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## **The Moroccan System of Labour Institutions: A Class-Based Perspective**

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### **Acknowledgements**

I would like to thank all the participants in the research, who have generously given up some of their time and attention for this project. In particular, Ismaïl Manouzi and Abdallah Lefnatsa provided me with crucial help in the collection of research materials. I also thank my PhD supervisor Nicola Pratt for her crucial support. Finally, I would like to acknowledge the help of Jack Copley, Francesco De Lellis, Gianni Del Panta, Ferruccio Gambino, Gennaro Gervasio, Daniela Pioppi, Devi Sacchetto, Rossana Tufaro, and Francesca Alice Vianello for their feedback on this article.

### **Abstract**

The relevance of workers' mobilisations in the 2011 Arab uprisings and – more recently – in the Algerian movement for democracy and social justice has encouraged a renewed interest in labour-state relations in the region. This article presents a class-based perspective on labour institutions, taking Morocco as a case study. As opposed to institution-based approaches, this research argues that it is problematic to treat the trade unions as analytical proxies for the working class, because this heuristic move conceals how class struggles – from below and from above – can transcend and transform labour institutions. The article proposes a framework to study labour-state relations, highlighting the relative autonomy of union officials from workers and vice versa. In this way, it shows how, in the neoliberal phase, the Moroccan state increased inducements to the unions while decreasing those to the workers and maintaining significant

constraints on workplace organising. To use a simplified formula, the regime *included the unions to exclude the workers*. In such a context of low union representativeness, the dangers of reducing the working class to the trade unions emerge clearly.

## **Keywords**

Morocco, Middle East & North Africa, Trade Unions, Class Analysis, Labour Institutions, Labour-State Relations.

## **Introduction**

The relevance of workers' mobilisations in the 2011 Arab uprisings and – more recently – in the Algerian movement for democracy and social justice has encouraged a renewed interest in labour-state relations in the region. This article presents a class-based perspective on the analysis of labour institutions, taking neoliberal Morocco as a case study. Neoliberalism is understood here as a phase of global capitalist development underpinned by financialisation.<sup>1</sup>

As opposed to institution-based approaches, popular in studies of the region before the 2011 Arab uprisings, this article argues that it is problematic to treat the trade unions as an analytical proxy for the working class, because this heuristic move conceals the possibility that class struggles – from below and from above – transcend and transform the labour institutions of which unions are part. While the working class obviously cannot take political decisions as a formally organised collective actor, groups of workers can act in politically significant ways outside of their official organisations or within them but autonomously from the top leadership. Conversely, union officials can act in significant ways that contradict the preferences or interests of most workers.

First, the article reviews the former literature on trade unionism in the Maghreb and

proposes a class-based analytical framework to study labour institutions. Then, it shows how the Moroccan system of labour institutions in the neoliberal phase emerged in the mid-1990s from a specific history of class struggles. Until the 1980s the regime relied on extreme levels of repression to preserve itself, yet in the 1990s it was pressured into a limited opening that included the unions in consultative social dialogue. This system was partially unsettled during the 2011 Arab uprisings and therefore – even if much of the analysis still applies today – the timeframe of the article is 1994 to 2011. Finally, the article demonstrates how the heightened institutional inclusion of the unions was accompanied by severe constraints on rank-and-file workplace activism and by a neoliberal restructuring of the economy. This led to an erosion of the unions’ base and a crisis of their legitimacy. In such a context of low union representativeness, the dangers of treating the unions as proxies for the working class emerge clearly.

This research relies largely on original empirical material collected through far-reaching fieldwork, including 47 semi-structured interviews with trade unionists, workers and activists, a digitalised press archive on labour-related issues of over 1,000 items, and the analysis of labour legislation, socioeconomic statistics, memoirs of labour activists, and other documents.

### **Perspectives on Maghribi Trade Unionism**

This section first overviews the pre-2011 literature on Maghribi unions and then presents this article’s theoretical framework to study labour institutions. For the sake of simplicity, two broad approaches are singled out: the ‘institution-based’ and the ‘class-based’ approach. The institution-based approach consists of research that – while not necessarily embracing institutionalist theory – tends to heuristically consider the unions as proxies for the working class, which allows one to focus on labour-state relations as unions-state relations.<sup>2</sup> Well-

known examples are the classic works by Rueschemeyer, Stephens, and Stephens<sup>3</sup> and by Ruth Collier.<sup>4</sup> Instead, ‘class-based’ approaches – which include, but are not limited to, a wide range of Marxist scholarship<sup>5</sup> – treat the working class as, to some extent, analytically autonomous from labour institutions. This article locates itself within the second camp by considering the partial divergences of interests and preferences between workers and union officials and the possibility that sections of each group use their agency to foster such goals.

A sizeable body of literature has developed around Maghribi trade unionism between decolonisation and the 2011 uprisings, although this remains a relatively under-researched topic. Algerian organised labour has been the focus of some international and national research.<sup>6</sup> Trade unionism – particularly the main confederation *Union Générale Tunisienne du Travail* (UGTT) – has historically held a central position in Tunisia’s politics, which garnered the attention of many Tunisian scholars.<sup>7</sup> Foreign research on Tunisian trade unionism, instead, was extremely scant before the 2011 uprisings, with a few exceptions.<sup>8</sup> Moroccan trade unionism is the least researched in the Maghreb. International research before 2011 was just as scarce as that on Tunisian labour.<sup>9</sup> However, national academic research was less abundant compared to the Tunisian case.<sup>10</sup> The gap in the literature is thus extremely wide when it comes to Moroccan trade unionism, with the last book-length academic work dating back to 1990.<sup>11</sup>

The problem of the relations between workers, unions, and the state has been treated differently by different authors. The ‘institution-based’ approach is exemplified here by Eva Bellin’s *Stalled Democracy* (2002), a crucial work on the topic, the overall high quality of which is not in question. The book investigates the role of capital and labour in democratisation processes through the case study of Tunisia. Bellin claims that, despite the prevailing theoretical expectations, labour and capital are unlikely to push for democratisation as long as they depend on state sponsorship for the protection of their interests. In Tunisia, therefore,

labour supported President Ben Ali's authoritarian regression because it was linked to the state by a corporatist arrangement granting benefits to the UGTT and its members.

Bellin, however, seems to use the phrases 'organised labour' and 'social class' interchangeably and, when supplying evidence that labour stood by the regime in the 1990s, she highlights decisions taken by the UGTT top leadership.<sup>12</sup> In her historical account of Tunisia's labour-state relations,<sup>13</sup> Bellin provides much evidence of rank-and-file action outside of the UGTT or, even more, within the UGTT but against the choices of the top leadership.<sup>14</sup> Yet these phenomena are not theorised, and thus they disappear from her conclusions. Arguably, this leads Bellin to underestimate the disruptive potential of the internal fractures within the UGTT:

The resurgence of strike activity instigated by the base during the late 1970s and again in the 1980s suggests a streak of persistent independence within labor that the state cannot ignore. [...] Working class culture and institutions have staying power that prevents the state from entirely subjugating labor. But there is no denying that labor's autonomy has suffered for the past two decades, and the future does not look rosier.<sup>15</sup>

Nonetheless, it was precisely the pressures of rank-and-file workers' mobilisations both without and within the UGTT that 'unstalled' Tunisia's democracy by undermining the UGTT top leadership's policy of compromise with the regime.<sup>16</sup> This is surprising in light of Bellin's argument. In fact, during the 2000s the Tunisian state's sponsorship of organised labour did not change significantly.

