



## DECENT WORK CHECK

# MOROCCO 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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*The text in this document was last updated in May 2023. For the most recent and updated text on Employment & Labour Legislation in Morocco in English, please refer to: <https://rawateb.org/morocco/>*

# INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); 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 on 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 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, 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 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

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# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Morocco, 2011
2. Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
3. Decree no. 204469 of 2004
4. Decree No.204426 of 29 December 2004 on Public Holidays
5. Decree No. 204513 of 2004 on Weekly Rest
6. Decree No. 2-10-183 of 16 November 2010
7. Law on Social Security, 1972

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# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

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

**Morocco has ratified the Convention 131 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 Code, 2003 (Loi N° 65-99 Relative au Code du Travail)

### Minimum Wage

The main provisions on the setting of minimum wages are contained in the Labour Code.

The government is responsible for fixing the national minimum wage of employees engaged in the agricultural sector, the industrial and commercial sector and liberal professions. The determination of the minimum wage is a consultative process whereby the government considers the opinions of the relevant stakeholders, i.e., different employer and worker organisations. It must also take into account several factors, which include the cost of living and economic development. Minimum wage rates are also determined through collective agreements, but they must not be lower than statutory minimum wage rates set by the government.

The government sets two national minimum wage rates for employees and workers carrying out agricultural work and for workers in the industrial and commercial sectors and liberal professions. Labour Inspectors are responsible for monitoring compliance with the labour legislation, which includes monitoring minimum wage levels. In non-compliance with the statutory minimum wages, the Code imposes a fine ranging between 300 to 500 Dirhams. In addition, the concerned employees are reimbursed any outstanding difference between the minimum wage rate and the amount paid.

**Source:** §345, 356, 360, 361 and 532 of the Labour Code, 2003

### Regular Pay

The provisions on the payment of wages under Moroccan law are found in the Labour Code.

The period of wage payment is different for various categories of employees. Manual workers must be paid at least twice a month with 16 days of maximum interval. Employees must be paid at least once a month. Salespersons at least once every three months and workers who perform specific tasks for more than two weeks must be paid every two weeks. The wage payment must be made in Moroccan currency and on a workday. Paying in places of recreation such as parks or bars is prohibited.

Employers are required to display the date, day, hour and place of wage payment and, where applicable, the payment of instalments.

The wage payment must be recorded in a payslip (Given to the worker and indicates pay and all necessary details about the duration and any deductions) and a wage book (kept by the employer as a record).

No information on deductions that may be made from the wages was found within the law.

**Source:** §362-368 of Labour Code, 2003

# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Morocco 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.

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## Regulations on compensation:

- Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)

## Overtime Compensation

The working hours of employees are subject to rules stipulated in the Labour Code. Normal working hours in the non-agriculture sector are 10 hours a day and 44 hours a week (including breaks), and for the agriculture sector, it is 48 hours (approximately). Regular working hours for shift workers are 8 hours per day. The normal working hours per year are 2,288. If the working hours on any day exceed 10 hours, the additional hours are considered overtime, including the 10th hour). When working hours exceed 2,289 per year, these are considered overtime.

Under emergencies, the normal working hours can be changed; however, these should not exceed ten hours per day, and the monthly salary should not be reduced. The salary paid is for actual working time and must not be less than 50% of the normal salary. This is done through agreement between the employer, employee's delegates and union representative, if present. The provisions concerning working hours do not apply to domestic workers.

Overtime is allowed only in cases of exceptional and time-limited need. The overtime hours must not exceed 80 hours per year. The employer may extend this limit to 100 hours after consultation with the workers' representative. However, the total overtime hours cannot exceed 100 hours per year for each employee.

For overtime work, a supplement is paid in addition to the pay received by the employee for corresponding work during normal working hours. The overtime supplement is at least 25 per cent, i.e., workers are paid 125% of their normal wage for overtime hours. This wage supplement is 50% (150% of the normal wage rate) for night hours. Furthermore, the wage supplement for overtime work performed on a weekly rest day is 100%, even if a supplementary weekly rest period is agreed upon.

**Source:** §4, 184, 185, 188, 194- 201 of Labour Code, 2003; §1-2 of Decree on Overtime, 2004

## Night Work Compensation

The provisions on night work are provided within the Labour Code. The law has differentiated as to what classifies "night work" based on the particular labour sector. In the non-agricultural sector, any work done between 09:00 pm to 06:00 am is regarded as night work, while in the agricultural sector, the timings are 08:00 pm to 05:00 am.

Women and minors must be granted a rest period of eleven (11) consecutive hours between two working nights.

While no supplement is paid specifically for doing night work, the law indeed requires an increased overtime supplement for work done during the hours regarded as night work, which is equivalent to 150% of the worker's normal wage.

