



# DECENT WORK CHECK

## **ALGERIA** 2023

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## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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## Bibliographical information

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# INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Algeria, 2020
2. Labour Law, 1990
3. Social Insurance Act, 1983
4. OSH Law, 1988
5. Penal Code, 1966

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Algeria has ratified the Convention 95 only.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Labour Law, 1990
- Framework Collective Agreement of the Private Economic Sector, 2006

## Minimum Wage

Algeria's labour law stipulates that the minimum wage is set through government decree after consultation with the most representative trade union of workers and associations of employers. The minimum wage consists of the basic wage, allowances and bonuses of any kind, excluding allowances paid as reimbursement of expenses incurred by the worker. To determine the minimum wage, the national average productivity, consumer price index price and general economic conditions are taken into consideration.

Algeria's minimum wage was last updated on June 1, 2020. Labour inspectors observe and report transgressions of this law's provisions, according to labour legislation. A non-compliant enterprise shall be punished with a fine ranging between 1,000DA-2,000DA (Algerian Dinar). In case of reoffence, the penalty is 2,000 to 5,000 DA multiplied by as many times as there are offences.

**Source:** §87, 138 & 149 of Labour Law, 1990

## Regular Pay

In Algerian labour law, the minimum wage comprises the basic income, as well as all allowances and bonuses, minus allowances paid as reimbursement for the worker's expenses.

The law stipulates more than once that the employer is required to pay each employee the payment owing to him regularly and in arrears. In an employment relationship, the worker has been given the right to regular payment of the remuneration due to them. The framework Collective Framework Agreement obliges the employer to pay the worker in arrears and no later than one week after the end of that particular month.

**Source:** §6 & 88 of the Labour Law, 1990; §94 of Framework Collective Agreement of the Private Economic Sector, 2006

# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Algeria has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.



## Regulations on compensation:

- Labour Law, 1990
- Amended Labour Law, 2016

## Overtime Compensation

The maximum working hours in Algeria inclusive of overtime are 12 hours a day and 64 hours a week, while the standard or normal working hours are 44 hours a week spread over at least five days a week. The daily rest break cannot exceed one hour, out of which 30 minutes are considered working time.

The weekly working time may be:

- reduced for persons engaged in particularly arduous or dangerous work or work involving particular physical or nervous constraints,
- increased for certain workstations involving periods of inactivity.

The collective conventions or agreements set out the list of positions concerned and specify, for each of them, the level of reduction or increase in effective working hours

A worker may be required to work after official working hours but without overtime hours exceeding 20% of the said legal time (In case of 9 hours per day, the overtime hours cannot exceed 2 hours per day, hence the maximum working hours inclusive of overtime would be 11 hours). However, this time limit would not apply if after hours, work is required for preventing imminent accidents or repairing damage resulting from accidents; to complete the work whose interruption may cause damage. The overtime hours are paid at a higher rate, i.e., 150% of the normal hourly wage.

**Source:** §22, 23, 25, 26, 31 & 32 of the Labour Law, 1990, last amended in 2016

## Night Work Compensation

Under the Labour Law, any work performed between 9pm to 5am is considered night work. The law also shares that the rules and conditions of night work, as well as the related rights, are determined by collective conventions or agreements. However, the applicable Collective Framework Agreement for the private economic sector does not address nightwork.

The labour legislation does not stipulate a premium rate for night workers. Therefore, there is no discussion on the provision of premium rate or reduced working hours for the night workers.

**Source:** §27 of the Labour Law, 1990

## Compensatory Holidays / Rest Days

Workers may perform work on weekly rest days and public holidays in extraordinary circumstances. According to the Algerian Labour Law, if workers work on their weekly rest days and/or public holidays, they are provided a compensatory day off along with premium payment for hours worked.

**Source:** §36 of the Labour Law, 1990

## Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances, when employees have to work on weekly rest days and/or public holidays, the worker is entitled to compensatory rest of a similar duration and

has the right to increased pay, equivalent to overtime pay of 150% according to the applicable law.

**Source:** §36 of the Labour Law, 1990

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Algeria has ratified the Convention 14 only.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.

## Regulations on annual leave and holidays:

- Labour Law, 1990
- Law No. 63-278 on public holidays
- Law No. 23-10 of 8 Dhou El Hidja 1444 corresponding to June 26, 2023, amending Law No. 63-278 of July 26, 1963 establishing the list of legal holidays

## Paid Vacation / Annual Leave

Labour Relations Law provides for paid annual leave of maximum of 30 days. The right to annual leave is based on the work done during a reference period that runs from 1 July to 30 June of the year preceding the leave. The starting point of the reference period for newly hired employees is the date of hire. Paid leave is calculated at the rate of two and a half days every month of work, with a maximum total duration of thirty calendar days per year. Workers in the wilayas of the south in Algeria are entitled to additional leave, which cannot be less than ten days per year of labour. The requirements for providing this leave are established by collective agreements or conventions.

When it comes to determining the length of paid annual leave, any period of twenty-four working days or four weeks of employment is comparable to one month of work. For seasonal or part-time workers, this period equals one hundred and eighty working hours. To calculate paid annual leave, a period of more than fifteen working days during the worker's first month of employment is considered one month of work. Workers engaged in especially demanding or dangerous employment involving particular physical or nervous constraints may get extended leave time.