The class-based approach is exemplified by Salah Hamzaoui's 1,500-page sociology of the UGTT cadres, titled *Pratiques syndicales et pouvoir politique*.<sup>17</sup> This work aims to

understand the ‘relations between the union confederation and the regime, on the one hand, and between the union leaders and the rank-and-file workers [...], on the other’.<sup>18</sup> Hamzaoui shows how union cadres constitute a mediating layer between workers and the state, and how this role gives them the power to ‘escape rank-and-file control and achieve a certain autonomy’<sup>19</sup> from workers and the state at the same time. This autonomy is grounded in the fact that, on the one hand, the union provides workers with a defence from employers and the state which they would not otherwise have, and, on the other, it provides the state with a mechanism of control over the workers themselves.

This article builds on Hamzaoui’s work to understand the unions as part of systems of labour institutions, i.e. systems of mediation between the working class and capital. The unions cannot be seen simply as the full representatives of the working class because only part of it is unionised and because there are both internal and external pressures that constrain union democracy. Representation, in any case, is always a ‘creative’ act, as it involves the aggregation of the interests and preferences<sup>20</sup> of a multiplicity of represented individuals and subgroups. Within a system of labour institutions, the unions have a particular status in that they are, at least theoretically, organisations run by representatives elected and funded directly by the workers and thus they are often crucial in advancing the interests of the latter. However, conflating unions and workers does more analytical harm than good.

In all countries, only a fraction of the workers are union members. This is even more the case if the working class is defined broadly to comprise all those who are dispossessed from significant ownership and control of the means of production, including the unwaged.<sup>21</sup> As Simon Clarke wrote, ‘all of the dispossessed are potential wage-labourers for capital, and in that sense are members of the working class’.<sup>22</sup> The unions, in the absence of pressures to defend non-members, can sometimes act to further divide the working class by augmenting the inequalities between secure, unionised workers and precarious, non-unionised workers, who

constitute the majority of the Moroccan working class and potentially share with more secure workers substantial interests *vis-à-vis* capital.<sup>23</sup>

Furthermore, as Richard Hyman showed, union representatives at all levels must aggregate members' demands and mediate them with external pressures coming from capital and the state, as well as internal pressures stemming from the union hierarchy itself.<sup>24</sup>

Internal pressures against union democracy were famously captured by Robert Michels' concept of the 'iron law of oligarchy',<sup>25</sup> although he arguably overstated its rigidity. Control over a large, hierarchical, and centralised organisation allows union leaders to exercise a degree of undemocratic control over their members, even if free and fair internal elections periodically take place (and much more so when they do not).

Some Marxist theorists identify the main cleavage within the unions as between members depending for their income on extra-union jobs versus full-time union officials; the latter constitute the 'trade union bureaucracy' and feature a structural tendency to compromise with capital.<sup>26</sup> This article accepts that full-time officials – because they depend on the organisational viability of the union for their income and social standing – tend to be more vulnerable to undemocratic pressures compared to other union members. However, this factor by itself is not sufficient for understanding the behaviour of union officials and members. Non-full-time union representatives, for example, are far from immune to undemocratic temptations.

Therefore, David Camfield's alternative understanding of bureaucracy as a social relation in which internal democracy is limited through formal rules is preferred here.<sup>27</sup> Bureaucratic practices, however, are not the only way to limit internal democracy; a common alternative – as confirmed by the empirical evidence below – are informal patrimonial practices through which union officials can exercise undemocratic power by the very violation of formal rules. According to this conception, both bureaucratic and patrimonial practices can be found across the union hierarchy, although they obviously have more important consequences when



deployed at the top.

External undemocratic pressures, as opposed to internal ones, refer to the interest of the state and capital in using the union hierarchy as a means to control the workers. As Hyman put it:

[U]nions can readily be transformed, at least partially, into an agency of control *over* their members to the advantage of external interests (that is, the power *over* the membership which is the prerequisite of concerted action is divorced from its explicit purpose as a means of control *for* these same members). [...] Trade unions, as organisations of the relatively powerless in an environment of power, can achieve any meaningful internal democracy only against external resistance and considerable odds. For this very reason, the role of trade unionism as a medium of control over work relations is inherently ambiguous.<sup>28</sup>

Trade unions, then, are perpetually subject to a struggle for control in which the internal promoters of bureaucratic and patrimonial practices and the external influences of capital and the state combine into constant pressures to use workers' organisations for aims that might diverge significantly from the interests or preferences of most workers. This is why the working class cannot, again, be reduced to the unions, and vice versa. This reasoning applies even more to authoritarian countries, where undemocratic tendencies within the unions are usually directly supported by severe state repression. Labour-state relations, then, cannot be reduced to unions-state relations. Labour institutions are treated here as systems of institutionalised relations between workers, the unions, the state, and capital, which emerge as outcomes of class struggles and can be further modified by successive rounds of struggle.

David and Ruth Collier, in their work on authoritarian corporatism, noted that

‘[c]orporative provisions have been used in some cases to strengthen the position of workers and unions in relation to employers, whereas in others they have been used to weaken their position’.<sup>29</sup> To distinguish between the two cases, they propose a typology based on the levels of *inducements* and *constraints* deployed by the state to control labour. However, the two authors think about inducements exclusively in the sense of ‘advantages upon the *labor organizations* that receive them’.<sup>30</sup> Yet ‘organisational inducements’, as Collier and Collier recognise, are in the interest of the union officials but not in themselves directly advantageous to workers.<sup>31</sup> An exclusive focus on organisational inducements does not grasp the possible divergences of interests between union officials and workers as such.

This article builds upon Collier and Collier’s analysis of labour institutions based on organisational inducements and constraints, but it adds ‘substantial inducements’, i.e. inducements that benefit workers directly. Labour institutions are thus analysed along three dimensions: *substantial inducements*, *organisational inducements*, and *constraints*.

*Table 1 – Dimensions of labour institutions*

<b>Substantial inducements</b>	<b>Organisational inducements</b>	<b>Constraints</b>
Job security	Monopoly of representation	On internal democracy
Wage levels	State-encouraged membership	On civil and political rights
Public sector employment	Direct advantages to trade unionists	On workplace org and rep
Welfare services	State funding	On collective bargaining
	Union incorporation in policy-making	On the right to strike

Substantial inducements are direct concessions to the workers. Organisational inducements are benefits targeting the union officials, who, thanks to them, gain more secure control over more powerful organisations. Constraints are sanctions upon those workers and union officials who, despite the respective inducements, still refuse to toe the line.