**Source:** §172, 174 & 201 of Labour Code, 2003

## Compensatory Holidays / Rest Days

The Labour Code has necessary provisions on compensatory rest days for workers when working on weekly rest days or public holidays.

Generally, work during public holidays is not permitted unless necessitated by the nature of the work, i.e. it is in the public interest to continue doing such work. Where the work has been performed on a public holiday, the employee may, by agreement with the employer, opt for a compensatory rest period (normal wages will be paid) instead of monetary compensation.

If a worker works on a weekly rest day, he must be given a compensatory time off within one-month equivalent to the hours worked.

**Source:** §201, 215, 217, 223, 224 and 225 of the Labour Code, 2003

## Weekend / Public Holiday Work Compensation

The compensation (wage supplement) for working on weekly rest days/public holidays is 100%, i.e. workers are paid 200% of their normal wage rate for working on weekly rest days and/or public holidays.

**Source:** §201, 215, 224, and 225 of the Labour Code, 2003

# 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.

**Morocco has ratified the Conventions 14 & 106 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 Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
- Decree No.204426 of 29 December 2004 on Public Holidays
- Decree No. 204513 of 2004 on Weekly Rest

## Paid Vacation / Annual Leave

The Labour Code regulates annual leave. To be entitled to the annual leave, the worker must have performed at least six months of continuous work. This, however, can be substituted by more favourable provisions in the collective agreements or company rules.

The employee is entitled to one and half days of annual leave (18 days in total) for each month of "effective work". The young workers under 18 are entitled to two days of annual leave (24 days in total) for each month of service or effective work. The employer must also grant one and half days of annual leave for every five years of service, whether continuous or not, with the condition that total leave does not exceed 30 days. The working month in Morocco is 26 effective working days or 191 working hours in the non-agricultural sector or 208 hours in the agricultural sector.

The employer schedules annual leave after consulting workers' representatives and the worker. After an agreement with the employer, annual leave can be split or accumulated over two years of service. Workers are entitled to full wages during annual leave. If an employment contract is terminated before an employee could

avail of their annual leave, they must receive compensation for unavailed leave.

**Source:** §231, 232, 236, 238, 240, 245, 246, 249, 253, 259 and 262 of the Labour Code, 2003

## Pay on Public Holidays

Labour Code prohibits engaging employees on work during annual leave and public holidays since these are paid as effective working periods. Public holidays are fully paid, whether workers are paid by time, task, or piece rate. The public holidays are at least ten in Morocco.

The loss in working hours due to a public holiday can be recovered, with the consultation of employee representatives or union representatives, without affecting weekly rest days and increasing working hours beyond ten (10) hours a day.

The legal provisions on public holidays are contained in the Decree on Public Holidays 2004. The Act provides for the following public holidays:

- 11 January (Independence Manifesto Day)
- 1 May (Labour Day)
- 30 July (Throne Day)
- 14 August (Oued Ed-Dahab Day)
- 20 August (King's and People's Revolution day)
- 21 August (Youth Party)

There are also holidays of a religious nature, such as Eid el Fitr, Eid el Adha, 1 Moharram (start of the new Islamic year) and Eid el maoulid Annabaoui (birth of the Prophet Muhammad PBUH, which are subject to sighting of the moon. All public holidays are paid.

**Source:** §217-229 of the Labour Code, 2003; §1 of the Decree No. 204426 of 29 December 2004 on Public Holidays

## Weekly Rest Days

The provisions on weekly rest days are found in the Labour Code and the 2004 Decree on Weekly Rest. Workers must be granted weekly rest of 24 consecutive hours. Any day in the week may be specified as a weekly rest day.

Work which is purely for the benefit of the public and whose interruption would harm public, such establishment is allowed to give weekly rest days to their employees on rotation. The weekly rest day may also be suspended when the nature of the activity justifies such suspension after consultation with most employers and union representatives.

Employees whose weekly rest day is suspended or reduced must be given compensatory rest day equal to the period of reduced or suspended duration within a maximum period of one month.

Minor under the age of eighteen, women below the age of twenty and employees with disabilities are protected from the suspension of the weekly rest day.

