

LAWS

Law No. 23-02 of 5 Chaoual 1444 corresponding to April 25, 2023 relating to the exercise of trade union rights.

The president of the Republic,

Having regard to the Constitution, in particular its articles 69, 70, 139-18, 141 (paragraph 2), 143, 144 (paragraph 2), 145 and 148;

Having regard to the convention of the International Organization of Labor No. 87 relating to freedom of association and the protection of the right to organize, adopted by the International Labor Conference, in its thirty-first session, in San Francisco, on July 9, 1948, ratified by the instrument of accession of the Government, October 19, 1962;

Having regard to the convention of the International Organization of Labor No. 98 concerning the application of the principles of the right to organize and collective bargaining, adopted by the International Labor Conference, in its thirty-second session, in Geneva, on July 1, 1949, ratified by the Instrument of accession of the Government, October 19, 1962;

Having regard to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly on December 16 1966, in particular its article 8, ratified by presidential decree no. 89-67 of May 16, 1989;

Having regard to the convention of the International Organization of Labor No. 135 concerning the protection of workers' representatives in the company and the facilities to be granted to them, adopted in Geneva on June 23, 1971, ratified by Presidential Decree No. 06-58 of 12 Moharram 1427 corresponding to February 11, 2006 ;

Having regard to the convention of the International Organization of Labor No. 144 concerning tripartite consultations intended to promote the implementation of international labor standards, adopted in Geneva on June 21, 1976, ratified by Presidential Decree No. 92-248 of June 13, 1992;

Considering organic law n° 12-05 of 18 Safar 1433 corresponding to January 12, 2012 relating to information;

Considering Ordinance No. 66-155 of June 8, 1966, modified and supplemented, relating to the code of criminal procedure;

Considering Ordinance No. 66-156 of June 8, 1966, modified and supplemented, relating to the penal code;

Considering Ordinance No. 75-58 of September 26, 1975, modified and supplemented, relating to the civil code;

Having regard to law n° 81-10 of July 11, 1981, amended, relating to the employment conditions of foreign workers;

Considering Law No. 90-02 of February 6, 1990, amended and supplemented, relating to the prevention and settlement of collective labor conflicts and the exercise of the right to strike;

Considering Law No. 90-03 of February 6, 1990, amended and supplemented, relating to labor inspection;

Considering Law No. 90-04 of February 6, 1990, amended and supplemented, relating to the settlement of individual work conflicts;

Considering Law No. 90-11 of April 21, 1990, amended and supplemented, relating to labor relations;

Considering Law No. 90-14 of June 2, 1990, amended and supplemented, relating to the modalities of exercising the right to organize;

Considering Legislative Decree No. 94-09 of 15 Dhou El Hidja 1414 corresponding to May 26, 1994 relating to the preservation of employment and the protection of employees likely to involuntarily lose their jobs;

Considering Law No. 05-01 of 27 Dhou El Hidja 1425 corresponding to February 6, 2005 relating to the prevention and fight against money laundering and the financing of terrorism;

Considering Ordinance No. 06-03 of 19 Joumada Ethania 1427 corresponding to July 15, 2006, supplemented, relating to the general status of the civil service;

Considering law n° 07-11 of 15 Dhou El Kaâda 1428 corresponding to November 25, 2007 relating to the financial accounting system;

Considering Law No. 08-09 of 18 Safar 1429 corresponding to February 25, 2008, modified and supplemented, relating to the code of civil and administrative procedure;

Having regard to law n° 08-11 of 21 Joumada Ethania 1429 corresponding to June 25, 2008 relating to the conditions of entry, stay and movement of foreigners in Algeria;

Considering law n° 11-10 of 20 Rajab 1432 corresponding to 22 June 2011, modified and supplemented, relating to the municipality;

Considering law n° 12-07 of 28 Rabie El Aouel 1433 corresponding to February 21, 2012 relating to the wilaya;

After advice from the Council of State,

After adoption by Parliament,

Promulgates the law whose content follows:

TITLE I

GENERAL PROVISIONS

Chapter 1

Purpose and scope

Article 1. — The purpose of this law is to define the provisions and principles relating to the constitution of trade union organizations, freedom of association and the exercise of the right to organize.

Art. 2. — The provisions of this law apply to employers and salaried workers, whatever the legal nature of their employment relationship, as well as to public agents working within public institutions and administrations, whatever their status. or the legal nature of their employment relationship.

Salaried workers in the national defense and national security sector are governed by specific provisions.

Art. 3. — The provisions of this law apply to trade union organizations, without prejudice to the requirements specific to federations and confederations.

Chapter 2

Definitions

Art. 4. — For the purposes of this law, we mean:

Salaried worker: any natural person who provides manual or intellectual work for remuneration, under the direction and authority of another natural or legal person, public or private, called an "employer".

This definition also concerns public agents, which includes personnel with the status of civil servant, incumbent or trainee, as well as contractual agents working within public institutions and administrations.

Employer: any natural or legal person, public or private, who produces goods and/or provides services, employing one or more natural persons on its own account, in return for remuneration.

Employing organization: any company, whatever its legal status, any public institution and administration where the general status of the civil service or a specific status applies, any organization with specific management, as well as any production or sale unit of goods and/or services where salaried workers are employed on behalf of a natural person.

Separate workplace: an organizational unit in which work objectives are pursued independently and workers are placed under the direct or indirect control of the employer.

Profession or trade: activity of the same nature carried out individually or collectively by qualified people in a specific field, providing them with remuneration or income.

Basic union organization: group of workers or employers from the same profession, branch or sector of activity, to defend the common interests of their members.

Federation: union of basic trade union organizations same profession, branch or sector of activity.

Confederation: union of basic trade union organizations and/or federations of the same profession, branch or sector of activity or covering several professions, branches or sectors of activity.

Union organization: designates the basic union organization, the federation and/or the confederation.

Representative trade union organization: trade union organization of workers or employers which meets a certain number of criteria determined by this law.

Union section: group of members of a representative union organization, within the same employer organization or its separate workplaces.

Union delegate: salaried worker, elected in his capacity as representative of a representative union organization, within the employing body.

Permanent: salaried worker holding a union mandate called by his union organization, within the framework of a secondment, to fully exercise a union function at the level of its management and/or administrative bodies.

Competent administrative authority: authority having received, in accordance with this law, the power to issue the receipt of registration of the declaration of constitution of the trade union organization. This is the minister responsible for labor or the territorially competent wali, depending on the vocation of the trade union organization, national or local.

TITLE II

FREEDOM OF UNION AND PROTECTION OF THE EXERCISE OF TRADE UNION RIGHTS

Chapter 1

Protection of freedom of association

Art. 5. — The exercise of the right to organize is recognized for workers and employers in all companies in the economic sector, public institutions and administrations as well as in any organization whatever its status while respecting the rights and freedoms guaranteed by the Constitution, in particular, individual and collective freedom of work.

It is prohibited to form trade union organizations on the basis of considerations which undermine national unity, values, national constants and the provisions provided for by the Constitution.