The distinction between substantial and organisational inducements is crucial because

it is an instrument to analyse divergences between workers and union officials and within the unions themselves, as union action can give priority to securing substantial inducements for the workers or organisational inducements for the union officials. In this way, it is possible to study labour-state relations without treating the union as a proxy for the working class or as a monolithic entity reduced to the actions of its top leadership. Moreover, the examination of substantial inducements provides a window into the social bases of a regime and into the class struggles over the production and distribution of resources, avoiding the formalistic tendencies of some institution-based research.

### **Social Conflict and Labour Institutions in Neoliberal Morocco**

This section provides a historical account of the struggles that shaped the Moroccan system of labour institutions in the neoliberal phase. Since the early decades of independence, the Moroccan labour movement – particularly the main confederation UMT – had to deal with varying degrees of limited internal union democracy, pervasive patrimonial practices, and relatively low union density. This, however, spurred a wide array of contentious actions from below that escaped the control of the UMT leadership, including a split that generated a more militant confederation, the CDT. In the 1990s, the regime shifted from a labour conflict management strategy relying on extremely high levels of repression to one predicated on the inclusion of the unions in consultative social dialogue. As it will be shown, however, such inclusion increased the distance between the unions and a still largely excluded working class.

The labour institutions that originally emerged as an outcome of Morocco's independence and post-independence struggles can be characterised as *authoritarian conservative pluralist*. Under a traditionalist ideology that affirmed the King's religious legitimacy, the Moroccan post-colonial regime was based upon a conservative alliance between the Palace, rural elites, peasantry under their hegemony, and urban bourgeoisie in a subordinate position.<sup>32</sup> Under King

Hassan II, economic policy did not signify a radical break with the colonial pattern of primary exports, substantial inducements to the working class remained limited, and repression was high. Yet the monarchy encouraged party and union pluralism, relying on divide-and-conquer tactics to curtail the opposition.

Table 2 – The most important labour confederations in Morocco

<b>Name</b>	<b>Year of foundation</b>	<b>Political party</b>
<i>Union Marocaine du Travail</i> (Moroccan Labour Union, UMT)	1955	<i>Istiqlal</i> (1955-1959); <i>Union Nationale des Forces Populaires</i> , UNFP (1959-1970s); none (1970s to present)
<i>Union Générale des Travailleurs du Maroc</i> (General Union of the Moroccan Workers, UGTM)	1960	<i>Istiqlal</i> (1960 to present)
<i>Union Nationale du Travail au Maroc</i> (National Labour Union of Morocco, UNTM)	1973	<i>Parti de la Justice et du Développement</i> , PJD (1973 to present)
<i>Confédération Démocratique du Travail</i> (Democratic Labour Confederation, CDT)	1978	<i>Union Socialiste des Forces Populaires</i> , USFP (1978 to 2001); <i>Congrès National Ittihadi</i> , CNI (2001 to present)
<i>Fédération Démocratique du Travail</i> (Democratic Labour Federation, FDT)	2003	<i>Union Socialiste des Forces Populaires</i> (2003 to present)

In the post-independence phase, patrimonial organisational inducements were an important element of the relations between the regime and the largest Moroccan union, the UMT. The latter was initially quite confrontational towards the Palace, however, a mix of repression and co-optation progressively pushed it to moderate its stances. Leaders and militants on the Moroccan Left were subject to several waves of arrests, systematic torture, and forced disappearances, while the regime violently quashed the 1958-59 Rif uprising and the 1965 Casablanca riots. This had the effect of weakening the UMT Left – stifling its efforts to challenge Secretary General (SG) Mahjoub Ben Seddik’s domination of the organisation.

According to leftist union activist Omar Benjelloun, Ben Seddik directed the UMT through

a patron-client network of loyalists that operated effectively to hinder internal debate and the election of dissident leaders. Ben Seddik's associates would use the manipulation of secondments and financial resources, workplace transfers or layoffs – in coordination with management – of dissident unionists, membership freezes, the dissolution of elected Executive Committees, and plain – and at times violent – harassment of dissidents.<sup>33</sup> For example, Benjelloun himself was kidnapped, held in a cellar, and severely mistreated by union stewards of the so-called 'UMT militia' while trying to attend the 3<sup>rd</sup> UMT Congress in January 1963 as a delegate.<sup>34</sup> After the 3<sup>rd</sup> Congress, the UMT leadership dissolved the postal federation (dominated by the Left) and expelled several leftist cadres.<sup>35</sup> Testimonies regarding the lack of internal democracy appear to be credible given Ben Seddik's record 55-year tenure as UMT SG, spanning from the foundation of the confederation to the leader's death.

Corruption was particularly prominent in the history of the UMT<sup>36</sup> and the most significant scandals concerned the so-called 'Basri system'. Driss Basri was Hassan II's dreaded Minister of the Interior. He had placed directors with close personal ties to himself in several public agencies and enterprises.<sup>37</sup> These managers used the public resources they controlled in a clientelist and even criminal manner to boost Basri's power. The UMT's main link to the Basri system was SG Mahjoub Ben Seddik's right hand Mohammed Abderrazak. While never convicted, Abderrazak was involved in high-profile scandals including the misappropriation of resources from the *Caisse Nationale de Sécurité Sociale* (CNSS) and the *Comité d'Oeuvres Sociales* of the *Office National d'Électricité* (COS-ONE) (*Tel quel*, April 27, 2018). On 12 March 2004, as the COS-ONE scandal became public, the UMT National Council expelled Abderrazak by the UMT National Executive Committee, where he had sat for fifty years (*Maroc hebdo*, March 19, 2004).<sup>38</sup> Other scandals saw the involvement of the teaching federation SG M'hmed Ghayour and the banking federation SG Farouk Chahir in the misappropriation of resources from the Ministry of Education insurance fund and the banking

national insurance fund respectively (*Akhbar Al-Yaoum*, March 21, 2012; *Tel quel*, April 27, 2018).

The 1970s and early 1980s were a time of intensified labour strikes and student activism, as well as riots and attempted armed risings. This period is known as the ‘Years of Lead’ because systematic political imprisonment, torture, and forced disappearances reached new heights. Large, inflation-fuelled strikes took place, most notably in teaching (the national sectorial strike of 11-12 April 1978), mining, transport, and the state-owned oil refinery SAMIR.<sup>39</sup> The strikes led to the creation of new workplace unions, which on 25-26 November 1978 merged into a new confederation together with the USFP-linked structures of the UMT. The CDT was thus created, with the primary school teacher Noubir Amaoui as its SG.