**Source:** §205-215 of the Labour Code, 2003; §20 of Decree No. 204513 of 2004 on Weekly Rest

# 04/13 EMPLOYMENT SECURITY

## **ILO Conventions**

Convention 158 (1982) on employment termination

**Morocco has 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).

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## Regulations on employment security:

- Labour Code, 2003 (Loi N° 65-99  
Relative au Code du Travail

## Written Employment Particulars

Employment contracts are regulated under the Labour Code. The contract can be concluded either in writing or orally for all contractual terms (definite or indefinite)

Prior to hiring, employers must provide written notification to their employees about the essential aspects of the employment relationship, which will include the following information: information about the applicable collective labour agreement; hours of work; leaves; policies regarding health and safety; date, time and place of wage payment; registration number at the National Social Security Fund [Caisse Nationale de Sécurité Sociale (CNSS)]; and details of insurance company covering occupational accidents. The written employment contract is concluded in writing and in duplicate. Employees must be given one copy of the written contract.

**Source:** §15 and 24 of the Labour Code, 2003

## Fixed Term Contracts

The Labour Code allows the conclusion of a fixed-term contract where the employment relationship is for a definite period which may be concluded in the following circumstances: replacement of absent employees; to meet the temporary increase in the company's business; seasonal employment contracts; and

opening of a company, a branch or a launch of a new product.

The fixed-term contract for occupations other than agriculture can be concluded for a maximum period of one year, renewable one time only. After this period, the contract becomes indefinite. Hence, the maximum duration of fixed-term contracts is two years. In the agricultural sector, the fixed-term contract duration is six months renewable up to a maximum cumulative period of 2 years.

**Source:** §16 and 17 of the Labour Code, 2003

## Probation Period

The Labour Code sets out different probation periods for different categories of employees and also provides for the probation period in fixed-term contracts.

In permanent contracts, the probation period is set at three months for executive employees, one and a half months for white-collar workers, and 15 days for blue-collar workers. These periods may only be renewed once.

For fixed-term contracts, the probationary period is two weeks for a contract that is concluded for less than six months and one month for a contract that is concluded for more than six months.

The probation period for the employee working as a representative, traveller or agent of trade and industry is six (06) months.

The probation period can be renewed once after expiration.



**Source:** §14 & 80 of the Labour Code

## Notice Requirement

Either party may terminate the employment relationship. The statutory written notice period is provided under the 2004 Decree on Notice Period, which has stipulated different notice periods for different categories of workers. The Decree provides for the following notice periods, whether the employer or employee initiates the termination:

For white-collar and blue-collar workers:

- a) Eight days' notice for less than one year of service;
- b) one-month notice for 1-5 years of service;
- c) two-month notice for more than 5 of service;

For executive employees:

- a) one-month notice for less than one year of service;
- b) two-month notice for 1-5 years of service;
- c) three-month notice for more than 5 of service;

The notice period starts on the first day after the notification to terminate the contract has been given. If an employer wants to terminate more than ten employees within a month, it is considered collective dismissal. In such a case, the employer must inform and consult with employee representatives and notify the Provincial Delegate of Labour. In addition, the employer may terminate the employee without notice for actions that are regarded as serious or gross misconduct, and an exhaustive list of what amounts to serious misconduct has been provided in the Labour Code.

Dismissal must be objectively justified based on circumstances relating to the undertaking, the employer or the employee. The prohibited grounds for dismissal include pregnancy; maternity leave, family responsibilities; filing a complaint against the employer; race; colour; sex; religion, political views, social origin, nationality/national origin, trade union membership and related activities and disabilities.

Payment in place of required notice is allowed in Morocco. Suppose any party initiating termination does not observe the notice per the periods mentioned above. In that case, they will have to forgo the salary for that period (if it is the employee) or pay the salary equivalent to that period (if it is the employer).

**Source:** §1 of the Decree no. 204469 of 2004; §9, 35, 36, 39, 44 51, 66, 67 and 152 of the Labour Code

## Severance Pay

An employee is entitled to severance pay upon employment termination. If the employment is terminated due to gross misconduct, no severance payment is made to the employee. If the employee is dismissed for any other reason, they are entitled to severance payment.

Employees are entitled to severance pay if they are working under an indefinite term contract for at least six (06) months with the same employer.

The payment will correspond to the number of hours per year that varies according to the length of the service:



- a) 96 hours pay (50% of one-month pay) per year for the first five years of service;
- b) 144 hours pay (75% of one-month pay) per year for the 6-10 years of service;
- c) 192 hours pay (100% of one-month pay) per year for 11-15 years of service; and
- d) 240 hours pay (126% of one-month pay) per year after 15 years.

The average annual working hours are 2288, which means 44 hours per week. The monthly working hours (191 hours) are arrived at when the annual working hours are divided by 12. Thus, the worker is entitled to half a month's wage for every year of service during the first five years.

**Source:** §52, 53, 55 and 184 of the Labour Code

# 05/13 FAMILY RESPONSIBILITIES

## ILO Conventions

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

**Morocco has not ratified both the Conventions 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.

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## Regulations on family responsibilities:

- Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)

### Paternity Leave

Fathers are entitled 3 days of fully paid paternity leave on the birth of a child. While the paternity leave may be split after an agreement between the parties, it must be taken within one month of the childbirth. Workers are entitled to full wages paid by the employer during paternity leave.