Art. 6. — Salaried workers and employers, without distinction of any kind, may freely and voluntarily join a trade union organization of their choice within the framework of their profession. They may also withdraw from the trade union organization of which they are a member, in accordance with the procedures established by its statutes.

Art. 7. — The employer is required to treat workers' union organizations equally.

He must, in particular, refrain from any interference in the functioning of the management and/or administrative bodies of trade union organizations and during professional elections in which the law involves these organizations.

Measures tending to provoke the formation of workers' union organizations or to support them by financial means or by any other means, with the aim of placing these organizations under the control of the employer, are considered acts of interference.

Art. 8. — It is prohibited for any natural or legal person to interfere in the functioning of a trade union organization, except in cases expressly provided for by law.

Art. 9. — Combination is prohibited between the mandate of member of a management and/or administrative body of the trade union organization, in accordance with its status, and the exercise of a function of authority within the union. employing organization.

Art. 10. — Employing organizations are prohibited from taking into consideration the membership or non-membership of a trade union organization of salaried workers or the exercise of trade union activity, in decisions relating to recruitment, advancement, promotion, transfer, professional training, remuneration, granting of social benefits, and disciplinary measures.

Art. 11. — It is prohibited for any employer to exert, in the workplace, on workers pressure, threats or discriminatory practices, with the effect of hindering the exercise of the right to organize or of inciting behavior hostile to the union organization, its members and its activities.

Chapter 2

Independence of trade union organizations

Art. 12. — Trade union organizations are independent in their operation and are distinct by their object and name from any political party.

Trade union organizations are prohibited from maintaining structural and functional relations with political parties, nor from receiving support from them through financial means or other advantages, under penalty of the application of the provisions provided for in articles 62 and 65. of this law.

Cumulation is prohibited between the mandate of a member of a management and/or administrative body of a trade union organization and the exercise of a mandate in the governing bodies of a political party, in accordance with their statutes. .
However, members of the trade union organization are free to join political parties individually.

Art. 13. — The founding members and/or leaders of trade union organizations must observe neutrality and refrain from declaring their support for political parties and any political personality.

Art. 14. — Trade union organizations are prohibited from carrying out political activities, under penalty of the application of the provisions relating to dissolution, provided for by this law.

Art. 15. — Every trade union organization must develop and adopt a charter of ethics inherent to the activity carried out by its members which they cannot infringe.

The statutes and internal regulations of trade union organizations must contain provisions providing for independence with regard to any political party, association or pressure group and the separation of trade union activity from political activity, with the exception of social and economic areas.

TITLE III

LEGAL STATUS OF UNION ORGANIZATION

Chapter 1

Purpose, rules of constitution and membership of the trade union organization

Art. 16. — Trade union organizations aim to protect and defend, by all legal means, the economic and social, material and moral, individual and collective interests of the members covered by their statutes.

Art. 17. — Trade union organizations have the duty to favor social dialogue in their relations, at all levels, and to promote peaceful means of conflict resolution and to preserve the material and moral interests of salaried workers and those of employers.

Art. 18. — Basic trade union organizations, federations and confederations have the right to join international, continental and regional trade union organizations, which pursue the same or similar goals, with respect for national unity, values and national constants and the legislative and regulatory provisions in force and according to the conditions provided for in article 58 below.

Section 1

Constitution of basic union organizations

Art. 19. — Salaried workers and employers have the right to freely establish basic trade union organizations of their choice.

Art. 20. — Every salaried worker and every employer has the right to join, freely and voluntarily, registered basic trade union organizations, on the sole condition of complying with their statutes.

Art. 21. — The membership criteria must be determined so as not to hinder the right to join a trade union organization.

Membership of a basic trade union organization is acquired upon signature, by the interested party, of an act of membership. A membership card is issued to him.

Section 2

Constitution of federations and confederations

Art. 22. — Union organizations of salaried workers and employers, legally constituted, may come together in federations and confederations.

Art. 23. — The trade union organization has the right to join the existing federation or confederation that it chooses on the sole condition of complying with its statutes.

Art. 24. — Membership in a federation or confederation is made by a written declaration from the trade union organization concerned and the delivery of a certificate by the authorized body of the federation or confederation to this trade union organization.

The competent administrative authorities are, obligatorily, informed by the trade union organization of any new membership in a federation or confederation and of any withdrawal thereof.

Art. 25. — Federations and confederations have the same rights and obligations as those applicable to basic trade union organizations and are subject, in the exercise of their activities, to the provisions of this law.

Art. 26. — The federation is made up of at least three (3) basic trade union organizations of employees or employers, legally constituted in accordance with the provisions of this law.

Art. 27. — The confederation is made up of at least two (2) federations or at least five (5) basic trade union organizations of employees or employers, legally constituted in accordance with the provisions of this law.

Chapter 2

Procedures for establishing trade union organizations

Art. 28. — To constitute a trade union organization, the persons cited in article 2 above must meet the following conditions:

- enjoy their civil and civic rights;
- be of age;
- carry out an activity related to the purpose of the union organization.

Art. 29. — The trade union organization is formed following a constitutive general meeting bringing together its founding members, which is recorded by a bailiff.

Art. 30. — Any declaration of constitution of a basic trade union organization with a national vocation must bring together, at least, thirty (30) founding members, from at least thirty (30) wilayas, distributed in a balanced manner throughout the country. National territory.

For trade union organizations with a territorial vocation, the minimum number is set, in a balanced manner, as follows:

— ten (10) founding members for inter-wilayal organizations, from at least three (3) wilayas;

— eight (8) founding members for organizations with a wilaya vocation, from at least two (2) municipalities;

— five (5) founding members for organizations with a municipal or intercommunal vocation, from at least two (2) municipalities.

Art. 31. — The file for the declaration of the constitution of a basic trade union organization of a federation or confederation is filed by one of the founding members duly authorized, for this purpose, by his peers, subject to a receipt of filing with:

— the minister responsible for labor, for organizations unions with an inter-wilayal or national vocation;

— of the wali of the wilaya of the headquarters, for trade union organizations with a municipal, intercommunal or wilaya vocation.

Art. 32. — The declaration of constitution of a basic trade union organization of salaried workers or employers is accompanied, under penalty of nullity, by a file including:

— the nominative list of the founding members and the management and/or administrative bodies including marital status, profession, social security affiliation numbers, address and signature;

— two (2) copies of the statute signed by at least two (2) founding members including the first person responsible for the union organization;

— a copy of the minutes of the constitutive general meeting of the trade union organization, drawn up by a bailiff;

— the document justifying the existence of the headquarters of the basic union organization.