As a culmination of this standoff, on 20 June 1981, a general strike against price hikes called by the CDT turned into protracted rioting in Casablanca. Security forces fired upon the crowds, resulting in a high death toll. In the aftermath, a wave of arrests swept through leftist milieus and Casablanca’s working-class neighbourhoods. Hundreds of USFPists and CDTists were arrested, their offices closed, and their newspapers banned. The CDT SG Amaoui was imprisoned between June 1981 and November 1983.<sup>40</sup> In January 1984, a renewed governmental attempt to cut consumption subsidies generated riots in several regions, especially the North-Eastern Rif. This unrest was also crushed in bloody fashion and mass arrests followed. Such workers’ struggles and their defeat shaped Morocco’s entry into neoliberal structural adjustment.

In the late 1980s, with the liberation of many political prisoners, Marxists from the *Ila Al-Amam* party began to build a left-wing opposition within the UMT. Meanwhile, on 14 December 1990, the CDT and the *Istiqlal*-associated UGTM held a general strike with economic demands against the rising cost of living and political demands for democratisation.<sup>41</sup> Riots erupted, and the most severe clashes took place in Fes, with over one hundred casualties

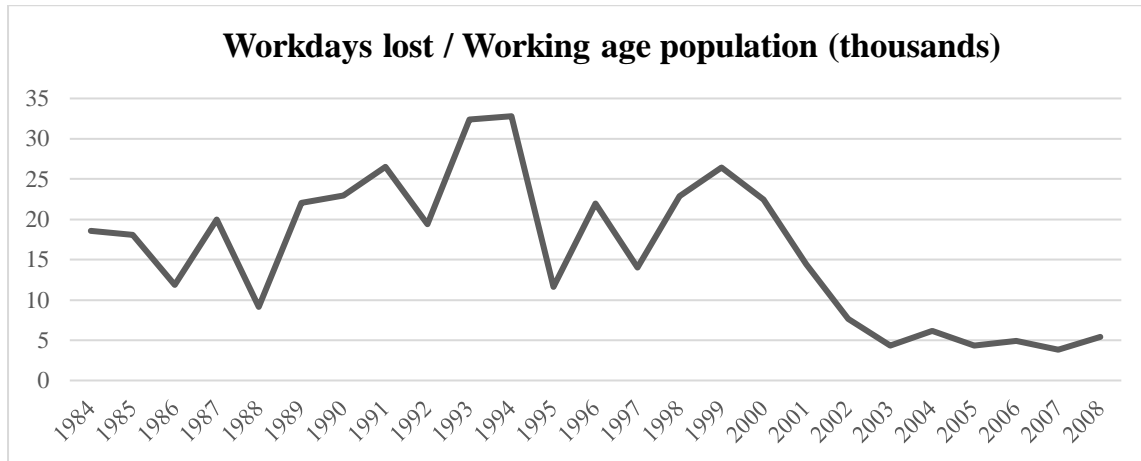
of state repression. In April 1992, CDT SG Amaoui was sentenced to two years in prison for ‘insulting and defaming’ the government. He would be released after 14 months of detention.<sup>42</sup> The repression of the 1990 general strike and Amaoui’s arrest indicate that Morocco’s Years-of-Lead system of utterly repressive labour institutions continued into the first decade of the neoliberal phase.

In the mid-1990s, however, the Palace engineered a partial political opening in response to continuing social unrest, easing to some extent limitations on political dissent and civil rights, while falling well short of democratisation. The main opposition party USFP, under the leadership of Abderrahmane Youssoufi, was willing to mobilise its electoral capacity to participate, along with the nationalist *Istiqlal* party, in the so-called ‘transition’. In this context, consultative social dialogue among the labour confederations, the government, and the main employers’ association – *Confédération Générale des Entreprises du Maroc* (CGEM) – was established.<sup>43</sup> On 24 November 1994, the Council for the Continuation of Social Dialogue was created to define its framework. The UMT boycotted the process as it considered that it would compromise its independence *vis-à-vis* party politics. As the negotiations spluttered, the CDT and the UGTM held a general strike on 5 June 1996. However, on 1 August 1996, the CDT, the UGTM, the CGEM, and the government signed a joint Declaration for the institutionalisation of social dialogue.<sup>44</sup>

The 1994 opening inaugurated a new system of labour institutions, which saw a significant decline in the most severe human rights violations that had characterised the Years of Lead (nonetheless, one of the worst abuses of this period was the kidnapping, torture, and killing of fisherman trade unionist Abdallah Mounasser).<sup>45</sup> A sign of the times was the participation of Minister of the Interior Driss Basri in the opening of the CDT 3<sup>rd</sup> Congress on 14 March 1997. Exactly one year later, Hassan II appointed the so-called ‘*gouvernement de*

*l'alternance*', led by USFP's Youssoufi. Shortly afterwards, on 23 July 1999, the old King died and his son Mohammed VI became the new monarch.

Figure 1 – Private sector strike activity in Morocco, 1984-2008



Calculated by the author based on International Labor Organization (ILO) and Ministry of Employment data.

The USFP, however, failed to deliver satisfying results to its base. Despite the signature, on 23 April 2000, of a second tripartite Declaration for the reactivation of the conciliation and arbitration commissions, private sector strikes – which had peaked before the beginning of the social dialogue negotiations – reached a new high during the Youssoufi governments. The latter coincided with the beginning of the CDT's crisis, which was mainly caused by the lack of internal democracy and the transposition within the union of the party strife that accompanied the USFP's failure to implement its governmental programme. The tensions between the CDT and the USFP came to a head at the CDT 4<sup>th</sup> Congress on 14-16 March 2001, when a clear cleavage emerged between the followers of Amaoui and those of Youssoufi. The CDT leadership thus broke the union's ties to the USFP – with Amaoui resigning from the Political Bureau of the party – to create a new party, the CNI. The CDT then held two general strikes, on 5 June 2002 and 28 June 2002, while Youssoufi was still Prime Minister. However, on 7 April 2003, the USFP faithful, including the majority of the teaching federation, officially exited the CDT to create the FDT. The subsequent additional splits



aggravated the Balkanisation of Moroccan trade unionism and the low representativeness of the confederations. The CDT's loss of autonomous power became apparent when the 21 May 2008 general strike for higher wages called by the confederation proved to have little impact.

During the 2000s, the regime further deepened the process of neoliberal restructuring. The unions were particularly concerned by the privatisations of state-owned enterprises (SOEs) and the approval of Morocco's first Labour Code in 2003 (*dahir* 1-03-194 of 11 September 2003). The Labour Code was promulgated after a series of tripartite consultations that ended with the signature of a third tripartite Declaration on 30 April 2003, which this time was signed by the UMT too.

The system of labour institutions that started to consolidate since 1994 emerged out of a cycle of class struggles that involved strikes, riots, and electoral mobilisations from below as well as a range of concessions, co-optation and repression drives from above. The next section deploys the approach outlined earlier to analyse this system of labour institutions, disaggregating substantial inducements, organisational inducements, and constraints. It shows how the regime was able to – using a simplified formula – *include the unions to exclude the workers*, aggravating the social isolation of the labour confederations.