**Source:** §41-45 of the Labour Law, 1990

## Pay on Public Holidays

Public holidays are regulated under Law, and are fully paid. The public holidays in Algeria are around 13 in number. Holidays include 1 May; 5 July (Independence Day); 1 November (Revolution Day); Eid ul Fitr (3 days); Eid ul Adha (3 days); Moharram (1 day); Aashoura (1 day); Birth of Prophet Muahammad -PBUH (1 day); 1 January. In addition to these public holidays: (1) Christian workers are entitled to holidays on Easter Monday; the Ascension; 15 August (Assumption); Christmas Day; (2) Jewish workers are entitled to holidays on Roch Achana; Youm Kippour; Pisah.

The Muslim holidays are depending on sighting of moon and their dates generally change every year.

**Source:** §34 of the Labour Law, 1990; §1-4 of Law No. 63-278 on public holidays; §1 of Law No. 23-10 of 8 Dhou El Hidja 1444 corresponding to June 26, 2023 amending Law No. 63-278 of July 26, 1963 establishing the list of legal holidays.

## Weekly Rest Days

Workers are entitled to one full day of rest every week. Friday is the regular weekly rest day, which corresponds to normal working conditions.

**Source:** §33 of the Labour Law, 1990

# 04/13 EMPLOYMENT SECURITY

## ILO Conventions

Convention 158 (1982) on employment termination

**Algeria has not ratified the Convention 158.**

### *Summary of Provisions under ILO Convention*

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on employment security:

- Labour Law, 1990
- Framework Collective Agreement of the Private Economic Sector, 2006
- Amended Labour Law, 2016

## Written Employment Contract

According to labour law, the employment contract is established in the forms appropriate for the contracting parties to adopt. The proof of the contract or the employment relationship can be made by any means. The employment relationship should arise through a written or unwritten contract. The employment contract should be considered as indefinite contract if it is not provided in written form.

However, the Collective Framework Agreement requires written particulars to be provided to the employee in all cases. The 2006 Collective Framework Agreement states that all recruitment should give rise to the establishment of an employment contract or a letter of engagement which specifies in particular the following essential elements:

- workplace;
- the summary description of the activity attached to the workstation;
- the start date of the contract and, if it is a fixed-term contract, the term thereof;
- the duration and weekly distribution of work;
- the salary and allowances related to the workstation;
- the duration of the trial period.

When the volume of work available does not need a worker's full-time services or the worker makes the request for family reasons or personal convenience, which the

employer accepts, that employment contract can be concluded for an indefinite period but for part-time, i.e., for an average hourly volume lower than the legal duration of work. Under no circumstances may part-time work be less than half the legal working time.

**Source:** §8-13 of the Labour Law, 1990; §19 of Framework Collective Agreement of the Private Economic Sector, 2006

## Fixed Term Contracts

According to labour law, the employment contract shall be considered an indefinite contract if it is not provided in written form. Moreover, the contract should be considered for fixed term, full/part time:

- i. when the worker is hired to complete a contract that involves non-renewable works or service contracts;
- ii. when it comes to replacing a position holder (worker on a protected leave) who is temporarily absent but for whose benefit the employer is compelled to keep the post;
- iii. when it is periodic work of discontinuous nature;
- iv. when there is a surge in employment;
- v. when seasonal factors justify it; or
- vi. in the case of activities or jobs that are by nature temporary or have a limited duration.

The employment contract should specify the duration of the job relationship in all of these instances, as well as the grounds for the fixed period.

The employment contract may be concluded for a fixed term on a full-time or part-time basis, only in the cases expressly provided for by the legislation in force. The fixed-term employment contract cannot

have the effect of filling a job related to the normal and permanent activity of the company. It is concluded and renewed within the limit of a maximum duration of 36 months.

Except in cases of professional misconduct resulting in the dismissal of the employee or cases of force majeure, the fixed-term contract cannot be terminated by the employer before the term fixed for him. Its termination by the employer before the contractual expiry date for reasons other than those mentioned before, entitles the employee to receive his wages, bonuses and allowances until the end of the contract, including the severance payment.

**Source:** §8, 11, 12 & 13 of the Labour Law, 1990; §25, 26 & 31 of Framework Collective Agreement of the Private Economic Sector, 2006

## Probation Period

Under the Labour Law, the probation period may not exceed six months for permanent contracts. However, that period may be extended to 12 months in case of high skilled job. The trial period is determined by collective bargaining for each category of worker or for all workers.

The Collective Framework Agreement states that a company's collective labour agreements will specify the duration of the trial periods by professional category. The trial period may be extended once by agreement between the employer and the employee for a period which may not exceed half of the initial period. The duration of the trial period applicable to the fixed term contract cannot be greater than 1/12th of that fixed for a permanent job with the same qualification or classification.

During the trial period, the employment relationship may be terminated by either party, without notice or compensation. The free termination of the employment contract during the trial period must be exclusively linked for the employer, to the finding of the employee's professional inadequacy and for the latter, to the working and employment conditions notwithstanding any other cause.

**Source:** §18 of the Labour Law, 1990; §21-24 & 29 of Framework Collective Agreement of the Private Economic Sector, 2006

## Notice Requirement

Under the Labour Law, there are no specific provisions located, however, the collective framework agreement states that the notice period is increased by five days for each year of service with the same employer up to a maximum of 30 days. The law stipulates that a worker who has not engaged in serious misconduct is entitled to a notice period, the length of which is set in collective agreements or conventions. The notice period is increased by five (05) days per year of seniority in the service of the same employer, within the limit of thirty (30) days.