**Source:** §269-270 of the Labour Code, 2003

### Parental Leave

To raise her child, an employed mother may refrain from resuming her job at the end of the period of seven weeks following the childbirth or, possibly for fourteen weeks, on condition of notifying her employer fifteen days in prior to the end of maternity leave. In this case, the suspension of the contract cannot exceed ninety days.

To bring up her child, an employed mother may, in agreement with her employer, benefit from an unpaid leave of one year.

**Source:** §156 of the Labour Code, 2003

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

No provision for flexible work option for workers with minor children and other family responsibilities were identified within Labour Law.

# 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.

**Morocco has ratified the Convention 183 only.**

### ***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 Code, 2003 (Loi N° 65-99 Relative au Code du Travail)

## Free Medical Care

The medical benefits are provided by the National Sickness Insurance Agency (ANAM), which works under the supervision of the Ministry of Health. The medical benefits are provided through a social insurance system where both worker and employer contribute (worker contribution: 2.26% of gross covered monthly earnings; employer contribution: 4.11% of gross covered monthly payroll).

The insured worker must have at least 54 days of contributions in the last six months of coverage. The medical benefits include general and specialist care, emergency care, surgery, hospitalisation, vaccinations, maternity and infant care, dental care, and medical devices.

**Source:** ISSA Country Profile for Morocco, 2019

## No Harmful Work

While the law prohibits dangerous work for women in general, they may be allowed to do night work. However, apart from this, no specific provisions on protecting the health and safety of pregnant workers were found within the law.

**Source:** §172 and 179-81 of Labour Code.

## Maternity Leave

The rules on maternity leave are provided in the Labour Code. The general duration of

maternity leave is 14 weeks. Of these 14 weeks, seven are pre-natal, while the remaining seven weeks are taken as post-natal leave.

If the pregnant woman contracts any illness or has any complications due to the pregnancy, the maternity leave can be extended for the period of illness. However, this leave extension cannot exceed 8 weeks before the presumed date of birth or 14 weeks after confinement.

No provisions were identified concerning an extension that may be allowed for multiple births.

**Source:** §152, 153, 154 and 156 of the Labour Code.

## Income

The Act on Social Security Regime of 1972 details the income received during the period in which a woman avails the maternity leave.

To qualify for receiving the maternity benefit, a woman worker must have contributed for 54 consecutive days in the 10 months preceding the time she stopped working because of childbirth.

The daily benefit paid is equal to the average daily wage and is due for every day of the maternity leave. The maternity benefit is paid for 14 weeks and is financed by the National Security Fund.

**Source:** §33, 35 and 37 of Act on Social Security Regime 1972

## Protection from Dismissals

According to the Labour Code, a pregnant woman is protected from dismissal during pregnancy and the 14 weeks following childbirth, provided that the pregnancy is medically certified. The employer cannot also terminate the employment contract of an employee during the period of suspension following a pathological condition attested by a medical certificate and resulting from pregnancy or childbirth. The employer who violates the above provision is liable to a fine of 10,000 to 20,000 dirhams.

**Source:** §159 & 165 of the Labour Code, 2003

## Right to Return to Same Position

The Labour Code stipulates that the employed mother returns to her post at the end of the suspension period (maternity leave or child-rearing leave of one year) and acquires all the benefits she received earlier.

**Source:** §156 of the Labour Code, 2003

## Nursing Breaks

The legal provisions on breastfeeding that are contained in the Labour Code stipulate that during 12 months starting from the date on which the worker resumes work after availing maternity leave, the worker will have the right to breastfeed her child in a special rest break, which shall be paid as regular working time. The nursing break is given twice a day: 30 minutes in the morning and 30 minutes in the afternoon. The worker, in agreement with the employer, can benefit from the nursing

break at any time during the working day.

An enterprise, which has at least 50 workers over the age of 16, must provide a special room for breastfeeding in the workplace or immediately close to it once the company has at least 50 employees over the age of 16. Breastfeeding rooms can serve as daycare centres for the children of employees working in the company.

The conditions of admission of children, those required in breastfeeding rooms, as well as the conditions of surveillance and hygiene facilities in these rooms, are set by the government.

**Source:** §161 and 162 of the Labour Code, 2003

# 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)

**Morocco has ratified the Convention 81 only.**

### ***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:

- Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)

employees for consultation on OSH issues.