### **Analysing Semi-Authoritarian Conservative Pluralism**

In the neoliberal phase, the Moroccan regime can be described as *semi-authoritarian conservative pluralism*.<sup>46</sup> Organisational inducements were reformed through consultative social dialogue, but substantial inducements to the workers were overall retrenched and – while direct state repression decreased – constraints in the form of severe anti-union practices at workplace level remained. Such divergence between an increasing formalisation of organisational inducements, on the one hand, and decreasing substantial inducements coupled with continuing constraints on rank-and-file organising, on the other hand, resulted in a parallel

relative divergence between the workers and their official organisations.

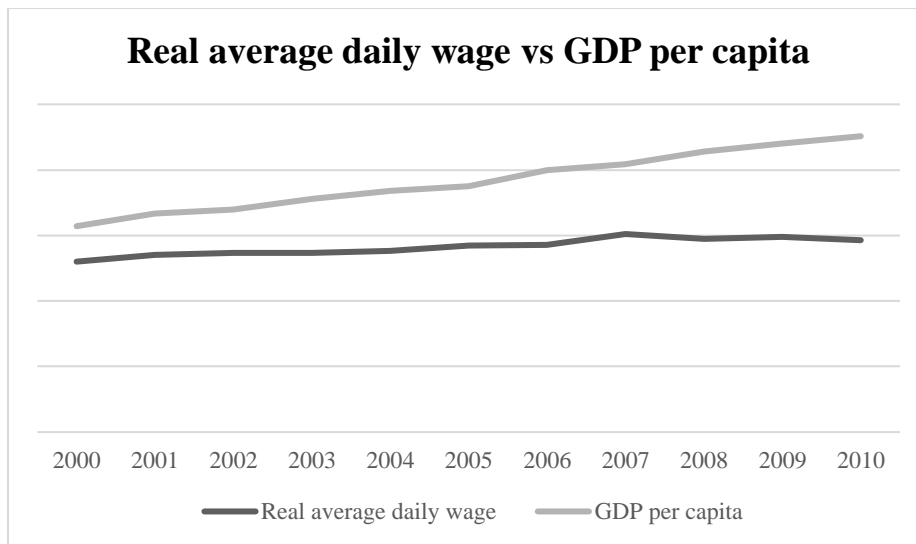
a) *Substantial Inducements*

The neoliberal phase was characterised by an overall decline in substantial inducements, even if some welfare services were expanded. In this sense, it is possible to say that the increased inclusion of the trade unions through social dialogue at the top was not matched by an increased social inclusion of their class below. *Job security* in the formal labour market was reduced. The 2003 Labour Code reinforced labour subcontracting (Art. 86), legalised temporary work agencies (Art. 477), and formally recognised fixed-term contracts, establishing their maximum duration to two years (Art. 16-17). An organic law should have established the sectors in which fixed-term contracts are permitted, but it has never been promulgated and, thus, they are used in all sectors. Employment through temporary work agencies can legally last no more than six consecutive months, but such regulations are extremely difficult to enforce. While mass layoffs for technological and economic reasons were made conditional upon the authorisation of a tripartite local commission (Art. 67-68), fixed criteria for the determination of layoff compensations were established (Art. 53). *Dahir* 1-11-10 of 18 February 2011 legalised subcontracting in public administration. Finally, internship contracts were introduced.

Additionally, contractual temporary employment is not, quantitatively speaking, an important form of precarious employment in Morocco given the small share of formal waged employment. In 2010, only 11% of the employed population worked under written open-ended contracts.<sup>47</sup> Between 1999 and 2010, the share of contractual temporary employment doubled, but this merely meant that it passed from 1% to 2% of the employed population.<sup>48</sup> In 2010, 1.5% of the employed population worked in waged employment with an ‘oral contract’ and

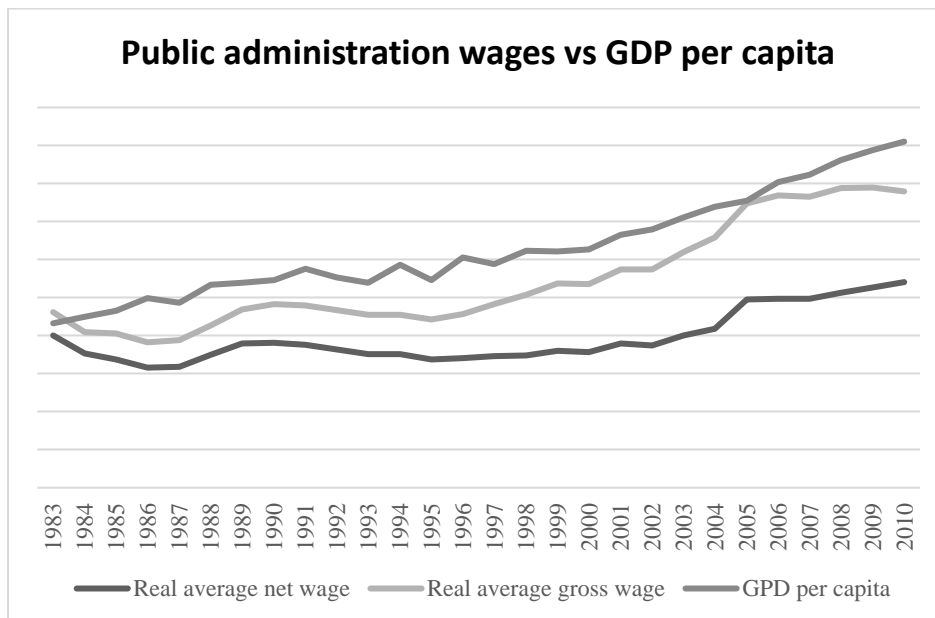
29% with no contract at all.<sup>49</sup> The remaining absolute majority of the employed population laid outside waged employment altogether.

Figure 2 – Real average daily wage declared to the Caisse Nationale de Sécurité Sociale (CNSS) vs gross domestic product (GDP) per capita, 2000-2010



Calculated by the author based on CNSS and World Bank DataBank data.

Figure 3 – Public administration real average wages vs gross domestic product (GDP) per capita, 1983-2010



Calculated by the author based on Haut Commissariat au Plan (HCP) and World Bank DataBank data.

According to UNIDO data on *wage levels*, real wages fell from the early 1980s and subsequently failed to return to their pre-structural adjustment values.<sup>50</sup> Between 2000 and 2010, the real average daily wage declared to the CNSS – the main pension fund for the private sector – increased by a yearly average of 1.2%, while real GDP per capita increased by a yearly average of 3.8% (see Graph 2).