In case of resignation by employee, and unless the employee agrees in writing, the duration of the notice period may not be greater than that applied for the trial period practiced for the job. Until the expiration of the notice period, all the obligations and all the rights attached to the employment contract and its execution continue with regard to the employee and the employer. The employer may exempt the resigning employee from carrying out the notice period. In this case, he is required to pay the remuneration and allowances of all kinds that the employee would have received if he

had completed the notice period.

During the time of absence, the dismissed worker is entitled to two hours per day, to allow him to look for another job. By paying the terminated worker a sum equivalent to the whole payment he would have received during the same period, the employing company can discharge him from his duty. The employer's obligation to follow the notice period remains unaffected by the suspension of activities.

**Source:** §73 (5 & 6) of the Labour Law, 1990; §58-60 & 67-69 of Collective Framework Agreement of the Private Economic Sector, 2006

## Severance Pay

Severance pay is regulated under the Labour Law, 1990. The worker hired for an indefinite time is entitled to severance pay in the case of an individual or collective dismissal within the employing firm. After the right to paid annual leave has been exhausted, this indemnity is owed at the rate of one month for every year of service within the employing company, up to a maximum of fifteen (15) months. The amount of this indemnity is computed using the most favourable monthly average of remuneration received during the previous three years of employment.

Under the 2006 Collective Framework Agreement, an employee is entitled to severance pay if he or she is fired for reasons unrelated to significant misconduct and if he or she has worked for the same company for at least two years. The severance pay amount cannot be less than 15 days' wages per year of service, computed on the basis of the last salary, including bonuses and allowances related to the job. In the event of

economic dismissal/workforce reduction, the redundancy pay is equal to 3 months' wages.

**Source:** §72 of the Amended Labour Law, 2016; §63 of Framework Collective Agreement of the Private Economic Sector, 2006



# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Algeria has not ratified the Convention 156 & 165.**

### ***Summary of Provisions under ILO Convention***

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Labour Law, 1990
- Framework Collective Agreement of the Private Economic Sector, 2006

## Paternity Leave

The law provides three days paid leave in case of certain family events such as child birth, death and marriage. The company's collective agreements and/or other agreements determine the methods of application in this regard.

**Source:** §54 of the Labour Law, 1990; §49 of Framework Collective Agreement of the Private Economic Sector, 2006

## Parental Leave

No provisions could be located in the law allowing parental leave for parents after exhaustion of maternity leave and paternity leave.

## Flexible Work Option for Parents / Work-Life Balance

The labour law allows part-time work if the active worker requests it for reasons of family or personal convenience and the employer agrees.

**Source:** §13 of Labour Law, 1990

# 06/13 MATERNITY & WORK

## ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Algeria has not ratified the Convention 103 and 183.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Labour Law, 1990
- ISSA Country Profile for Algeria
- Social Insurance Act, 1983
- Presidential Decree No. 05-117 concerning measures of protection against ionising radiations, as amended up to Decree No. 07-171, 2 June 2007
- Executive Regulation under the Labour Relations Law (GPC Resolution No. 595 of 2010)

## Free Medical Care

A worker registered with under the social insurance system and subject to certain qualifying conditions is entitled to medical benefits during maternity. The female worker must have been employed for at least 15 days (or 100 hours) in the last three months or 60 days (or 400 hours) in the last 12 months before receiving the medical services for which reimbursement is claimed. Full medical benefits are guaranteed to women workers covered by the Social Insurance Act. Hospitalisation costs are guaranteed to a maximum of 8 days. The female worker is also entitled to 100% reimbursement for medical and pharmaceutical expenses. The same rights are granted to self-employed female workers and the spouse of a male worker, provided that she does not exercise a professional activity.

**Source:** ISSA Country Profile for Algeria; §4, 26, 56 & 57 of Social Insurance Act, 1983

## No Harmful Work

No provisions could be located in Labour Law regarding the prohibition of arduous and hazardous work to women during

pregnancy and after childbirth to protect the mother and child. However, a decree orders that any pregnant workers who occupy a post involving exposure to ionising radiations shall be transferred to a different job. Also, breastfeeding mothers shall not work in a post where a risk of contamination may exist.

**Source:** Presidential Decree No. 05-117 concerning measures of protection against ionising radiations, as amended up to Decree No. 07-171, 2 June 2007

## Maternity Leave

Maternity leave is provided and regulated under Social Insurance Act. No provisions could be located in the Labour law regarding pregnancy inquiry and its prohibition during recruitment.

When a woman submits a medical certificate confirming the expected maternity date, she is entitled to 14 weeks of paid maternity leave. The length of pre-natal leave is six weeks while the post-natal leave is eight weeks.

In the case of a self-employed person, a minimum of 15 days of coverage in the last three months is required. Coverage may be increased until the end of the calendar year following the termination of employment. The insured worker must notify the National Social Security Fund for Nonwage Earners six months before the projected date of delivery and the expectant woman must complete four prescribed medical examinations in order to get full coverage for maternity care.

**Source:** ISSA Country Profile for Algeria; §29 of Social Insurance Act, 1983

## Income

In line with the Social Insurance Act, maternity leave is a fully paid leave, and workers are entitled to their full wages during such leave. In this case, maternity leave is paid through the social insurance system. The financing of the social security benefits costs will be assured by a part of the compulsory contribution, paid by both employers and employees.