**Source:** §9, 21,281-290, 304, 317, 318 and 321 of the Labour Code, 2003

## Employer Cares

Occupational safety and health are regulated in Morocco through the Labour Code and Decision 93.08 of 12 May 2008. The legislation aims to ensure the adequate conditions of health, hygiene, safety and welfare at work; achieve a working environment free of risks for the psycho-physical health of workers; and protect people and the environment in general from risks that directly or indirectly could affect their health, safety and ecological balance. In short, the employer must take all the precautionary measures to ensure the health and safety of every worker who works therein.

The Law imposes a range of specific obligations on the employers, which are as follows:

- Hold medical exams of employees prior to work and then periodically in order to determine their health status;
- Appoint occupational physicians that responsible for monitoring the safety of the workplace as well as the health of the workers
- Train workers on first aid;
- Ensure that there are appropriate sanitary installations, adequate supply of clean drinking water and hygienic eating facilities that serve quality food;
- Establish and maintain joint health and safety committees;
- Create OSH committees comprising of the representatives of the

## Free Protection

Employers must provide workers who work in wells, gas pipes, smoke channels, and sanitation systems with necessary protective equipment when there are air pollutants in the work environment and when ventilation or other controls are impossible. Such equipment must provide protection against specific pollutants and must be of a type approved by the competent authorities. Employers must provide and maintain clothing and/or equipment suitable for the protection against risks from hazardous substances, rain, humidity, cold, heat, radiation, noise, and others if needed. Additionally, the time consumed by the employee for taking care of hygiene measures which are imposed on them is considered working time.

**Source:** §284 &291 of the Labour Code, 2003

## Training

Employers must inform workers in writing about OSH precautions and regulations, which includes posting necessary instructions for operating heavy equipment. No other provisions on training are available under the Labour Code.

**Source:** §23, 289 and 326 of the Labour Code, 2003

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## Labour Inspection System

The Occupational Safety, Health and Occupational Health Division of the Labour Inspectorate (that operates under the Ministry of Employment and Vocational Training) is responsible for overseeing the enforcement of occupational health and safety legislation. The Division itself receives visit reports, develops and implements programs for the prevention of occupational hazards and supervises the coordination of control and awareness actions at the enterprise level. It also supervises medical and occupational health and safety committees and provides advice to employers in the field of occupational health and safety and occupational risk prevention.

The labour inspection system covers all industrial, commercial, and agricultural enterprises and involves appointing labour inspectors for the different labour sectors. The main task of the inspectors is to monitor working conditions by visiting workplaces, collecting information on workers, supervising the organisation and functioning of the occupational health services, ensuring the application of laws and regulations relating to the health of workers, detecting violations and hazardous situations while proposing appropriate measures and providing advice to employers on occupational health and safety.

Where the inspector finds that the employer is violating the provisions of occupational safety and health, they can issue warnings/notices and may also

initiate prosecutions if the employers persist in violating the statutory provisions.

**Source:** §530, 532, 533 and 540 of the Labour Code, 2003

# 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

**Morocco has ratified the Convention 102 only.**

### ***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.

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## Regulations on sick leave & Employment Injury Benefits:

- Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
- ISSA Country Profile for Morocco, 2019

## Income

The rules on sick leave are provided under the Labour Code.

An employee who needs to take sick leave is required to notify the employer within 48 hours following their absence. The employee also needs to justify their absence with a medical certificate if the absence lasts for a period of more than 4 days. If an employee is absent for medical reasons (other than for a work-related illness or injury) for more than 180 consecutive days in a 365 day period, the employer can assume the employee has resigned, and the employment contract is as such automatically terminated.

Unless an employees' employment contract, the collective agreement, or internal rules indicate otherwise, sick leave (other than for a work-related illness or injury) is not paid by the employer regardless of the pay period.

In order to qualify for the sickness benefits, the insured worker must have at least fifty-four days of contribution in the previous six (6) months of coverage. At least six days of contribution are needed once the worker is back to work for any subsequent claims. The sickness benefit is two-thirds (66.7%) of the insured worker's average daily covered earnings in the six months prior to sickness or incapacity. The sickness benefit is paid

by the National Social Security Fund under a social insurance program through worker and employer contributions. The sickness benefit is paid, after a 3-day waiting period, for up to 52 weeks in a 24-month consecutive period after the onset of sickness/incapacity for work.

**Source:** §271, 272 and 273 of the Labour Code, 2003; ISSA Country Profile for Morocco, 2019

## Medical Care

The medical benefits are provided by the National Sickness Insurance Agency (ANAM), which works under the supervision of the Ministry of Health. The medical benefits are provided through a social insurance system where both worker and employer contribute (worker contribution: 2.26% of gross covered monthly earnings; employer contribution: 4.11% of gross covered monthly payroll).