In the central public administration, the gross real average wage increased by a yearly average of 2.1% in the 1984-2010 period, while the net wage increased by a yearly average of 1.3%. Over the same period, real GDP per capita increased by a yearly average of 2.9% (see Graph 3). Overall, the available data suggests that – after a decline in the 1980s – average real wages in the formal economy tended to increase, but relative wages continued to decrease.<sup>51</sup>

The share of *public sector employment* diminished. The first privatisations took place in the late 1970s without legal regulation, but Law 39-89 of 1989 established the legal framework and the actual sales began in 1993.<sup>52</sup> In 2006, the state had sold 44 firms and 26 hotels (*La vie éco*, June 23, 2006). The government also delegated to the private sector the management of several services, such as water and electricity, communications, and transport. Data on employment in the public sector as a whole is available from 1999. At that time, the public sector accounted for only 10.1% of total employment, which declined to 8.4% in 2010.<sup>53</sup> The percentage of SOE employees halved from 1.5% in 1999 to 0.8% in 2010,<sup>54</sup> but it should be kept in mind that a large share of the privatisations took place in the mid-1990s.

According to a governmental report, between 1993 and 2005 expenditure for *welfare services* increased from 39% to 50% of the state's budget (the figure includes the wage bill of the relevant ministries).<sup>55</sup> While the government tried to contain consumption subsidies, it concentrated its efforts on education, health, and social housing.<sup>56</sup> However, public expenditure on education has remained around 5% of GNI from the late 1980s to 2010, according to World Bank data. In 2005, Mohammed VI inaugurated the *Initiative Nationale Développement*

*Humain* – a public agency coordinating social development and charity programs with a plethora of local and international NGOs and private firms. Poverty relief, thus, is not framed as a universal social right but as particularistic state-encouraged aid.<sup>57</sup>

In the late 1990s, health insurance coverage included just 15% of the total population,<sup>58</sup> while retirement coverage included only 21% of the active population.<sup>59</sup> Even by 2008, no more than 30% of the employed population had retirement coverage.<sup>60</sup> In 2002, the government created two new schemes to extend health insurance.<sup>61</sup> In parallel, between 1995 and 2010, public health expenditure increased from 1.2% to 2.1% of GDP, based on World Bank figures. However, in 2010, only 18% of the employed population enjoyed health insurance coverage.<sup>62</sup>

Overall, welfare services were expanded, in contrast with declining legal job security, relative wages, and public sector employment. However, it is necessary to remember that, unlike its neighbours, the Moroccan regime had never struck a populist social pact with the working class and, therefore, when it entered structural adjustment its welfare system started from a lower level compared to the populist regimes.<sup>63</sup>

#### *b) Organisational Inducements*

Different from Algeria and Tunisia, where populist regimes had allied with the nationalist labour confederation, in Morocco the state neither granted the *monopoly of representation* to a single trade union nor *encouraged union membership*. Patrimonial benefits to trade unionists, however, were an important feature of the Moroccan system of labour institutions since the early years of independence. In the neoliberal phase, the most noticeable change in organisational inducements was an increasing formalisation of labour institutions through the establishment of consultative social dialogue. This provided the trade unions with a source of legitimacy, visibility and funding, but to the extent that such resources were granted

by the state from above, they weakened the accountability of the union leaders to their actual and potential membership.

*Direct advantages to trade unionists* include formal inducements – mainly state-funded union secondments for all major confederations – and patrimonial ones, most notably under the guise of corruption in manifold forms, which is still perceived as high, especially for the UMT. Union representatives, in fact, are present on the executive boards of the national pension funds – most importantly the CNSS – and smaller insurance funds (the ‘*caisses mutuelles*’) and they manage firm-level welfare bodies (the ‘*comités d’œuvres sociales*’). This provided union officials with access to resources that they sometimes administered in patrimonial ways, as the scandals mentioned in the previous section revealed.

The government provides *state funding* to all significant unions as a reimbursement for campaigning in the professional elections and for participating in workers’ training programs, national tripartite institutions, and international missions (Labour Code, Art. 424). The Labour Code also stipulates the creation of a national commission to supervise such funding, but this was never brought into existence. Many UMT buildings were former French administrative buildings that the newly independent state had conceded to the union. In addition to such legal funding, one should add illegal funding tolerated by the state, in so far as corruption is not only used for personal enrichment but also to finance the union apparatuses. Another case is, allegedly, the creation of ‘yellow’ workplace unions funded by employers to compete with authentic workplace unions affiliated with a different confederation.

*Trade union incorporation in policy-making* happens, at least formally, through three mechanisms: union representation in parliament, union participation in bipartite and tripartite bodies, and social dialogue. The Constitution allocates a share of seats of the higher parliamentary chamber to the most representative unions. At the national level, the status of ‘most representative union’ is given to any confederation that attains at least 6% of workers’

delegates in the public and private sector professional elections (Labour Code, Art. 425). This requirement is not as effortless to fulfil as it seems, given the fragmentation of Moroccan trade unionism and the fact that most workers' delegates have no union affiliation. In 2009, the share of private sector workers' delegates with no union affiliation was 65% (*La vie éco*, May 29, 2009).

During the neoliberal phase, bipartite and tripartite bodies that had fallen into disuse in the Years of Lead were revitalised, or new ones were created. However, these institutions still convened irregularly, and they seldom provided a real opportunity for the unions to shape policy. The most important novelty was rather the quasi-institutionalisation of consultative social dialogue. As seen above, social dialogue was the main tool for the normalisation of relations between the CDT and the regime. However, the CDT itself complained that: 'The Council convenes only exceptionally, under the invitation of the King, on the subject of national scale social conflicts'.<sup>64</sup> Another common complaint is that, as the social dialogue is consultative and not regulated by legislation, its recommendations are only partially implemented. The unions did use social dialogue to oppose initiatives that harmed their constituencies or their organisations but, as an interviewed trade unionist declared:

The social dialogue never obtains anything for merely socioeconomic reasons; there are always political motives behind it. [...] But as the situation on the ground is marked by the violation of union freedoms and the right to strike, what social dialogue are we talking about?<sup>65</sup>

### *c) Constraints*

It is indeed impossible to understand social dialogue in Morocco without analysing the constraints under which the unions function. Limits on grassroots organising and mobilising

resulting from patterns of state action and inaction, in fact, contributed to making the Moroccan trade unions less representative of the working class as a whole. *Internal democracy* in most unions has historically been weak, with SGs remaining in place for decades and basic regulations being often disregarded.<sup>66</sup> The regime contributed to this situation indirectly, through constraints on *civil and political rights*, limiting the scope for political opposition and working-class mobilisations. Compared to Hassan II's Years of Lead, these limits decreased significantly under Mohammed VI, but they have far from disappeared.