Under the Law on Social Security, female workers are entitled to social insurance benefits through the Social Security Fund. To receive benefits under the legislation, a worker must be in employment for at least 15 days in the last three months or 60 days in the last 12 months before the first medical certification of the pregnancy. The cash maternity benefit is 100% of the worker's last daily wage payable for up to 14 weeks, including six weeks before the expected date of childbirth.

**Source:** ISSA Country Profile for Algeria; §28 & 72 of Social Insurance Act, 1983

## Protection from Dismissals

No provisions could be located regarding protection from dismissal during pregnancy.

## Right to Return to Same Position

There is no specific provision in the law granting a worker the right to return to the same position after her maternity leave. However, it is implied from article 25 of the Labour Law that a worker cannot be dismissed during her pregnancy and maternity leave, which means that the right to return to work is implicitly guaranteed

under the law. Furthermore, the right to return to the same position is provided under the executive regulation, framed under 2010 law, which requires that a worker should occupy their original job if it is vacant or any other job of the same rank after availing their leave.

**Source:** §25 of the Labour Law, 1990; §21 of the Executive Regulation under the Labour Relations Law (GPC Resolution No. 595 of 2010)

## Nursing Breaks

No provisions could be located.

# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Algeria has ratified both the Conventions 81 and 155.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- Law no. 88-01 of January 6, 1988 relating to hygiene, to safety and occupational health
- Framework Collective Agreement of the Private Economic Sector, 2006
- Executive Decree No. 02-427 of December 7, 2002 relating to the conditions for organizing the instruction, information and training of workers in the field of occupational risk prevention
- Executive Decree No. 05-05 of January 6, 2005 relating to the organization and operation of the general labour inspection

## Employer Cares

The OSH law provides for general rules on hygiene and safety in the workplace. Under the law, the employer is bound to ensure the health and safety of the employees. The workplaces assigned to the workers should be clean. The work atmosphere must be comfortable and hygienic. The employing organisation must allow workers to practice break gymnastics and provide them with changing rooms, wash basins, showers, toilettes, drinking water and hygienic canteens. The enterprise annexes and buildings must be fitted and designed to ensure safety of workers by guaranteeing protection against fumes, dangerous vapours, toxic gases and noise. It should also provide protection against congestion, the safety of workers during the start-up of machinery and means of handling and transport, precautions to prevent fire and explosion as well as provide firefighting response.

Employers are obligated to place workers out of hazard and danger zones and also

ensure swift evacuation of workers in times of peril and disaster. The law states that workers must benefit from special clothing, equipment and individual protection devices in accordance with the nature of the activity and the risks. The employing organisation is obligated to ensure workers' safety by the choice of techniques and technologies. The installations, machines and all means of work to which the workers may be exposed, are to be subject to periodic checks and maintenance. Further, the use of instalments and machinery that do not meet national and international standards is prohibited.

The Collective Framework Agreement also obliges the employer to ensure strict application of rules on health, hygiene and safety at workplace, in particular the application of the provisions of the legislation and regulations in force in the matter. The company collective agreement determines the terms and conditions of application of this article. Moreover, employers need to ensure the quality and effectiveness of individual and collective protective equipment and should seek the most appropriate means to ensure worker safety.

**Source:** §2-8 of Law no. 88-01 of January 6, 1988 relating to hygiene, to safety and occupational health; §135 & 136 of Framework Collective Agreement of the Private Economic Sector, 2006

## Free Protection

OSH Law requires employers to provide personal protective equipment (means of protection) to workers involved in hazardous and risky work. Depending on the nature of the job and the hazards, the

worker must benefit from specialised clothing, equipment, and technologies for personal protection that have been proven to be effective.

The employing organization is required to integrate worker safety in the choice of techniques and technologies at the workplace. Installations, machines, mechanisms, devices, tools and machines, materials and all means of work must be suitable for the work to be carried out, and be able to prevent risks to which workers may be exposed. They must be subject to periodic checks and maintenance measures of a nature to maintain them in good working order, with a view to guaranteeing the safety of work.

**Source:** §6 & 7 of Law no. 88-01 of January 6, 1988 relating to hygiene, to safety and occupational health

## Training

Under the OSH law, depending on the frequency and severity of the risks observed by anybody or structure or person competent in matters of hygiene, safety and occupational medicine, specific training actions are to be organized for the workers for the purposes of prevention.

Furthermore, an Executive decree provides that the employer must organize for the benefit of workers, and in collaboration with the Health and Safety Commission and the occupational physician, instruction, information and training actions, on the risks linked to the various operations involved in the context of their work and on the measures to be taken in the event of an accident or disaster.

The Collective Framework Agreement also obliges the employers to implement the most appropriate safety functions as well as worker awareness programs in the areas of health and safety and occupational medicine.

**Source:** §22 of Law no. 88-01 of January 6, 1988, relating to hygiene, to safety and occupational health; §3 of Executive Decree No. 02-427 of December 7, 2002 relating to the conditions for organizing the instruction, information and training of workers in the field of occupational risk prevention; §136 of Framework Collective Agreement of the Private Economic Sector, 2006

## Labour Inspection System

The general labour inspectorate is responsible for designing and implementing the measures and means necessary to carry out the missions assigned to the labour inspectorate by the legislation and regulations in force.