Art. 33. — The declaration of constitution of a federation or confederation of trade union organizations of employees or employers is accompanied, under penalty of nullity, by a file including:

— copies of the registration receipts of the trade union organizations that make them up;

— the nominative list of the founding members of the management and/or administrative bodies including marital status, profession, social security affiliation numbers, address and signature;

— copies of the minutes of the general meetings of the member trade union organizations, declaring their desire to constitute a federation or a confederation, established by bailiffs;

— two (2) copies of the statute of the federation, or the confederation, signed by, at least, two (2) members of the founding union organizations including the first head of the union organization;

— a copy of the minutes of the constitutive general meeting of the federation or confederation, drawn up by a bailiff;

— the document justifying the existence of the headquarters of the federation or confederation.

Art. 34. — The trade union organization is declared constituted after:

— filing of the declaration of incorporation file with the competent administrative authority;

— delivery of a receipt of registration of the declaration of incorporation by the competent administrative authority, at the latest, thirty (30) working days after submission of the file;

— completion, at the expense of the union organization, of advertising formalities in, at least, one (1) national daily newspaper in the national language.

Art. 35. — The declaration of constitution of the trade union organization provided for in articles 32 and 33 above, is recorded in a register kept by the competent administrative authority, listed and initialed by the president of the territorially competent court, in which are entered the number and date of registration, the name of the trade union organization concerned, the address as well as the first and last names of the founding members and the date of delivery of the receipt of declaration of incorporation.

The absence of a response from the competent administrative authority, at the end of the period mentioned in article 34 above, constitutes registration of the trade union organization, the registration receipt is issued to it within a period not exceeding eight (8) business days.

Art. 36. — In the event of non-compliance with the provisions of this law, the declaration of incorporation is not registered by the competent administrative authority, the reservations are notified to the founding members having filed the file to comply with the law within the time allowed.

In this case, the file for the establishment of the trade union organization is suspended until the reservations are lifted and the file is brought into compliance with the provisions of this law.

Upon submission of the compliant file, a receipt for registration of the declaration of incorporation is issued within eight (8) working days.

Chapter 3

Statute and internal regulations of the trade union organization

Art. 37. — Basic trade union organizations, federations and confederations are subject to the same rights and obligations in terms of status.

Art. 38. — Basic trade union organizations, federations and confederations freely draw up their statutes and internal regulations. The statutes must set out, under penalty of nullity, in particular the following provisions:

— the object, name and headquarters of the trade union organization concerned;

— the categories of members concerned, in accordance with article 2 above;

— the professions, branches or sectors of activity concerned;

— the territorial jurisdiction of the trade union organization;

— the rights and obligations of members;

— rules for membership, withdrawal and exclusion;

— the rules concerning the organization and responsibilities management and/or administrative bodies;

— the rules of creation, organization, operation as well as the responsibilities of the union sections;

— the rules for the election and renewal of members of the management and/or administrative bodies, as well as the duration of their mandates;

— the rules relating to the separation between trade union activity and political activity, without prejudice to the provisions of Articles 12 and 15 above;

— the rules providing for the prohibition of the combination of the mandate of member of a management and/or administrative body of the trade union organization and the exercise of a function of authority within the employing body;

— the rules relating to the convening and operation of management and/or administrative bodies;

— administrative control rules and procedures and financial of the union organization;

— the rules and procedures for approving the accounts of union organization;

— the rules for determining the amount of contributions requested from members;

— the modalities of representation of women and young people in the management and/or administrative bodies of the trade union organization;

— the procedures for appointing representatives of union organization within the union council;

— the modalities for resolving internal conflicts and deadlock situations in the functioning of the trade union organization;

— the general rules for exercising disciplinary power within union structures;

— procedures for modifying the status of union organization and approval;

— the rules defining the procedures for voluntary dissolution of the trade union organization and those relating to the devolution of its assets.

Art. 39. — Basic trade union organizations, federations and confederations are required to make known, within thirty (30) working days following the decisions taken, to the competent administrative authorities, all modifications made to their statutes, noted by a bailiff.

The competent administrative authorities acknowledge receipt, within thirty (30) working days, from the date of receipt of these modifications, after verification of their compliance with the provisions of this law, the statute and the internal regulations governing the union organization.

Modifications and changes made to the statutes are only enforceable against third parties from the day of their publication in, at least, one national news daily in the national language.

Art. 40. — The statute must guarantee to every member of the trade union organization the right to participate in its management and/or administrative bodies, at all levels and encourage the participation of women and young people.

It must also guarantee broad deliberation within the management and/or administrative bodies on important decisions, particularly those relating to the strike.

Art. 41. — It is prohibited to introduce into the statutes of trade union organizations any discrimination between members likely to infringe their fundamental freedoms, in particular their freedom of association.

Art. 42. — Disputes of any nature between members of the trade union organization or between its structures fall under the competent jurisdiction, without prejudice to the provisions of article 38 above, indent 18.

Art. 43. — The internal regulations of the trade union organization are intended to supplement or clarify the provisions of its statute, in particular the measures concerning the functioning of the management and/or administrative bodies, the procedures for admitting members, the loss of membership, voting procedures, member contributions and members' relations with the management and/or administrative bodies of the trade union organization.

A copy of the internal regulations is sent to the authority competent administrative authority.

Chapter 4

Moral personality, resources of the union organization and rights and obligations of its members

Section 1

Moral personality

Art. 44. — The trade union organization acquires legal personality, from the day of the declaration of its constitution, in accordance with the provisions of article 34 above. It has, in particular, the right:

— to represent its members vis-à-vis third parties and public authorities and administrations;

— to conclude any contract and agreement relating to its subject;

— to acquire, free of charge or for consideration, goods movable or immovable property for the exercise of its activities;

— to take legal action before the competent courts for facts relating to its subject matter, in particular those having harmed the interests of the trade union organization and the collective and individual interests of its members.

Art. 45. — The movable and immovable property of the trade union organization devoted to its meetings and its training activities are exempt from seizure in accordance with his status.

Section 2

Resources and heritage

Art. 46. — The resources of the union organization are constituted by:

- the contributions of its members;
- income linked to its activities;
- donations and legacies;
- any subsidies from the State and local authorities.

Art. 47. — The income linked to the activities of the trade union organization is used exclusively for the achievement of its purpose as defined in article 16 above.

Art. 48. — In addition to carrying out their own activity, trade union organizations may carry out the following related activities:

- union and managerial training;
- the publication of journals and documents in any medium;
- the organization of congresses, seminars, conferences, conferences and information and awareness days.

They can also publish periodicals or magazines, related to their subject, in compliance with the legislation and regulations in force, in particular the organic law relating to information.

Trade union organizations are prohibited from carrying out any commercial or real estate activity with the exception of rentals of real estate by their nature and related activities cited in paragraph 1 above.

Art. 49. — The trade union organization is prohibited from receiving donations and legacies with charges and conditions unless they are compatible with the objectives assigned by its statute and with the provisions of this law.

Donations and legacies from trade union organizations or foreign or national organizations are only admissible after prior agreement from the competent administrative authorities who verify their origin, amount, and compatibility with the goals assigned by the statute of the union organization and the constraints they can impose on them.

The trade union organization must keep a special register, listed and initialed, in which the origin, amount and nature of donations and bequests are recorded.