A crucial obstacle to the democratisation of Moroccan trade unionism is the repression of rank-and-file *workplace organisation and representation*. Morocco's legal framework on the matter is relatively advanced<sup>67</sup> but scarcely applied. While, in the public sector, workers' representation is still regulated by the 1959 legislation with its Joint Administrative Commissions, in the private sector the Labour Code instituted a dual representation system of workers' delegates and union representatives.<sup>68</sup> The Labour Code mandates the recognition of union representatives from the most representative unions in all firms with 100 or more employees (Art. 470). However, the vast majority of Moroccan firms are small enterprises with less than 100 employees.<sup>69</sup> Moreover, at firm-level a union reaches the 'most representative' status only if it gathers 35% of the workers' delegates, which is not easy in practice. Therefore, most workplace union representatives are not actually covered by the protections of Articles 470-474. In fact, Morocco has not yet signed ILO's 87 Convention on Freedom of Association and Protection of the Right to Organise, which safeguards workplace union rights.

The width of the gap between formal rules and realities on the ground is often stressed. In fact, violations of labour legislation are severe and systematic in much of the private sector and sometimes reported in the public sector too.<sup>70</sup> This exchange between a CDT leader and the author is quite representative of the dominant view among labour activists:



CDT: What is stronger? A collective agreement or the law?

LF: The law.

CDT: So, as in Morocco the laws are not respected, what's the point in having collective agreements if they will not be respected by the employers? The Constitution, the Labour Code, the collective agreements are to no avail. When the employers are strong they apply their own law.

There are private sector firms in which workplace unions have a stable presence, especially multinational companies and large Moroccan-owned factories created before the neoliberal phase. Yet, in most cases, the employees avoid creating workplace unions, especially militant ones, because a very common reaction to that is the simple dismissal of the unionised workers. Discrimination in promotions and transfers of militant trade unionists are also often reported. The interviewees interrogated on the role of the Labour Inspection see it as often ineffective. Another problem is that, even when the Labour Inspection drafts reports that are favourable to the workers, the courts might not process them, or the sentences might not be enforced.

The interviewees interrogated on the subject perceived that the workers' delegates usually have scarce leverage. This is confirmed by an official report:

Collective representation through the Enterprise Committees and the Safety and Hygiene Committees remains for the most part purely symbolic and ineffective. The opinions gathered in the interviews point at the limited powers of these organs, at the incompetence of many delegates, and at the excessive distrust towards collective representation by employers and HR managers.<sup>71</sup>

Unlike union representatives, the workers' delegates do not have the power to carry out *collective bargaining*. Yet, officially recognised union representation exists in a very small minority of the private sector. This contributes to explaining the low level of collective bargaining coverage – 5-10%<sup>72</sup> – despite the fact that the Labour Code encourages it (Art. 92-103).

The Labour Code leaves the regulation of the constitutional *right to strike* to an organic law, which has not been promulgated until today. Meanwhile, Article 288 of the Penal Code, which can be interpreted as criminalising strikes, remains unreformed despite the social dialogue engagements to amend it. The application of the right to strike thus still depends on the balance of power on the ground. When a labour conflict is taken to court, the judge can either prioritise the right to strike as granted by the Constitution or Article 288 of the Penal Code and Article 39 of the Labour Code (which states that the unjustified refusal to perform one's tasks is punishable with dismissal). Whether backed by a court or not, the dismissal of private sector workers for striking is reported as very common. Therefore, often private sector workers only join unions or wage strikes when their situation becomes so poor that the risk of losing the job is seen as preferable to continuing under the existing conditions, or when that risk already exists because a mass layoff is in sight. As the Ministry of Employment reported to the press, most strikes were called merely to demand the application of the labour legislation (*La vie éco*, October 16, 2009).

In sum, during the neoliberal phase, the regime was faced with financial pressures from above towards economic restructuring and persistent challenges from below in the form of strikes, riots and electoral mobilisations. To withhold material concessions from the workers without persisting in a dangerous reliance on extreme repression, the regime included the unions in social dialogue while continuing to curtail rank-and-file workplace activism. This resulted in a marked detachment between the working class and the union officialdom. In 2015,

Morocco's union density was 6% of the waged population and 3.2% of the employed population.<sup>73</sup> Additionally, it was estimated that membership fees constituted only a minority, 10-15%, of the Moroccan unions' budget (*La vie éco*, February 14, 2017). These trends – increasing organisational inducements to the unions accompanied by declining substantial inducements to most workers and enduring constraints on workplace organisation – and the outcome of reduced union representativeness would be completely obliterated if an analytical distinction between workers and unions were not maintained.

## **Conclusion**

Despite its indisputable merits, important literature on Maghribi trade unionism overemphasised the significance of the formal institutional framework and underestimated the relevance of class struggles and class power as elements that transcend the unions themselves and their institutionalised relations with the state. This does not mean that institutions are unimportant, but it invites us to think about alternative perspectives to theorise them, and to carry out empirical research accordingly. The approach proposed here acknowledges the relative autonomy of workers from union officials and vice versa. To do so, it places an emphasis on the constituent role of class struggles and it disaggregates state substantial inducements – targeting workers – from organisational inducements – targeting union officials.

This framework is more adequate to understand the pressures on union cadres coming from below (unionised and non-unionised workers) and from above (the state and capital), and to consider internal divergences within the unions themselves. It allows for a more complex appreciation of labour-state relations, not as unions-state relations, but as workers-unions-state-capital relations. It is thus possible to understand, on the one hand, how the unions – as part of such institutional systems – cannot be unproblematically seen as mere proxies for the working class, and, on the other hand, how labour institutions can at times be unsettled and transformed

in unforeseeable and conflictual ways. These insights could be tested beyond Morocco to provide, for example, an analytical framework for the role of the trade unions as sites of struggle in the current popular mobilisations in Algeria, Lebanon and Sudan, where state attempts to co-opt the unions in different ways are being challenged by workers' militancy from below.