Under the authority of the general labour inspector, the general labour inspectorate includes central structures and decentralized structures. The central structures of the general labour inspection include –

- I. the management of professional relations and monitoring of working conditions;
- II. the administration and training department.

The professional relations department and monitoring working conditions is responsible:

- i. to monitor and evaluate the social situation and prepare periodic reports



- ii. to ensure the application of legislation and current regulations,
- iii. to initiate and implement all measures likely to contribute to the prevention of collective work conflicts and to ensure the establishment of mechanisms and instruments likely to promote social dialogue and consultation between the different partners within the premises work,
- iv. to ensure the files of the collective labour agreements and agreements,
- v. to initiate any action aimed at improving working conditions, in particular through the development and implementation of a prevention and control strategy in terms of hygiene, safety and health care work,
- vi. to contribute to the implementation of consultation actions between the labour inspection services and the partners and institutions concerned in the different areas of monitoring the application of the labour standards in force.

The general labour inspector exercises hierarchical power over all personnel of the general labour inspectorate.

Under the authority of the general labour inspector, the general labour inspectorate manages, within the framework of the legislative and regulatory provisions in force, the human, material and financial resources made available to it. The regional labour inspectorates and the wilaya labour inspectorates may, in accordance with the regulations in force and by delegation of the general labour inspector, have the necessary credits for their operation.

The staffing levels of the general labour inspection and its decentralized structures are set by joint order of the minister responsible for labour, the minister responsible for finance and the authority responsible for the public service.

**Source:** §2-5, 18, 27, 28, 34, 35 & 38 of Executive Decree No. 05-05 of January 6, 2005 relating to the organization and operation of the general labour inspection

The decentralized structures of the general labour inspection include:

- I. regional labour inspectorates
- II. wilaya labour inspections
- III. labour inspection offices.

The general labour inspector, the directors and deputy directors as well as the heads of studies belonging to the central structures of the general labour inspectorate are appointed by decree in accordance with the regulations in force. Regional labour inspectors and wilaya labour inspectors are appointed by order of the minister responsible for labour on the proposal of the general labour inspector.

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Algeria has not ratified the Convention 102, 121 and 130.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Social Insurance Act, 1983
- ISSA Country Profile for Algeria
- Labour Law, 1990

## Income

Under the Social Insurance Act 1983, a worker is entitled to paid sick leave if the sickness is established and determined by the concerned medical authority. The sickness benefit is paid as specified under the Social Insurance Act. Workers are entitled to paid sick leaves as follows:

1. 50% of the insured monthly earnings are paid in first 15 days of sickness
2. 100% of the earnings are paid from the 16<sup>th</sup> day up to three years
3. 100% of the insured's net daily earnings is paid from the day after the disability began until full recovery or certification of permanent disability.

The minimum daily earnings used to calculate benefits are the legal hourly minimum wage multiplied by the insured worker's normal working hours.

**Source:** ISSA Country Profile for Algeria; Social Insurance Act, 1983

## Medical Care

Medical care, surgery, hospitalization, medicine, laboratory services, ophthalmological and optical services, some dental care, functional and vocational rehabilitation, prosthesis, specialty therapies, and transportation are all included in the benefits package.

For many types of illness, government hospitals give free medical care for an indefinite period of time. However, some categories may need cost contribution. Medical expenses are reimbursed 80%, and 100% if the insured has an approved chronic disease, is a job injury claimant with a degree of disability greater than 50% or is an elderly or disabled pensioner with monthly revenues below the legal monthly minimum wage.

**Source:** ISSA Country Profile for Algeria; Social Insurance Act, 1983

## Job Security

The workers are automatically reinstated in the job after exhausting their sick leave, or in a position with equivalent remuneration at the end of the periods that motivated the suspension of the employment relationship.

**Source:** §65 of the Labour Law, 1990

## Disability / Work Injury Benefit

Work injury benefits are funded through social insurance system regulated by the Social Insurance Act of 1983. To qualify for work injury benefit, the worker must be assessed with a work injury or occupational disease. There is no minimum qualifying period. Workers who face accidents that occur while commuting to and from work are covered.

Work injuries may be classified on the basis of their consequences as those resulting in: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity, 100% of the insured worker's average monthly earnings in the 12 months before the disability began multiplied by the assessed degree of disability is paid. A lump sum is paid if the assessed degree of disability is less than 10%. The minimum annual earnings used to calculate benefits are 2,300 times the legal hourly minimum wage. In case of constant-attendance, 40% of the permanent disability pension is paid if the insured worker requires the constant attendance of others to perform daily functions.

In the case of temporary disability, from the day the disability began until full recovery or certification of permanent disability, the insured worker receives 100 per cent of his or her net daily wages. (The first day's benefit is paid by the employer.) The legal monthly minimum wage is 1/30th of the minimal daily earnings used to calculate benefits.

In the event of a worker's death due to a fatal injury, survivors are entitled to certain benefits. A widow of any age, orphans under the age of 18 (age 25 if an apprentice with earnings up to half the legal monthly minimum wage, age 21 if a student, no age limit if disabled or a dependent daughter, niece, or sister without income), and dependent parents or parents-in-law with income less than the monthly minimum old-age pension are all eligible survivors.

