.
- For indefinite contracts, notice equivalent to one wage period must be given.

#### **Apprentices**

- Apprentice contracts must be signed by the labour department and by a parent as well as the apprentice and the employer.
- Apprentice contracts can be for 6 months to 3 years but after 3 years or at the age of 18, they must be given permanent employment on a full wage.
- Employers must maintain records for apprentices with their signature.
- Only up to a maximum of 10% of workforce can be apprentices.

### **9. No harsh or inhumane treatment is allowed**

#### **ETI Base Code**

9.1 Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation shall be prohibited.

#### **Law**

- Employers must display a summary (in French and Arabic) of the rules of employment at the place of work. This summary must be authorised by the Labour and Social Affairs Department.
- Dismissal may occur in the case of a serious offence such as: drunkenness, stealing, offences against supervisors, sabotage, serious damage of machines, materials and installations, compromising safety.
- Operators may be dismissed within the probation period.
- If a worker is to be dismissed, they must be informed by recommended letter within two days of the incident/offence which led to the dismissal. A copy of that letter must be sent to the labour inspectorate within 8 days.
- Employers wishing to close a factory must receive authorization from the Provincial Governor through the labour inspector's office.

## **NOTES**

### **Disclaimer for Law summaries**

This document has been compiled using data from publicly available sources. Every effort has been made to ensure that the all relevant laws and regulations have been included and that the laws and regulations are the most recent applicable, however, Impactt cannot guarantee that the information is exhaustive. The document is intended for guidance only and Impactt accepts no responsibility should any liability arise from reliance on the information within the document.

### **Notes on the Ethical Trading Initiative Base Code**

The provisions of this code constitute minimum and not maximum standards, and this code should not be used to prevent companies from exceeding these standards. Companies applying this code are expected to comply with national and other applicable law and, where the provisions of law and this Base Code address the same subject, to apply that provision which affords the greater protection.

### **Definitions for ETI Base Code**

Child: Any person less than 15 years of age unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age shall apply. If however, local minimum age law is set at 14 years of age in accordance with developing country exceptions under ILO Convention No. 138, the lower will apply.

Young Person: Any worker over the age of a child as defined above and under the age of 18.

Child Labour: Any work by a child or young person younger than the age(s) specified in the above definitions, which does not comply with the provisions of the relevant ILO standards, and any work that is likely to be hazardous or to interfere with the child's or young person's education, or to be harmful to the child's or young person's health or physical, mental, spiritual, moral or social development.