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## Notes

- 1 See Fine and Saad-Filho, "Thirteen Things about Neoliberalism".
- 2 When applicable, labour-based political parties are added to the equation.
- 3 Rueschemeyer, Stephens, and Stephens, *Capitalist Development and Democracy*.
- 4 Collier, *Paths toward Democracy*.
- 5 See Beinin and Lockman, *Workers on the Nile*; Brenner, Brenner, and Winslow, *Rebel Rank and File*.
- 6 See Alexander, "Between Accommodation and Confrontation"; Benallegue, "Mouvement syndical en Algérie"; Benamrouche, *Grèves et conflits politiques*; Branine *et al.*, "Employee Relations in Algeria".
- 7 See Belaïd, "Conflits du travail"; Ben Hamida, *Capitalisme et syndicalisme*; Hamzaoui, *Pratiques syndicales*; Khiari, *Reclassements et recompositions*; Kraiem, *La classe ouvrière tunisienne*; Sraieb, *Le mouvement ouvrier maghrébin*.
- 8 Alexander, "Between Accommodation and Confrontation"; Bellin, *Stalled Democracy*; Liauzu, *Salariat et mouvement ouvrier*.
- 9 Ayache, *Mouvement syndical au Maroc*; Catusse, "Question syndicale au Maroc"; Forst, "Labor and Traditional Politics"; Moore, *Politics in North Africa*.
- 10 Abouhane, "Mouvements syndicaux, émeutes urbaines"; Ben Seddik, "La grève", *Syndicalisme et politique*; Benhlal, "Syndicat comme enjeu politique"; Bouharrou, *Le système marocain*; Menouni, *Syndicalisme ouvrier au Maroc*.
- 11 Ben Seddik, *Syndicalisme et politique*.
- 12 Bellin, *Stalled Democracy*, 147–149.
- 13 *Ibid.*, 89–120.
- 14 *Ibid.*, 136.
- 15 *Ibid.*, 140.
- 16 See Beinin, *Workers and Thieves*; Feltrin, *Between the Hammer and the Anvil*; Yousfi, *Unions and Arab Revolutions*.
- 17 While this *thèse d'état* was published in 2014, the vast majority of it was conceived and written before 2011.
- 18 Hamzaoui, *Pratiques syndicales*, 6. Translated from French by the author.
- 19 *Ibid.*, 10. Translated from French by the author.
- 20 The statement that something is in someone's interest, as opposed to actually expressed preferences, is not an empirical description but a political proposition and, when acknowledged as such, it is understood as an attempt to persuade and not as an accusation of 'false consciousness'. Thus, while there must be a relationship between preferences and interests for claims about the latter to be credible, the two are distinct.
- 21 For a more in-depth discussion of class and class interests, see Feltrin, *Between the Hammer and the Anvil*, 55–63.
- 22 Clarke, "Class Struggle and the Working Class", 56.
- 23 For a discussion of the convergences of interests between secure and precarious workers, see also Wright, "Is the Precariat a Class?".
- 24 Hyman, *Industrial Relations*, "Workplace Trade Unionism".
- 25 Michels, *Political Parties*.
- 26 Darlington and Upchurch, "Rank-and-File versus Bureaucracy Debate".
- 27 Camfield, "Trade Union Bureaucracy".
- 28 Hyman, *Industrial Relations*, 68 (italics in the original).
- 29 Collier and Collier, "Inducements vs. Constraints", 968.
- 30 *Ibid.*, 969 (my italics).
- 31 *Ibid.*, 980.
- 32 See Monjib, *La monarchie marocaine*.

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33 See Benjelloun, *Amra' ennuzeat*.

34 See Benjelloun, "Lettre de Omar Benjelloun".

35 Monjib, *La monarchie marocaine*, 288–289.

36 See Bazwi, *L'UMT*.

37 Vermeren, *Maroc de Mohammed VI*, 278–279.

38 It is likely that Mahjoub Ben Seddik had suspected the shady practices of his vice-SG. After all, Ben Seddik had himself turned some real estate assets of the UMT into his personal property (*Al-Massae*, February 23, 2012).

39 Benhlal, "Syndicat comme enjeu politique", 237.

40 CDT, *El-Kunfederaliyya Eddimuqratiyya Lil-Shoghl*, 38.

41 See Abouhani, "Mouvements syndicaux, émeutes urbaines".

42 The pretext for the conviction was that, in an interview to *El País* published on 11 March 1992, Amaoui had denounced pervasive corruption and called the ministers 'a gang of thieves'. However, the CDT leaders claim that the real reason was another interview, published in February 1992 by *Hourriyat Al-Mowaten*, in which the trade unionist opined that the King should 'reign but not rule'.

43 See Catusse, "Question syndicale au Maroc".

44 However, as the 1996 Declaration was only partially implemented, on 29 October 1997 the CDT and the UGTM carried out another general strike demanding its application.

45 In the 1990s, Mounasser was the main figure in the drive to organise the Agadir fishermen, who worked under extremely precarious and hard conditions. Yet, on 27 May 1997, Mounasser disappeared and four days later his tied-up body was found in the waters of the Agadir Port. The responsibility for the assassination was never legally proved, but Mounasser's family and comrades hold that the involvement of the police is self-evident. See also the documentary "Mounasser: Marin, syndicaliste et militant ouvrier révolutionnaire" by Miriam Atif, Omar Radi, and Souad Guennoun (<https://www.youtube.com/watch?v=42wEcIZ7C2c&t=38s>).

46 The term 'semi-authoritarian' does not mean to understate the limits on political and civil rights enforced by the regime, nor to suggest that Morocco entered a phase of 'democratic transition'. It merely indicates a difference of degree in authoritarianism relative to the post-independence phase.

47 HCP, "Activité, emploi et chômage 2010".

48 HCP, "Activité, emploi et chômage 1999", "Activité, emploi et chômage 2010".

49 HCP, "Activité, emploi et chômage 2010".

50 See also El Said and Harrigan, "Economic Reform, Social Welfare", 110.

51 In Marxist economics, the relative wage refers to the share of wages versus the share of profits in the GDP.

52 See Catusse, *Les temps des entrepreneurs ?*, 83–125.

53 Calculated by the author based on *Haut-Commissariat au Plan* (HCP) data.

54 Calculated by the author based on HCP data.

55 Royaume du Maroc, *50 ans de développement*.

56 Royaume du Maroc, "Politiques sociales au Maroc".

57 See Catusse, "Un fragile État social".

58 Boudahrain, *La sécurité sociale*, 124.

59 *Ibid.*, 212.

60 CNSS, *Régime de sécurité sociale*, 10.

61 The *Assurance Maladie Obligatoire* is funded by social security contributions while the *Régime d'Assistance Médicale* is funded through the state budget to cover those who do not have sufficient contributions. The former was activated in 2005 and the latter in 2011.

62 HCP, "Activité, emploi et chômage 2010".

63 See Catusse, "Un fragile État social".

64 CDT, *Dialogue social au Maroc*. Translated from French by the author.

65 All interviews were conducted in French and translated by the author.

66 See Feltrin, "Labour and Democracy".

67 Article 9 of the Labour Code protects union freedoms in the workplace and forbids anti-union discrimination. Article 36 confirms that union membership and activism are not valid motivations for dismissals and disciplinary measures.

68 Workers' delegates should be present in all firms employing ten or more employees (Art. 430) and they have the right to discuss with the employer individual grievances and summon the Labour Inspection if such grievances cannot be resolved (Art. 432 and 460).

69 In 2010, only 6% of the employed population worked in firms with 50 or more employees (HCP, "Activité, emploi et chômage 2010").

70 The most frequent violations reported are wage arrears, the non-payment of social security contributions, forced and unpaid overtime, lack of paid holidays, disregard of health and safety norms, lack of due process concerning work accidents, irregularities in dismissals, and violations of union freedoms and the right to strike.

71 Conseil Économique et Social, "Prévention et résolution amiable". Translated from French by the author.

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<sup>72</sup> European Commission, “Social Dialogue in Morocco”.

<sup>73</sup> HCP, “Activité, emploi et chômage 2015”.

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