The insured worker must have at least 54 days of contributions in the last six months of coverage. The medical benefits include general and specialist care, emergency care, surgery, hospitalisation, vaccinations, maternity and infant care, dental care, and medical devices. The medical provided by National Sickness Insurance Agency covers not only the insured workers but also their dependents.

**Source:** ISSA Country Profile for Morocco, 2019

## Job Security

The Labour Code provides for job security for sick workers during the first six months of the sickness only. If an employee is

absent for more than 180 consecutive days in a 365-day period, the employer can assume the employee has resigned, and the employment contract is as such automatically terminated.

**Source:** §272 of the Labour Code, 2003

## Disability / Work Injury Benefit

The legal provisions on the work injuries and relevant benefits come from the Act on Work Injury Compensation 1963

Work injuries may be classified on the basis of their consequences as those resulting in: (i) permanent total incapacity, (ii) permanent partial incapacity, and (iii) temporary incapacity.

There is no minimum qualifying period for work injury benefits.

In the case of temporary disability, the benefit is two-thirds (66.7%) of the insured worker's covered earnings. The benefit is paid from the day after the disability begins until full recovery or certification of permanent disability.

In the case of permanent total disability, where the assessed degree of disability is at least 50%, 45% of the employee's annual earnings plus 1% of annual earnings for each assessed degree of disability exceeding 50% are paid permanent disability benefits. There is also a provision for constant-attendance allowance.

For permanent partial disability, the benefit is dependent on the assessed degree of disability.

Survivors of the deceased worker are paid benefits in the following manner: 50% of

the deceased average monthly covered earnings are paid to the widow or widower; 20% of the deceased worker's average covered monthly earning is paid for one orphan under 16 (different age limits for students and no age limits for disabled children) with 10% extra for each additional orphan. A full orphan (when both parents are dead), the benefit is 30% of the deceased worker's average monthly earnings.

**Source:** The Act on Work Injuries Compensation 1963

# 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).

**Morocco has ratified the Convention 102 only.**

### ***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.

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## Regulations on social security:

- Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
- Law on Social Security, 1972

## Pension Rights

The provisions on pension rights are found in the Law on Social Security of 1972 and Law on Early Retirement 2004.

Social security law provides pension rights at the age of 60 (55 for miners) with at least 3240 days of coverage, and the employment must cease. It covers private-sector salaried employees, apprentices in industry, commerce, agriculture and the legal profession; employees of cooperatives; craftsmen and certain categories of fishermen. The old-age pensions are financed through a social insurance system through worker and employer contributions. While the worker contribution is 3.96% of gross monthly covered earning, the employer contributes 7.93% of the gross monthly covered payroll. The amount of old-age pension is equal to 50% of the insured worker's average monthly earnings in the last 96 months plus 1% of average monthly earnings for every 216 days of coverage exceeding 3,240 days. Early pension is also available from the age of 55 years, provided that the worker has 3240 days of coverage. While the early pension is calculated in the same way as the normal pension, the employer must pay the National Social Security Fund a lump sum of the value of the insured worker's pension for each year of retirement until the worker reaches the full retirement age. The maximum old-age pension, however, cannot exceed 70% of the average monthly covered earnings.

**Source:** §53-56 of the Law on Social Security 1972

## Dependents' / Survivors' Benefit

The Law on Social Security provides for survivors' benefits. The deceased worker must have received or was entitled to receive an old-age or disability pension at the time of death.

Eligible survivors include a widow(er) and orphans younger than age 16 (different age limits for students, no age limit for disabled). The survivors' benefit for the widow(er) is 50% of the old-age or disability pension the deceased worker received or was entitled to receive. The survivors' benefit for an orphan is 25% of the old-age pension or disability benefit. The survivor benefit for a full orphan is 50% old-age pension or disability benefit. All survivor benefits combined must not exceed 100% of the old-age or disability pension the deceased worker received or was entitled to receive.

**Source:** §45, 57, and 60 of the Law on Social Security 1972

## Unemployment Benefits

The law provides for the payment of a job loss allowance, the qualifying conditions for which are that the worker must have at least 780 days of contributions during the last 36 months before job loss, including 260 days during the last 12 months. The worker must be involuntarily unemployed and ineligible for an old-age or a disability pension.

The benefit under the allowance is equivalent to 70% of the average insured

worker's monthly salary during the last 36 months. The unemployment benefit is payable for up to six months. The maximum amount of unemployment benefit is equal to the applicable minimum wage. The unemployment benefit is based on a social insurance system (where both workers and employers contribute) and is administered by the National Social Security Fund.