Art. 50. — The accounts of trade union organizations are kept in commercial form, in accordance with the legislation and regulations in force.

Art. 51. — The opening of a bank or postal account of the trade union organization is subject to compliance with the following procedures:

- the agreement of the management and/or administrative body which designates the persons authorized and mandated to manage the account of the trade union organization and the choice of the banking or postal establishment;

- communication of the bank or postal identification number to the competent administrative authority for possible benefit of subsidies;

- delivery of a copy of the union organization's registration receipt and the minutes designating the members responsible for managing the bank or postal account at the banking or postal establishment.

Art. 52. — Trade union organizations are required to provide annually to the competent administrative authority the moral and financial reports adopted by the general assembly.

The financial statement must be certified by the auditor.

Section 3

Rights and obligations of members

Art. 53. — Members of a trade union organization have the same rights and are subject to the same obligations set by the legislation in force, the statutes and the internal regulations of the said organization.

Art. 54. — Any member of a trade union organization has the right to participate in the management and/or administrative bodies, in accordance with the provisions of this law, its statutes and its internal regulations.

The management and/or administration of an organization union, is subject to the following conditions:

- be a member of the trade union organization;
- be at least twenty-one years old (21 years old);
- enjoy their civil and civil rights;

- not have been the subject of a conviction involving a custodial sentence linked to an offense incompatible with trade union action;

- demonstrate professional qualifications and/or a level of education;

- demonstrate union training and/or training in labor law.

Art. 55. — In addition to the conditions provided for in article 54 above, the head of the trade union organization must be of Algerian nationality.

Foreign employees or employers belonging to a trade union organization may be members of the management and/or administrative bodies of a trade union organization, in compliance with the provisions relating to the conditions of candidacy and according to its statutes and internal regulations, within the limit of 30% of its members, if they:

- have legally resided in Algeria for three (3) years, at least;

- have valid work permits for salaried workers or documents supporting an industrial, commercial, artisanal or liberal activity for employers, issued by the competent public services.

Art. 56. — The management and administrative bodies of the trade union organization are elected and renewed according to democratic rules and at set deadlines, in accordance with its statutes and its internal regulations.

The term of office of members of the management and/or administrative bodies must not exceed five (5) years, renewable only once (1).

They cannot hold more than two (2) consecutive or separate union mandates during their union career in the same union organization.

The renewal of the management and/or administrative bodies of the trade union organization is recorded in a report drawn up by a bailiff.

Art. 57. — Trade union organizations of salaried workers may benefit from subsidies from the State and local authorities.

Subsidies are awarded to the union organization on the basis, in particular, of the following criteria:

- union representativeness;
- the contribution to the promotion of collective negotiation for the conclusion of collective labor agreements and agreements and to the prevention of conflicts;
- the contribution to national programs of economic, social and environmental development;
- transparent financial management.

Subsidies from the State and local authorities are granted in support of study, publication or training programs initiated by trade union organizations in relation to their purpose and the objectives assigned by their statutes.

Art. 58. — Trade union organizations are required to inform the competent administrative authority of their membership in international, continental and regional trade union organizations which pursue the same or similar goals, within fifteen (15) working days following the membership.

Trade union organizations freely appoint their representatives to all the work to which they are invited, including the work of international labor institutions.

Art. 59. — Trade union organizations are required to communicate, every three (3) years, to the competent administrative authority with which they have registered, statistical indicators making it possible to identify the unionized workforce in relation to the total workforce, for every workplace.

The content of each indicator as well as the general presentation method of the statistical report are fixed by regulation.

Art. 60. — The trade union organization is required to take out insurance to guarantee the consequences attached to its civil liability.

A copy of the insurance taken out is given by the trade union organization to the competent administrative authority, thirty (30) working days, maximum, after its legal constitution.

Art. 61. — Trade union organizations are required to respond to all requests and consultations addressed to them by the competent administrative authority.

Chapter 5

Suspension and dissolution of the trade union organization

Section 1

Suspension of the activity of the trade union organization

Art. 62. — Without prejudice to the legislative and regulatory provisions in force, the activity of a trade union organization may be suspended for a period not exceeding two (2) years by legal action before the competent court, at the request of the competent administrative authority, in particular in the following cases:

— carry out activities other than those provided for by the this law and by its statute;

— not complying with the legislative and regulatory provisions in force and those provided for by its statutes and internal regulations;

— do not request prior authorization from the competent administrative authorities;

— do not notify the competent administrative authority modifications to its status and internal regulations;

Art. 63. — In the event of finding one of the offenses cited in Article 62 above, the competent administrative authority sends a formal notice to the trade union organization in order to lift the reservations noted within the allotted time limits.

In the event of non-compliance with the formal notice, the matter is brought before the competent court which rules on the suspension by judgment enforceable on provision, notwithstanding any appeal.

Section 2

Dissolution of the union organization

Art. 64. — The dissolution of a trade union organization may be voluntary. It is pronounced by its members, in accordance with the rules and procedures provided for in its Status.

Art. 65. — The dissolution of the trade union organization may be carried out by judicial means before the competent court at the request of the competent administrative authority, in the following cases:

— violation of the provisions of this law relating to its subject matter;

— violation of the provisions of this law concerning its relations with political parties;

— absence of activity in an effective manner in relation to its purpose for (3) years;

— incitement to violence, threats, or other illegal behavior, by violating or attempting to violate workers' rights;

— refusal to comply with and execute judicial decisions;

— persistence in the use of illegal strikes having an impact on the continuity or functioning of the public service;

— repeated offenses which have already been the subject of a judicial suspension; — collection

of donations and legacies in violation of the provisions of this law.

When one of the cases mentioned above is noted, the competent administrative authority may, if necessary, send a formal notice to the trade union organization concerned in order to regularize its situation within the set deadlines.

The decision of the competent court relating to the dissolution of the trade union organization is provisionally enforceable, notwithstanding any appeal.

Art. 66. — In the event that the offense committed by the trade union organization is likely to constitute a disturbance of public order, the case may be brought by the competent administrative authority, before the competent court, to request the suspension of all activities at this organization.

The competent court pronounces any precautionary measure that it deems appropriate, until the judgment on the merits is pronounced.

Art. 67. — The property of the trade union organization, subject to dissolution, cannot, under any circumstances, be transferred to its members.

Subject to the provisions of the 1st paragraph above, its members may request the resumption of their real estate contributions in their state on the day of dissolution.

In all cases, the dissolution of the trade union organization entails the devolution of its other movable and immovable property, in accordance with its statutes, unless the competent court decides otherwise.

TITLE IV

REPRESENTATIVENESS OF ORGANIZATIONS UNION

Chapter 1

Assessment of union representativeness

Art. 68. — Basic trade union organizations, federations and confederations, legally constituted for at least one (1) year in accordance with the provisions of this law, are considered representative, under the conditions provided for in articles 73 to 77 below. below.

Art. 69. — Representativeness is obtained by a union organization by one of the two conditions:

- achieving a determined unionization rate;
- obtaining a defined electoral audience rate, during professional elections within the employing organization.