The widow receives 75 percent (50 per cent if there are other survivors) of the old-age or disability pension that the deceased received or was entitled to receive. If there are multiple widows, the pension is divided equally. If there is more than one other qualified survivor, 30 per cent of the deceased worker's old-age or disability pension is provided likewise, if there is

more than one other eligible survivor, 40 per cent is split evenly. If there is no widow(er), an orphan receives 45 per cent of the old-age or disability pension the deceased received or was entitled to, and a dependent parent receives 30 per cent. In addition, a lump sum payment equal to 12 times the deceased worker's highest monthly earnings in the year preceding death is made. The insured receives a lump sum payment equal to his or her final year's covered earnings.

The death benefit is divided equally among the survivors who are qualified. The death benefit is equal to 12 times the legal monthly minimum salary (75 per cent for inactive contributors). The maximum combined survivor pension is equal to 90% of the deceased's average monthly earnings for the 12 months preceding the accident or sickness.

Source: ISSA Country Profile for Algeria; Social Insurance Act, 1983

# 09/13 SOCIAL SECURITY

## ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Algeria has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## Regulations on social security:

- Social Insurance Act, 1983
- ISSA Country Profile for Algeria

## Pension Rights

The Social Insurance Act of 1983 provides an old-age pension for workers once they reach the superannuation age. The old-age pension is funded through a social insurance system where worker (7% of insured worker gross monthly covered earnings), employer (11.25% of the gross covered monthly payroll) and government (subsidizes the minimum pension) contribute to the system. The old-age pension is also available for self-employed workers, provided that they pay contributions at 7.5% of the gross monthly earnings.

For full pension, a male worker must have attained 60 years of age while 55 years of age in case of female worker or with at least 15 years of paid or credited contributions, including at least 7.5 years of paid contributions. The qualifying age is reduced to 59 years with at least 32 years of paid or credited contributions. A year of paid contributions is defined as a period of at least 180 days during which the insured worked.

For people who work in physically demanding or unhealthy jobs, as well as veterans with disabilities, the retirement age is lowered by one year for each child a woman has raised for at least nine years (up to three children). In case the insured worker lacks the required number of years of paid service, he or she can continue working for up to five years to meet the requirement.

The old-age pension is calculated as per the following formula: 2.5% of the insured worker's average monthly earnings in the last five years before retirement or the highest five years of earnings in total work history multiplied by the number of years of paid contributions. The maximum monthly old-age pension is 15 times the legal monthly minimum wage. The minimum old age pension is 75% of the applicable minimum wage in the country. The maximum old-age pension can be 15 times the legal monthly minimum wage.

However, in the case of a self-employed persons, an old-age pension is calculated as per the following formula: 2.5% of the insured worker's average monthly earnings in the last ten years before retirement or the highest 10 years earnings in total work history multiplied by the number of years of paid contributions. The maximum monthly old-age pension is 80% of the insured worker's average monthly covered earnings.

**Source:** ISSA Country Profile for Algeria; Social Insurance Act, 1983

## Dependents' / Survivors' Benefit

The Social Security legislation stipulates survivors' benefits. These have the same funding source as old age pension and invalidity benefits. The qualifying condition is that the deceased worker either received or was entitled to receive old age or disability pension. The eligible survivors would include widow(er)s of any age; orphans younger than age 18 (age 25 if an apprentice with monthly earnings up to half the legal monthly minimum wage; age 21 if a student; no limit if disabled or a dependent daughter, niece, sister, or aunt); and dependent parents with monthly

income below the minimum monthly old-age pension. The minimum monthly old-age pension is 75% of the legal monthly minimum wage. The survivor pension is payable abroad under reciprocal agreement.

Spouse's (widow(er)) pension is 75% (50% if there are other survivors) of the old-age or disability pension the deceased received or was entitled to receive. If there is more than one widow, the pension is split equally.

For one other eligible survivor, 30% of the old-age or disability pension the deceased received or was entitled to receive is paid. 40% is split equally if there is more than one other eligible survivor. If there is no widow(er), 45% of the old-age or disability pension the deceased received or was entitled to receive is paid to a full orphan and 30% to a dependent parent.

The maximum combined survivor pension is 90% of the old-age or disability pension the deceased received or was entitled to receive. Death grant involves payment of a lump sum of 12 times the deceased's highest monthly earnings in the year before death.

**Source:** ISSA Country Profile for Algeria; Social Insurance Act, 1983

## Unemployment Benefits

A worker qualifies for unemployment benefits under Algerian labour legislation, if they

- i. are involuntarily unemployed
- ii. have at least three years of contributions, including six months immediately before unemployment
- iii. have not receive income from any work-related activity, and
- iv. have been looking for work for at

least two months.

Also, the previous employer must have paid all required social security contributions.

A worker is entitled to 100% of the reference salary during the first period, 80% during the second, 60% in the third and 50% during the last period. The benefit is calculated using 50% of the salary earned in the last 12 months and the legal monthly minimum wage. The benefits are paid for two months for each year of contribution, for up to 36 months.

In 2022, the Algerian government introduced unemployment benefits for young adults. The payments to jobseekers aged between 19 and 40 are aimed at preserving "the dignity of young people." The eligible unemployed youth can collect the payments of about \$90 a month, as well as some medical benefits until they find work. The allowance is equivalent to nearly two-thirds the minimum wage of 20,000 dinars.

**Source:** ISSA Country Profile for Algeria

## Invalidity Benefits

The Social Security legislation provides for invalidity benefits in the case of non-occupational accident/injury/disease resulting in permanent invalidity. The legislation provides for both the invalidity pension and disability settlement.