**Source:** §46 of the Law on Social Security 1972; Régime de sécurité sociale. Dahir n° 1-14-143 du 25 chaoual 1435 (22 août 2014) portant promulgation de la loi n° 03-14 modifiant et complétant le dahir portant loi n° 1-72-184 du 15 joumada II 1392 (27 juillet 1972) relatif au régime de sécurité sociale

## Invalidity Benefits

In order to be entitled to invalidity benefits, the concerned person must be assessed with a total loss of earning capacity resulting from a non-occupational injury and have at least 1,080 days of coverage, including at least 108 days in the 12 calendar months before the disability began.

The invalidity benefit is 50% of the insured worker's average monthly earnings in the last 96 months plus 1% of average monthly earnings for every 216 days of coverage exceeding 3,240 days. The maximum amount of invalidity benefit is 70% of the average covered monthly earnings.

# 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.

**Morocco 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.

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## Regulations on fair treatment:

- Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
- Constitution of Morocco, 2011

## Equal Pay

The Labour Code prohibits discrimination between workers on the grounds of gender for work of equal value.

**Source:** §346 of the Labour Code, 2003

## Sexual Harassment

Labour Code considers sexual harassment serious misconduct on the part of the employer. The worker may terminate the employment contract immediately. In such a case, the termination by the worker is considered unfair dismissal. In such a case, the court may order reinstatement and award damages for unfair dismissal.

In line with the Moroccan Penal Code and Law No. 103.13 on Combating Violence against Women (enacted in 2018), anyone who, by abusing their authority, harasses others by using orders, threats or constraints or any other means with the aim of obtaining favours of a sexual nature can be found guilty of sexual harassment and punished by imprisonment of one to two years and a fine of 5,000 to 50,000 dirhams.

**Source:** §40 of the Labour Code, 2003; §503-1 of the Penal Code, 2011

## Non-Discrimination

It is also prohibited against employees, any

discrimination based on race, colour, sex, disability, marital status, religion, political opinion, union membership, national extraction or social origin, having the effect of violating or altering the principle of equality of opportunity or of equal treatment in matters of employment or the exercise of a profession, in particular, with regard to hiring, conduct and distribution of work, vocational training, salary, promotion, granting of fringe benefits, disciplinary measures and dismissal.

The Labour Code stipulates that an employer cannot refuse to hire someone because of their race, colour, sex, disability, marital status, religion, trade union membership, nationality or social origin. Discrimination on the above grounds is also prohibited when it has the effect of violating or altering the principle of equality of opportunity or of equal treatment in matters of employment or the exercise of a profession, in particular, with regard to hiring, conduct and distribution of work, vocational training, salary, promotion, granting of fringe benefits, disciplinary measures and dismissal.

An employer who contravenes the above provisions is punished with a fine of 15,000 to 30,000 dirhams. In the event of a repeat offence, the above fine is doubled.

**Source:** §9 of the Labour Code, 2003

## Equal Choice of Profession

The Constitution has guaranteed that every person has the right to work without discrimination and with a satisfactory remuneration that assures a dignified existence of the worker and their family.

Under the Labour Code, the right of women to conclude a contract for employment is guaranteed

**Source:** §31 of the Constitution of Morocco 2011; §9 of the Labour Code, 2003

# 11/13 MINORS & YOUTH

## ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Morocco has ratified both the Conventions 138 & 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 Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
- Decree No. 2-10-183 of 16 November 2010

## Minimum Age for Employment

Under the Labour Code, minors under fifteen (15) years of age cannot perform work. The compulsory education age is fifteen (15) years.

Minor under the age of eighteen (18) is examined by a doctor to check their capacity the capabilities for the work they are responsible for performing. If the work is beyond the capacity of the minor, the labour inspector can order dismissal without notice with the approval of the doctor and after cross-examination at the request of the minor's parents.

**Source:** §143, 144 & 145 of the Labour Code; §1 of Loi n° 04-00, modifiant et complétant le dahir n°1-63-071 du 25 jourmada II 1383 (13 novembre 1963) relatif à l'obligation de l'enseignement fondamental

## Minimum Age for Hazardous Work

Hazardous Work for children under the age of 18 is prohibited by the Labour Code.

Children under 18 years of age cannot be hired for work beyond their normal physical development; in dangerous, unhealthy or heavy work; and work that damages their life and morality, including an abusive advertisement, encouraging minors to join the artistic profession and emphasise its profitable nature, perilous tricks, acrobatics exercises and contortion.

Children aged below 16 years cannot be engaged in night work; however, they might be required to do night work in cases of emergencies. Where the employer uses children below the age of 16 years for night work, he must notify the relevant authorities of such a decision. The children may only be used by the employer to do night work only for one night in these special circumstances.