The representativeness of the trade union organization takes into account the financial transparency of its accounts and its political neutrality.

Art. 70. — The trade union organization and its affiliated members, whether or not it is representative, may act freely, through the dissemination of information and through appropriate actions, to attract new members, with the aim of achieving the representativeness or to increase their electoral audience.

Art. 71. — The workforce of the employing organization taken into consideration in the evaluation of union representativeness are those covered by the status of the workers' union organization, regardless of the legal regime of their employment relations, the type of employment contract, and whatever their entry and exit dates during the financial year in question.

Art. 72. — The list of basic trade union organizations, federations and confederations, registered by the competent administrative authority, is communicated to the general labor inspectorate and to the ministerial sectors concerned.

Chapter 2

Assessment of the representativeness of trade union organizations

Section 1

Representativeness of workers' union organizations

Art. 73. — Any trade union organization of workers meeting one of the following two criteria is deemed to be representative within an employer organization:

- have a number of members equal to at least 25%, of the total number of workers covered by its status;
- have obtained, in favor of its candidates, at least 25% of the votes cast, as the case may be, during the elections of staff representatives in employer organizations in the economic sector, or during the elections to constitute administrative commissions joint consultative disciplinary commissions, within public institutions and administrations.

The terms of application of the provisions of this article in public institutions and administrations are established by regulation.

Art. 74. — Any trade union organization of workers which brings together 25% of the total number of workers covered by its statute, in activity in one of these territories.

Art. 75. — Any trade union organization of workers which brings together 25% of the total number of workers as defined is deemed representative at the level of a profession, one or more branches or one or more sectors of activity. by his status.

Section 2

Representativeness of employer union organizations

Art. 76. — Any trade union organization, which brings together 25% of the total number of employers covered by its statute, is deemed representative on the territory of one or more municipalities, one or more wilayas or at the national level, in activity in one of these territories.

Art. 77. — Any trade union organization which brings together 25% of the total number of employers in the profession, branches or sectors of activity, as defined by its statute, is considered representative at the professional level.

Section 3

Most representative trade union organizations

Art. 78. — Are deemed the most representative, whether at the territorial or professional level, the basic union organizations, the federations and the confederations which bring together the highest number of members and having the most balanced distribution on the territories or in the professions considered, covered by their statutes.

Chapter 3

Justification of union representativeness

Art. 79. — The basic union organization of workers is required to justify its representativeness within an employer organization every three (3) years.

The starting point of this period is the date on which its representativeness was first established by the competent administrative authority.

The basic trade union organization must communicate to the employer and the wilaya labor inspector all elements of information relating to the criteria of representativeness, in the territory where the headquarters of the employing organization is located. , as defined by the provisions of article 73 above.

A document attesting that the elements of representativeness are met is issued by the wilaya labor inspector to the trade union organization concerned.

Art. 80. — Basic trade union organizations, federations and confederations of workers or employers, are required to justify their representativeness at the territorial or professional level, every three (3) years, to the competent administrative authority.

The starting point of this period is the date on which their representativeness was first established by the competent administrative authority.

A document attesting that the elements of representativeness are met is issued by the competent administrative authority to the trade union organization concerned.

Art. 81. — The trade union organizations cited in article 80 above are required to communicate, every three (3) years, via the online electronic platform, administered by the ministry responsible for labor, all elements of information allowing to assess their union representativeness, in particular:

— the social security registration number of each employee member, the number and date of their membership card and their contributions for basic trade union organizations, federations and confederations of workers;

— the social security registration number of each employer, the number and date of their membership card, their contributions as well as the number of their jobs for basic trade union organizations, federations and confederations of employers.

The terms of application of this article are set by regulatory route.

Art. 82. — Multiple memberships in union organizations of workers or employers are not taken into account in determining the union representativeness of each of the union organizations.

Art. 83. — Trade union organizations are not considered representative in the event of non-production of the elements of information allowing their representativeness to be assessed, within a period which cannot exceed three (3) months after the end of the period of three (3) years.

Art. 84. — Any dispute arising following the assessment of union representativeness may be the subject of an appeal to the competent court which will rule within a period which cannot exceed thirty (30) working days, from day of filing of the request by judgment enforceable on provision, notwithstanding any appeal.

TITLE V

**POWERS AND REPRESENTATION
UNION ORGANIZATIONS**

Chapter 1

Responsibilities of trade union organizations

Art. 85. — Trade union organizations designate their representatives and exercise their powers in the territories, in all professions, branches and sectors of activity and in all employing organizations and their distinct workplaces, in accordance with the provisions of this title.

Art. 86. — Conventions or collective work agreements may provide for measures relating to the exercise of the right to organize with the aim of implementing the provisions of this title, in particular, broadening the nature of the facilities granted to union representatives for exercise of their mandate.

Art. 87. — The terms of election or appointment to union positions at all levels must ensure compliance with the principle of equality in candidacy.

Section 1

Responsibilities of representative trade union organizations

Art. 88. — Any representative trade union organization, in the territory or in the profession, branch or sector of activity participates, in particular:

— consultations or collective negotiations, in accordance with current labor legislation;

— procedures for the prevention and settlement of collective work conflicts;

— the exercise of the right to strike, in accordance with the legislation in force, without infringing, in particular, the principles of continuity of public service and protection of the safety of people and property.

Section 2

Responsibilities of the most representative trade union organizations

Art. 89. — The most representative trade union organizations at the national level are consulted, in particular, in the following areas:

— the development and evaluation of national or local economic, social and environmental development programs;

— employment policy, protection of purchasing power and remuneration policy;

— the development, evaluation and revision of legislation and regulations relating to work, employment and social security;

— the ratification and implementation of international treaties in economic, social and environmental matters.

Art. 90. — In addition to the areas cited in Article 89 above, the most representative trade union organizations at the national level also participate in consultations and consultations organized by the Government within the framework of tripartite social dialogue.

Art. 91. — The most representative trade union organizations at the national level are represented in the following institutions and bodies:

— the boards of directors of security organizations social and employment organizations;

— the higher council of the civil service; — the joint civil service council; — the national commission and the

wilaya commission arbitration, provided for by the legislation in force.

Chapter 2

Union representation in the workplace of the employing organization

Section 1

Creation of the union section

Art. 92. — In any employer organization and its separate workplaces, when it has one, each representative union organization may create a union section, in accordance with its statutes, to ensure the representation of the interests of its members.

Art. 93. — The terms of creation, organization and operation of each union section are set by the statutes and internal regulations of the union organization to which it belongs.

Art. 94. — The union section may designate one of its members to represent it at the level of the employing organization or at one of its separate workplaces.

Art. 95. — In employer organizations and their separate workplaces, the union organization which is not representative within these organizations, but which has members, may designate a union representative, who can disseminate and display information, in connection with the union activities of his organization, and collect union dues, outside his working hours.