The qualifying conditions surrounding invalidity benefits involve a worker with an assessed loss of work capacity of at least 50% and has at least 60 days of employment in the last 12 months or 180 days in the last three years before the disability. Constant-attendance allowance is paid if the insured

requires the constant attendance of others to perform daily functions. To attain partial disability benefit, a worker must have an assessed loss of work capacity of at least 10% but less than 50%. The disability pension ceases at the normal retirement age and is replaced by an old-age pension of at least the same amount.

In the case of permanent total incapacity, 80% of the insured's average monthly earnings in the last year or the highest three years of earnings in their total work life, whichever is greater, is paid. In case an employer needs constant attendance due to his disability, 40% of the disability pension is paid as allowance. In the case of permanent disability, the minimum monthly disability pension is 75% of the monthly minimum wage. Same benefits are provided to self-employed persons but after 45 days of the waiting period. The maximum monthly disability pension for a self-employed person is eight times the legal monthly minimum wage.

**Source;** ISSA Country Profile for Algeria; Social Insurance Act, 1983



# 10/13 FAIR TREATMENT

## ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Algeria has ratified the Conventions 100 and 111 only.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Algeria's Constitution, 2020
- Labour Law, 1990
- Penal Code, 1996

## Equal Pay

The Labour Law stipulates that every employer is required to ensure equal pay for work of equal value, without discrimination.

**Source:** §84 of the Labour Law, 1990

## Sexual Harassment

The Algerian Penal Code criminalises sexual harassment with imprisonment or a fine. The Penal Code defines Sexual harassment as abusing the authority conferred by a person's function or profession in order to threaten, impose constraints, or exercise pressure on another person for the purpose of obtaining sexual favours. It also includes harassment in public places, which covers cases of workplace sexual harassment where there is an abuse of authority.

Prison sentences apply if the harassment offence is committed in the workplace under the following circumstances: where the victim is under 16 years of age; the offender has taken advantage of the victim's vulnerability, ill-health, infirmity, or physical or mental impairment; the victim is pregnant; the offence is committed in the presence of minors; or the victim is threatened with a weapon. The Penal Codes provides for imprisonment of two months to one year and a fine of 100,000DA to 300,000DA for perpetrators of sexual harassment.

**Source:** §333-bis and 341-bis of Penal Code,

1996

## Non-Discrimination

Following the Algerian Constitution, the state must prohibit discrimination on race, the basis of birth, gender, opinion, or any other personal or social condition or situation. The Constitution further states that all citizens are equal before the law and would be guaranteed the right to equal protection.

Likewise, the labour law also provides protection from discrimination for working in a position that is not based on their abilities and merit. Any clause in a convention, collective bargaining agreement, or employment contract that is likely to establish discrimination between workers in terms of employment, remuneration, or working conditions is not allowed. Work is null and void if based on age, sex, social or marital status, familial ties, political convictions, or participation or non-membership in a trade union.

**Source:** §37 of the Algeria's Constitution, 2020; §17 of the Labour Law, 1990

## Equal Choice of Profession

The Constitution stipulates equality in terms of opportunities for men and women in the job market and encourages the promotion of women to positions in public institutions and administrations as well as enterprises.

The labour law prohibits an employer from hiring female employees for night shifts. Special derogations may be granted by the territorially competent labour inspector if the nature of the activity and the unique

characteristics of the job allow them. Similarly, women cannot work in those jobs which are considered arduous.

**Source:** §71 of Algeria’s Constitution, 2020;  
§29 of the Labour Law, 1990

# 11/13 MINORS & YOUTH

## ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Algeria has ratified the Conventions 138 and 182.**

### *Summary of Provisions under ILO Conventions*

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Labour Law, 1990
- Education Law, 2008
- Executive Decree No. 96-98, 1996

**Source:** §15 of the Labour Law, 1990; §7 of Executive Decree No. 96-98, 1996

## Minimum Age for Employment

The minimum age for employment is 16 years, except in the event of apprenticeship contracts drawn up in conformity with current legislation and rules. Only a legal guardian's authorisation can be used to hire a minor worker. However, workers under the age of 18 of either gender are not permitted to work at night.

All girls and boys between the ages of 6 and 16 are required to attend school. However, in the case of students with disabilities, the compulsory school period may be prolonged by two (2) years if necessary. The state, in partnership with the parents, guarantees that these provisions are followed. Parents or legal guardians who violate the law face fines ranging from five thousand (5,000) to fifty thousand (50,000) Algerian dinars. Regulations define the conditions under which this article can be used.

**Source:** §15 of the Labour Law, 1990; §12 of the Education Law, 2008

## Minimum Age for Hazardous Work

According to Algerian Law, workers under the age of 18 years are considered minor workers. They can only be recruited through authorisation issued by their legal guardian. A minor worker may not be employed in work that is dangerous, unhealthy and harmful to his health or prejudicial to his morality.

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Algeria has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- Labour Law, 1990
- Penal Code (promulgated by Ordinance No. 66-156 of 18 Safar 1386 corresponding to June 8, 1966, as amended and supplemented by Law No. 14-01 of February 4, 2014)
- Labour Law, 1990

## Prohibition on Forced and Compulsory Labour

The Penal Code prohibits forced labour and other manifestations of injustice and exploitation through human trafficking. Exploitation includes the exploitation of the prostitution of others or any other forms of sexual exploitation, the exploitation of others in begging, forced labour or service, slavery or similar practices, servitude or organ harvesting. The Penal Code also stipulates that such manifestation will be punished by imprisonment from three years to 10 years and a fine from 300,000 DA-1,00,000 DA.

