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**Civil Society and Social Dialogue in Morocco**

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**Social dialogue, the Moroccan approach**

It is a recognized fact that social dialogue plays a key role in strengthening social cohesion, as well as in creating conditions conducive to lasting and sustainable growth.

Social dialogue is an effective institutional framework capable of addressing socioeconomic interests which may diverge, by making it possible to create favourable conditions for their convergence, preventing them thus from turning into open conflicts.

The effectiveness of social dialogue is also defined by the ability of stakeholders to assimilate interests, sometimes even conflicting, while creating the conditions for mutual trust, both between partners and towards their ranks and respective members.

This is the reason why Morocco has embarked, since its independence, on developing the regulatory framework for setting up institutions and mechanisms of consultation, negotiation, and dialogue, as well as councils and commissions likely to promote dialogue between the various stakeholders involved in the labour world.

The mid 1990s was a real turning point in the history of labour relations. This date marked the mutual willingness of the various partners -government, employers and workers- to achieve tangible progress in the areas of protecting workers' rights and trade union freedoms, modernizing regulation, or again promoting investment and economic development. The creation of the Advisory Council for the Follow-up of Social Dialogue in March 1994 aimed to provide a framework for consultation and dialogue between the social partners, bringing together relevant government departments, representatives of the various professional organizations, employers and workers.

The royal speech of May 16th, 1995 spurred the framework and philosophy of social dialogue, as well as its objectives, stressing the importance of continuous consultation and dialogue between the economic and social partners in order to achieve genuine cooperation that encompasses businesses and trade unions and takes into account the importance of ensuring a balance between the needs of workers and the economic and financial imperatives.

Between 1996 and 2011, four national tripartite social agreements were concluded: the Joint Declaration of 1st August 1996, the Agreement of April 23rd 2000, the Agreement of April 30th 2003, and the Agreement of April 26th 2011. Several institutions were involved in the process of social dialogue, namely the Higher Council for the Promotion of Employment, the Council of Collective Bargaining, the Council of Occupational Medicine and the Promotion of Employment, and the National Tripartite Commission in charge of monitoring the proper application of the law on temporary employment.

The year 1996 marked the start-up of social dialogue rounds between the government and the economic partners with the view to develop a common strategy to end conflicts that have economic and social dimensions.

These meetings brought together the government, represented by the relevant ministries, the General Confederation of Morocco's Enterprises as a representative of employers, and the most representative trade unions. First and foremost, this dealt with adopting the methodology of dialogue and the negotiation mechanisms, and identifying priority areas. This phase was crowned by the signing of the Joint Declaration of August 1st 1996, which institutionalized social dialogue by setting intervals -once every six months- and establishing a sector-based social dialogue. This agreement also set forth the issues to be addressed by the three parties, regarding wages, social protection, housing and the career promotion of civil servants. This phase was also marked by the creation of a tripartite commission in charge of monitoring the implementation of decisions and commitments, in coordination with the Advisory Council for the Follow-up of Social Dialogue. The final focus of this agreement dealt with the setting up of local commissions responsible for the review and settlements of collective labour disputes.

Signed on April 20th, 2000, the second agreement sought to strengthen the joint commitment for social peace as a shared responsibility and an imperative for the country's economic development. This Agreement provided for implementing and upgrading the various mechanisms of dialogue and collective bargaining intended to settle labour disputes. Thus, a special arbitration committee, chaired by the Prime Minister, was set up to resolve conflicts and safeguard social peace. A national commission of inquiry and conciliation, chaired by the Minister of Employment, was also established. At the regional level, provincial commissions of inquiry and conciliation, chaired by *Walis* and Governors, were also set up.

The other provisions of this Agreement addressed, inter alia, the creation of a new mechanism for the identification, monitoring and prevention of labour disputes, the implementation of sector-based social dialogue, and the creation and strengthening of regional structures in charge of promoting employment and combating unemployment.

Three years later, the Agreement of April 30th, 2003 firmed up the stakeholders' commitment to settle disputes through dialogue, using dedicated mechanisms, and to promote collective labour agreements, particularly as part of the adoption of a new Labour Code. The same year, social dialogue was institutionalized through the creation of five tripartite commissions in charge of monitoring priority areas:

- The commission of legislation, industrial relations and trade union freedoms,

- The commission on revenues, compensations and collective agreements,

- The commission on social affairs, medical coverage and social housing,

- The commission on unions’ elections,

- The commission on labour disputes.