Art. 96. — The union section collects union dues at the workplace, according to methods established by the statutes of the union organization after informing the employer.

The employer is prohibited from deducting union contributions from the remuneration due to a member of his staff, to pay them, in his place and place, to the union organization to which he is a member.

Art. 97. — Subject to the provisions of article 105 below, the union section has the right to bring together its members at the workplace, in premises made available to it by the employer, whenever necessary.

Meetings are held outside the working hours of the participants concerned and, in case of emergency, during working hours, after written agreement from the employer at the workplace.

Art. 98. — The union section has the right to inform workers, in relation to its purpose, by written communications of a professional or union nature or by means of posters. A notice board must be made available by the employer, in an appropriate place reserved for this purpose.

Simultaneously with the posting, a copy of the union communications is sent to the employer or his representative in the workplace.

Conventions and collective work agreements may determine the procedures for posting union communications online on a union site set up or on the company intranet or their distribution via the company's electronic messaging system.

Art. 99. — The employer provides each union section with suitable premises, equipped with the equipment necessary for its operation, in the employing organizations or their separate workplaces, for at least one hundred and fifty (150) workers.

In the event that the infrastructure of the employing organization or the workplace does not allow it, the employer may allocate premises designed to meet the needs of all union sections.

Art. 100. — The union section may invite experts and/or union officials from outside the employing body to meetings or training sessions organized by them in the premises made available to it by the employer.

The employer must be informed in writing, at least, eight (8) working days before the date of the meeting of the purpose, identity and capacity of the person invited.

The invited experts and/or union officials must comply with the internal regulations and security rules, applicable during visits by people from outside the employing organization.

Section 2

Conditions for candidacy for the election of union delegates

Art. 101. — The union delegate must meet the following conditions:

— be aged twenty-one (21) on the day of filing of his candidacy;

— enjoy their civil and civil rights;

— have worked in the employing organization for at least one year. This period is reduced to three (3) months in the event of business creation or opening of a new workplace;

— not have been the subject of a conviction involving a custodial sentence, linked to an offense incompatible with trade union action;

— demonstrate professional qualifications and/or a level of education;

— provide proof of union training and/or training in the field of labor law;

— not have a direct or indirect relationship with the employer in the third (3rd) degree.

Art. 102. — The union section must organize, in accordance with the statutes and internal regulations of the union organization concerned, elections to designate one or more union delegates who represent its members to the employer or its representative in the workplace.

Only members of the union organization participate in these elections.

The number of delegates is fixed in proportion and limits indicated below:

— less than 30 members: one (1) union delegate;

— from 31 to 60 members: two (2) union delegates;

— from 61 to 100 members: three (3) union delegates;

— from 101 to 150 members: four (4) union delegates;

— from 151 to 250 members: five (5) union delegates;

— from 251 to 500 members: six (6) union delegates;

— Beyond 500 members: one (1) additional union delegate per two hundred (200) members.

Art. 103. — The names and first names of the union delegate(s) are notified, simultaneously, to the employer and to the territorially competent labor inspectorate, within eight (8) working days following their election.

They are also displayed on the boards reserved for the union section.

Union delegates only take office when these preliminary formalities have been satisfied.

The same formalities are completed in the event of termination of office of the union delegate or his replacement.

Section 3

Facilities and conditions for exercising the mandate of the union delegate

Art. 104. — The accumulation of a mandate as union delegate and a mandate as a staff representative is prohibited.

Art. 105. — For the exercise of his mandate, each union delegate has a credit of hours, without loss of remuneration.

The hours available to him are equal to ten (10) hours for each month.

Union delegates can accumulate and distribute among themselves the monthly hour credits granted to them, after informing the employer.

In the event of a dispute from the employer, citing operational requirements, the distribution and accumulation of delegation hours are agreed in writing by mutual agreement.

Hours not used by a union representative cannot be accumulated from one month to the next.

Art. 106. — The time spent by union delegates at meetings, convened at the initiative of the employer or accepted by the latter at their request, is not taken into account for the calculation of the monthly hours credit.

Hours of absence authorized by the employer are also not taken into account, to allow union delegates to participate in the activities of their union organizations, outside the employing organization.

Art. 107. — The monthly hours credit may be exceeded, in exceptional circumstances, with the written agreement of the employer.

Union delegates and any staff member designated to participate in collective negotiations or consultations initiated by the employer must have sufficient paid time, which is not deducted from the monthly hour credit.

Art. 108. — Union delegates benefit, after authorization from the employer, from the necessary paid time to participate, at the request of their union organization, in negotiations, consultations or meetings of bodies at a level higher than that of the union employing organization.

Art. 109. — The union delegate is entitled to union training leave.

Union training leave is a period during which the union delegate participates in training approved by the ministry responsible for labor, carried out at an approved training establishment, in accordance with the regulations in force.

Art. 110. — The union training leave aims to acquire knowledge in union matters, labor law and in the economic and social fields, the duration of which cannot exceed fifteen (15) working days, at most, in the year.

The content of the training and the terms and conditions for benefiting from union training leave are set by mutual agreement between the union organizations representing workers and the employer, without prejudice to the normal functioning of work at the level of the employing organization.

The terms of application of the provisions of this article in public institutions and administrations are established by regulation.

Art. 111. — Union training leave is considered a period of effective work, with continued remuneration payable by the employer.

Art. 112. — The request for leave for union training must be made in writing by the representative union organization to the employer, at least thirty (30) working days before the start of the training session.

It must mention the first and last names of the union delegates concerned as well as the date and duration of the requested absence.

Art. 113. — At the end of the training session, the organization which provided the training issues a training certificate to the union delegate.

The union delegate concerned must give a copy of this certificate to his employer when he returns to work.

Section 4

Duties of union delegates

Art. 114. — Union delegates participate in their workplaces, as workers' representatives, in periodic meetings for the prevention and resolution of collective work conflicts.

Art. 115. — Union delegates are authorized to inform the labor inspectorate, which has territorial jurisdiction, of any breach of labor legislation and regulations at the workplace and to request, if necessary, its intervention.

Art. 116. — The union section represents the union organization before the competent courts in order to ensure the defense of the rights of its members, guaranteed by the legislation and regulations in force, the status of the union organization concerned as well as collective labor agreements and agreements.

Section 5

Absences and detachment

Art. 117. — The employer and the representative union organizations determine, by negotiation, the conditions under which members of the union section, in particular, those exercising statutory responsibilities, may be authorized to be absent for reasons related to their activities unions, in particular, participation in congresses, meetings and study days or union training.

The negotiation also concerns the conditions under which a member of the union section can be seconded to a body of the union organization, with a view to exercising permanent functions with this organization for a fixed period.

Art. 118. — Absences and secondments are subject with prior authorization.

The terms of application of this paragraph are established by collective agreement in the economic sector or by regulation in public organizations and administrations.

Art. 119. — In the event of absence, remuneration is not due.

However, the conditions for maintaining this remuneration are set by collective bargaining in the economic sector and by regulation in public institutions and administrations.