**Source:** §303 bis 4 of the Penal Code, 1966

## Freedom to Change Jobs and Right to Quit

Workers have the right to resign from their jobs. The worker who expresses the will to end the working relationship with their employer, submits his/her resignation in writing.

Source: §68 of the Labour Law, 1990

## Inhumane Working Conditions

Working time may be extended beyond

normal working hours of forty-four hours per week and eight hours a day, with one day of weekly rest. However, total work hours inclusive of overtime must not exceed twelve (12) hours per day. Given this information, the maximum work hours inclusive of overtime are 64 hours per week.

**Source:** §31 & 32 of the Labour Law, 1990; §26 of Amended Labour Law, 2016

# 13/13 TRADE UNION

## ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

**Algeria has ratified both Conventions 87 & 98.**

### *Summary of Provisions under ILO Conventions*

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.



## Regulations on trade unions:

- Constitution of Algeria, 2020
- Labour Law, 1990
- 2022 Country Reports on Human Rights Practices: Algeria
- Procedures for exercising union rights, 1990

## Freedom to Join and Form a Union

The Constitution of Algeria stipulates that the right to belong to a trade union shall be acknowledged by all workers. The law shall guarantee the freedom to exercise this right. The constitution states that there shall be no pretext for discrimination on the basis of birth, race, gender, opinion, or any other personal or social condition or situation. There should be freedom of expression.

The labour law allows workers to enjoy their fundamental right to exercise trade union rights. The law requires that workers obtain government approval to form a union, and the Ministry of Labour must approve or disapprove a union application within 30 days. To form a union, the prospective president of the union must be Algerian by birth or have held Algerian nationality for 10 years. Joining a union is open to all workers, regardless of nationality.

To be registered, the union's membership must account for at least 20 percent of an enterprise's workforce and must meet or exceed that threshold at the beginning of any given calendar year in which the union seeks to engage in collective bargaining. Unions may recruit members at the workplace. Unions have the right to form and join federations or confederations.

The law permits unions to affiliate with

international labour bodies and develop relations with foreign labour groups. The law prohibits unions from associating with political parties or receiving funds from foreign sources.

**Source:** §52, 72 & 73 of Algeria's Constitution; §5 of the Labour Law, 1990; 2022 Country Reports on Human Rights Practices: Algeria

## Freedom of Collective Bargaining

The legislation allows workers to bargain collectively. Trade union organizations of their employees and employers need to be legally constituted for at least six months to be considered representative according to the trade union law of the country.

The trade unions considered representative, within the same employer organization, are of workers comprising at least 20% of the total workforce of workers employees and/or having a representation of at least 20% within the participation committee when the latter exists within the employer organization.

Within the framework of the legislation and regulations in force, the union organizations of salaried workers representative within each employer organization have the following rights:

- i. to participate in negotiations of conventions or collective agreements within the employing organization;
- ii. participate in the prevention and settlement of collective labour disputes and the exercise of the right to strike;
- iii. meet the members of the trade union association in the workplace or in adjoining premises outside

- working hours and exceptionally, if the employer's agreement is obtained, during working hours;
- iv. inform the groups of workers concerned by trade union publications or by posting in appropriate places reserved for this purpose by the employer;
  - v. collect union dues from their members in the workplace according to procedures agreed with the employer;
  - vi. promote trade union training actions for their members.

**Source:** §5 of the Labour Law, 1990; §34, 35 & 38 of Procedures for exercising union rights, 1990

## Right to Strike

The law provides for the right to conduct legal strikes. By law, the right to strike only arises where a dispute persists after conciliation and mediation procedures have been exhausted. Striking requires a majority vote by secret ballot of the whole workforce.

The right to strike is only protected with respect to collective labour disputes between workers and employers within the enterprise. The government may restrict strikes if they “are liable to give rise to a serious economic crisis” or if they run afoul of other ambiguous grounds. Furthermore, all public demonstrations, including protests and strikes, must receive prior government authorization. The law requires that a minimum level of essential public services must be maintained during public-sector service strikes, and the government has broad legal authority to require public employees to work. The list of essential services included banking, radio, and television. Penalties for unlawful work

stoppages range from eight days to two months imprisonment.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of employers' anti-union practices. Amendments to the law provided new protection to union representatives, expanding collective bargaining rights to more unions, regardless of sector.

Employment of striking workers is secure and the law also stipulates that the employer should either reinstate such a worker in their job or in any position with equivalent remuneration at the end of the strike.

**Source:** 2022 Country Reports on Human Rights Practices: Algeria; §64 & 65 of Labour Law, 1990

# QUESTIONNAIRE

*The text in this document was last updated in October 2023. For the most recent and updated text on Employment & Labour Legislation in Algeria in Arabic, please refer to: <https://rawateb.org/algeria>*

## DECENTWORKCHECK.ORG

## Check

DecentWorkCheck Algeria is a product of WageIndicator.org  
and Rawateb.org/Algeria



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security













- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion   |  | <input type="checkbox"/> | <input type="checkbox"/> |



\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

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	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>




## 11/13 Minors & Youth

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41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>





## 12/13 Forced Labour

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43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

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46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

# DECENTWORKCHECK.ORG

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Algeria scored 45 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.