The work of these commissions made it possible to achieve several advances on the various workers' demands, including those relating to the promotion and protection of trade union rights, the improvement of the economic and social situation of workers, and the raising of the minimum wage.

Between 2008 and 2011, meetings chaired by the Prime Minister were held regularly and led to a new tripartite agreement, signed on April 26th, 2011, thanks to adopting an annual action plan and to monitoring by standing committees in the public and private sectors. This agreement provided a general salary increase for all civil servants of the State, local communities, and public administrative institutions, in addition to an increase in the minimum retirement pension in the public and the private sectors, a further 15% increase in the minimum wage threshold, as well as an increase in the internal promotion quota within public service.

In social terms, this Agreement made it possible, in particular, to strengthen social protection by revising the legal system relating to work injuries, occupational diseases and disability pensions, in addition to drafting a law on the organization of social welfare works.

It is worthy of note that the financial commitments of this Agreement have been almost entirely settled.

The new Constitution of the Kingdom of Morocco, adopted in July 2011, stipulates that public authorities shall set up consultative bodies, in order to involve the different social actors in the formulation, implementation and evaluation of public policies.

In this context, the installation of the Economic and Social Council (CESE) on February 21th, 2011 materialized the will at the highest level of the State to ensure the permanent improvement of social dialogue mechanisms. Composed of 105 members, the Council includes, in addition to experts and NGO representatives, representatives of unions and employers. Thus, His Majesty King Mohammed VI assigned the Council the mission of "*... seeing with the utmost attention to the development of a new Social Charter, based on major contractual partnerships, likely to create a healthy environment conducive to winning the challenges of modernizing the economy, strengthening competitiveness and boosting productive investment*".

As early as 2011, this commitment was materialized in the Council's Social Charter, which has offered a reference allowing the various players and stakeholders to conclude significant agreements standing as laws, collective agreements or partnerships based on and in compliance with the laws in force. This Charter provides guidelines based on human rights, aimed to establish consultations and open dialogue and negotiation channels for the conclusion of collective agreements between all stakeholders towards the goal of achieving social prosperity.

This commitment is also reflected in all of the Council's works aimed to echo the impacts that social conflicts could have on the national economy, the social climate, the stability of affected companies and the situation of their employees.

It was within this context that the Economic, Social and Environmental Council adopted unanimously in September 2012 its report on social conflicts and their amicable resolution through the contribution of all components of the Council, especially the categories representing the unions and employers. The Council has thus proposed practical, reliable and sustainable recommendations to consolidate the achievements of Morocco in terms of labour law and social dialogue.

One of the main recommendations of the said report was to strengthen the tripartite social dialogue between public authorities, employers and employees which proved to be a key experience at all levels and which required, in addition, a strengthening of its foundations and its action methodologies, using legal and practical provisions, by including therein the provisions on social dialogue of the Council's Social Charter.

The report also called on all parties involved, mainly the public authorities, business organizations and trade unions, to join an initiative aimed to agree on the conditions and steps required to build a national model for labour protection, based on the generalization of basic labour rights and the development of social protection through collective agreements, by turning collective bargaining and tripartite social dialogue into a major route of arbitration between the competitiveness of the production system and the development of decent work.

It was in this same spirit that the CESE proposed, in its New Development Model of the Southern Provinces, the establishment of a regional social dialogue with the participation of presidents of regional councils and where regional collective agreements could emerge to improve the attractiveness of these territories.

The Council also provided a genuine platform for the convergence of views during the preparation of its opinion on the reform of civil pension schemes, following the request of the Head of Government. This opinion, drafted after extensive sessions of listening to the parties concerned, took into account the views of representatives of trade unions, agencies responsible for the management of pension schemes, relevant administrations and several civil society actors.

It thus offers an excellent basis for the upcoming rounds of social dialogue dedicated to this reform which is of utmost importance for the country.

Through its comprehensive, participatory and integrated approach, the CESE thus managed to provide alternatives to the negotiation table between the government and the social partners, in accordance with its missions, and also to stand as a force of proposals with respect to the major issues related to the country's development.