The secondment has the effect of suspending the employment relationship. The remuneration of the seconded person is the responsibility of the trade union organization concerned.

At the end of this period, the worker is automatically reinstated, without delay, in his initial job or in a job with equivalent pay corresponding to his qualifications.

The terms of application of the provisions of this article in public institutions and administrations, with regard to secondment to representative trade union organizations, are established by regulation.

Chapter 3

Representation at the level of the employing organization

Section 1

Union council

Art. 120. — Any representative union organization constitutes its union council at the head office of any employer organization employing, at least, two hundred and fifty (250) workers in a single workplace or having distinct workplaces, whatever the total number of workers.

The union council is composed of at least five (5) members, subject to the provisions of article 102 above.

Art. 121. — Each representative union organization designates, among its union delegates, its representatives within its union council cited in article 120 above.

In employer organizations that do not meet the aforementioned conditions, union delegates elected at head office level exercise the functions and responsibilities of the union council.

The terms and conditions for designating representatives within the union council are set by the statutes of the union organization.

Art. 122. — To be appointed to the union council, representatives of the union organization must meet the same conditions as union delegates.

Art. 123. — Members of the union council have the same rights as union delegates, as specified by this law.

They benefit from the same protections as union delegates, in accordance with the provisions of Title VI of this law.

Section 2

Responsibilities of the union council

Art. 124. — The union council has the following powers:

— participate in periodic meetings for the prevention and resolution of collective work conflicts in the employing organization;

— participate in the preparation and conduct of negotiations of collective labor agreements and agreements and in consultation within the employing organization;

— represent their trade union organization before the competent courts to ensure the defense of the collective and individual interests of its members, in accordance with its purpose; — contribute to the promotion

of union training actions aimed at their members, within the employing organization, according to terms which must be the subject of an agreement with the employer.

TITLE VI

PROTECTION OF MEMBER WORKERS TO THE UNION ORGANIZATION

Chapter 1

Protection of the exercise of the right to organize

Art. 125. — Protection is guaranteed, under the provisions of this law, to any worker who is a member of a trade union organization, whether representative or not.

Art. 126. — It is prohibited to take against any member of a union organization a decision of dismissal, or any other disciplinary sanction which would be linked to his membership or his union activity.

It is prohibited for the employer to transfer, during the period of his mandate, a union delegate to a workplace other than that where he was elected or to change his work position, except for justified service necessity.

Art. 127. — Calls by union representatives for work stoppages or to abstain from performing certain tasks, having the effect of disrupting the normal activity of the employing organization, without complying with legal procedures for the prevention and settlement of collective work conflicts and exercise of the right to strike, do not fall within protected union activities.

The same applies to illegitimate demands, insults, threats, maneuvers, assaults and any kind of violence used during the exercise of union activity with the aim of undermining freedom and work tools.

The authors and those who participate are liable to disciplinary sanctions, in compliance with the procedures established by the provisions of this title, without prejudice to criminal prosecution for these facts, in accordance with the legislation in force.

Art. 128. — Any member of a trade union organization is subject to the provisions of the labor legislation and regulations in force, to those of the collective agreement and to the rules of organization, operation and discipline applicable in the employing organization .

In the event of failure to fulfill his professional obligations, disciplinary proceedings may be initiated against him by his employer, regardless of his legal situation within the union organization.

Art. 129. — Subject to the specific provisions provided for in this title, the disciplinary procedure implemented against a member of a trade union organization is that applicable to all workers.

Art. 130. — The trade union organization has sole jurisdiction over strictly union misconduct, in accordance with its statutes and internal regulations.

Art. 131. — Protection against unfair dismissal or revocation, in accordance with this law, is applicable to the following workers:

— union delegates;

— representatives elected directly by the workers' collective for the purposes of collective negotiation, the prevention and settlement of collective labor conflicts;

— the authorized union representative of the non-representative union organization;

— members of the union council of the employing organization.

Art. 132. — Before initiating disciplinary procedures, the employer must inform by registered letter with acknowledgment of receipt, the worker benefiting from the protection, his trade union organization as well as the territorially competent labor inspector, if he decides to dismiss or to dismiss the worker concerned for serious misconduct.

The letter must state in detail the facts justifying the dismissal and the circumstances in which they took place.

The letter may be accompanied by any document relating to the facts attributed to the worker benefiting from protection.

Chapter 2

Procedures for protection against discrimination and obstacles to the exercise of the right to organize

Section 1

Protection of salaried workers in the economic sector

Art. 133. — The employed worker may file a written request with the territorially competent labor inspector, when he maintains that a decision concerning him taken by the employer, whether or not constitutes a sanction, is linked to his membership or his union activity.

The examination of the request can only be initiated if the complainant presents facts which make it possible to prove the existence of direct or indirect discrimination or facts which corroborate the allegations of obstruction of the exercise of the right to organize.

Art. 134. — The labor inspector, with territorial jurisdiction, is responsible for examining the request.

In the event that he concludes that the complainant's allegations are unfounded, he informs the worker and his union organization in writing within a period which may not exceed fifteen (15) working days.

Art. 135. — The worker who, at the end of the procedure provided for in article 134 above, contests the decision taken by the labor inspector, retains the right to implement the procedure for settling individual work conflicts provided for by the labor legislation in force.

Art. 136. — In the event that, following his investigations, the labor inspector notes the existence of a link between the contested decision and the union membership or activity of the complainant, he gives formal notice to the employer to cancel the contested decision within a period which may not exceed eight (8) working days.

If the employer does not comply, the labor inspector simultaneously draws up a report of the infraction and another of refusal to comply, a copy of which is given to the worker concerned and his trade union organization for use in the framework of procedures for resolving individual work conflicts.

Art. 137. — Subject to the provisions of Article 132 above, the employer who plans to dismiss, for serious misconduct, a worker benefiting from protection, must inform the labor inspector, territorially competent, by registered letter with acknowledgment of receipt.

Art. 138. — The labor inspector carries out an investigation, within eight (8) working days, from the first working day following that of his referral, in order to ensure that the reason given to justify the dismissal is strictly of a professional nature and without any link with union membership or activity.

Art. 139. — Without prejudice to the provisions of article 136 above, in the case where the labor inspector finds that the dismissal pronounced by the employer due to the union membership or activity of the protected worker, he gives notice to the employer to renounce the decision of dismissal or to reinstate the worker in his job and to restore his rights within eight (8) working days, from the date of notification of the notice.

A copy of said formal notice is given to the worker and his trade union organization.

Art. 140. — In the event of a clear refusal by the employer to comply, the labor inspector simultaneously draws up a report of infraction and another of refusal to comply with the formal notice, a copy of which is provided to the worker and his trade union organization, with acknowledgment of receipt, within a period not exceeding three (3) working days, from the date of drawing up of said minutes, to use them before the competent court.

Art. 141. — When the dismissal of the protected worker occurs in violation of the provisions of this law, the protected worker may, after exhausting the procedures for the prevention and resolution of individual conflicts provided for by the labor legislation in force, or his trade union organization, resort to the competent court.