**Source:** Decree No. 2-10-183 of 16 November 2010 fixing the list of work to which it is prohibited to occupy certain categories of persons; §146, 147, 176, 177, 179, 180 & 181 of the Labour Code, 2003

# 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.

**Morocco 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 Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
- Decree no. 204469 of 2004
- Constitution of Morocco, 2011

## Prohibition on Forced and Compulsory Labour

The Labour Code prohibits employers from requiring employees to perform work that is forced or against their will and imposes a fine of 25000 to 3000 dirhams on an employer who is found to be involved in forced labour. Furthermore, any recurrence of the offence may lead to a fine of twice the amount and imprisonment that can range from 6 days to 3 months or any of these two penalties only. Forced labour is also prohibited under the Penal Code and is a punishable offence.

**Source:** §10, 11 and 12 of the Labour Code; §448 of the Penal Code

## Freedom to Change Jobs and Right to Quit

Moroccan law gives a worker freedom to change jobs and the right to quit. In accordance with the provisions of the Constitution, everyone has the right to work and freedom of work. The Labour Code provides different notice periods for executive employees and blue and white-collar workers. An executive who wants to terminate his employment contract must also give his employer a minimum period of notice depending on the length of employment and their age, which ranges between 1 and 3 months. For white-collar and blue-collar workers, this notice period

ranges from 8 days to two months.

**Source:** §1 of the Decree no. 204469 of 2004 and §9, 35, 36, 39 51, 66, 67 and 152 of the Labour Code

## Inhumane Working Conditions

Normal working hours are 10 hours a day and 44 hours a week. The general overtime work must not exceed 80 hours per year, extendable to 100 hours.

The abovementioned rules, however, do not apply to domestic workers.

For more information on this, please refer to the section on working time.

# 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)

**Morocco has ratified the Convention 98 only.**

### ***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:

- Labour Code, 2003 (Loi N° 65-99 Relative au Code du Travail)
- Constitution of Morocco, 2011

## Freedom to Join and Form a Union

The Constitution and the Labour code guarantee freedom of association and give everyone the "right to form, join or withdraw from associations, including trade unions and political parties." The Labour Code also recognises the right to form trade unions and prohibits termination of employment on the basis of trade union membership.

The Labour Code also prohibits employers from engaging in any discriminatory practices based on the membership or trade union activity of employees. The Code further recognised the right of women, irrespective of their marital status, to join a professional union and to participate in its administration and management. The private recruitment agencies are also prohibited from engaging in any discrimination during selection which deprives workers of the right to unionise or engage in collective bargaining.

**Source:** §8 of Constitution of Morocco 2011; §397 and 398 of the Labour Code, 2003

## Freedom of Collective Bargaining

The right of collective bargaining is set out by the Labour Code.

Collective bargaining is defined as the dialogue between representatives of the trade unions of employees on the one hand and one or more employers or

representatives of employers on the other to determine and improve conditions of work and employment and to organise the relations between employers and employees.

Collective bargaining can take place directly at the company, sectoral and national level.

The parties may determine, by mutual agreement, the start date and the end date of the negotiations. If the collective bargaining is successful, the results of collective bargaining are recorded in a written agreement signed by the parties, and a copy is sent to the government authority. Ministry of Labour sends this copy to the Council of Collective Bargaining. This collective agreement must be in writing and will usually include the issues related to general sector minimum wages and salary increases; the conditions and modes of hiring and firing employees; provisions concerning the review procedure, modification, termination of all or part of the collective agreement; procedures for resolving disputes between parties; allowances; social security; occupational hygiene and safety; working conditions; union facilities and social affairs.

The collective agreement may be concluded for a fixed period or indefinite period or for the duration of the project and must be submitted with the registry of the court, which has the jurisdiction to enforce it.

**Source:** §92 to 116 of the Labour Code, 2003



## Right to Strike

The Constitution has guaranteed the right to strike for workers in order to defend their rights, in accordance with the law. However, the strike must be peaceful, and any attempt by the striking workers to use violence to force the employer to accede to their demands may result in a punishment by imprisonment for one month to two years and a fine of 200 to 5,000 dirhams.

The employer is indirectly prohibited from terminating the employment of a worker participating in a strike in furtherance of their trade union activities.

**Source:** §29 the Constitution of Morocco 2011; §36 of the Labour Code; §288 of the Penal Code

# QUESTIONNAIRE

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

## DECENTWORKCHECK.ORG

## Check

DecentWorkCheck Morocco is a product of  
WageIndicator.org and [www.rawateb.org/morocco](http://www.rawateb.org/morocco)



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.

	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

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

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

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"/>

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## 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.

Morocco scored 47 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.