The competent court rules within a period not exceeding thirty (30) working days by provisionally enforceable judgment, notwithstanding any appeal, by annulling the dismissal decision and requiring the employer to reinstate the protected worker in his or her job, without prejudice. damages that the protected worker or his trade union organization could claim in compensation for the harm suffered.

The cancellation of the dismissal decision has the effect of the worker's legal reinstatement in his or her job, subject to a daily penalty which cannot be less than the monthly amount of the national minimum wage guaranteed for each day of delay in the execution of the judgment. , from the day of its notification.

Art. 142. — The worker's reinstatement must take place in the same workplace, in the same job or another job with equivalent pay, corresponding to his qualifications.

In the event of reinstatement, the worker maintains all the benefits acquired on the date of dismissal, in particular the benefit of monetary compensation which cannot be less than the remuneration or the remainder of the remuneration which the employer has not paid, for the entire period during which the relationship was suspended, until the date of its effective reinstatement.

Section 2

Protection of civil servants and public agents in public institutions and administrations

Art. 143. — No civil servant, contractual agent or public agent who exercises a union mandate in public institutions and administrations, in accordance with the provisions of this law, may be subject to a disciplinary sanction of the 3rd or 4th degree or a revocation for abandonment of position or termination of an employment contract for the contractual agent, before the authority vested with the power of appointment has first obtained the assent issued, as the case may be, by the joint administrative commission or the joint consultative disciplinary commission, in accordance with the legislation and regulations in force.

Art. 144. — Notwithstanding the procedures provided for by the legislation and regulations relating to the public service, the commission provided for in article 143 above, must rule, within a period not exceeding fifteen (15) working days, from from the date of its notification, after study of the reasons for dismissal, revocation or termination of the employment contract and hearing the explanations of the civil servant or contractual agent or protected public agent.

The person concerned must be summoned to appear before the aforementioned commission within a period of eight (8) working days, at least, before the date of the meeting, and allow him to consult his disciplinary file, to present his written observations and oral, and to request the assistance of a defender of his choice.

Art. 145. — The decision on the disciplinary sanction, dismissal, revocation or termination of the employment contract is notified to the civil servant, the contractual agent or the public agent concerned, as well as to the trade union organization to which it is up to him, within eight (8) working days, from the date of signing this decision.

A copy of the minutes of the commission referred to in article 143 above or an extract from these minutes, if applicable, is delivered to him.

The civil servant, contractual agent or public agent who maintains that the decision of dismissal, revocation or termination of the employment contract concerning him taken by the employer is linked to his membership or his trade union activity or his trade union organization, may refer the matter to the labor inspector, who has territorial jurisdiction, after exhausting the appeal or complaint procedures, in accordance with the legislation and regulations in force.

The labor inspector opens an investigation and draws up a report of findings in which he lists the results of the investigation, a copy is delivered to the person concerned and to his trade union organization as well as to the employer.

Art. 146. — Subject to the provisions of Article 145 above, if the dismissal or revocation of the civil servant or the termination of the contract of the contractual agent or the protected public official is carried out in violation of the provisions of the this law, he or his trade union organization is permitted to have recourse to the competent jurisdiction.

The competent court shall rule by provisionally enforceable judgment, notwithstanding any appeal, within a period not exceeding thirty (30) working days, by annulling the decision of dismissal, revocation or termination of contract and obliging the authority vested with the power of appointment to reinstate the civil servant, contractual agent or protected public agent in his or her job, without prejudice to any damages that the civil servant, contractual agent, protected public agent or his or her trade union organization may claim in compensation for the damage suffered.

The cancellation of the decision of dismissal, revocation or termination of the contract has the effect of the legal reinstatement of the civil servant, the contractual agent or the public agent in his or her job, under daily penalty which cannot be less than the monthly amount of the guaranteed national minimum wage for each day of delay in the execution of the judgment, from the day of its notification.

Art. 147. — The reinstatement of the civil servant, the contractual agent or the public agent must take place in the same place of work, and in the same job or a job with equivalent remuneration, corresponding to his qualifications.

In the event of reinstatement, the civil servant, contractual agent or public agent maintains all the benefits acquired on the date of dismissal, revocation or termination of contract, in particular the benefit of the remuneration or the remainder of the remuneration of which the The authority which rendered the decision would not have paid, for the entire period during which the employment relationship was suspended, until the date of its effective reinstatement.

TITLE VII

CRIMINAL PROVISIONS

Art. 148. — Violations of the provisions of this law are noted and prosecuted by labor inspectors, in accordance with the legislation in force.

Art. 149. — Anyone who commits one of the following acts is punished with a fine of one hundred thousand dinars (100,000 DA) to two hundred thousand dinars (200,000 DA):

— interfere in the management of the trade union organization by any act intended to undermine the independence of the trade union organization;

— combine the exercise of a union mandate at the level of a management and/or administrative body of a union organization and a mandate at the level of the governing bodies of a political party;

— harm an employee due to membership or exercise of union activity, particularly in matters of recruitment, promotion, transfer, professional training, granting of social benefits and disciplinary measures.

In the event of a repeat offense, the fine is doubled.

Art. 150. — Joining international, continental or regional trade union organizations without informing the competent administrative authority within the prescribed time limits is punishable by a fine of twenty thousand dinars (20,000 DA) to fifty thousand dinars (50,000 DA) .

Art. 151. — Without prejudice to the most severe penalties, is punishable by imprisonment of three (3) months to six (6) months, and a fine of fifty thousand dinars (50,000 DA) to one hundred thousand dinars (100,000 DA) .), or one of these two penalties, anyone who uses income linked to the activities of the trade union organization to achieve purposes contrary to the objectives of the trade union organization as determined in this law.

Art. 152. — Any acceptance of donations is punishable by imprisonment of six (6) months to one (1) year and a fine of one hundred thousand dinars (100,000 DA) to two hundred thousand dinars (200,000 DA) . or legacies from trade union organizations or foreign organizations without the prior agreement of the competent administrative authority.

Art. 153. - Any obstruction of freedom of association and the protection of the exercise of the right to organize, as provided for by the provisions of this law, in particular those set out in Title VI.

In the event of a repeat offense, the perpetrator is punished by imprisonment of thirty (30) days to six (6) months and a fine of one hundred thousand dinars (100,000 DA) to two hundred thousand dinars (200,000 DA) or of one of these two penalties.

Art. 154. — Without prejudice to the provisions provided for by the penal code, is punishable by imprisonment of three (3) months to six (6) months and a fine of twenty thousand dinars (20,000 DA) to one hundred thousand (100,000 DA) .) or one of these two penalties, anyone who continues to lead or organize meetings for members of a trade union organization, subject to a judgment of suspension or dissolution, or contributes to this meeting.

Art. 155. — Without prejudice to other legislative provisions in force, is punishable by imprisonment of three (3) months to six (6) months and a fine of twenty thousand dinars (20,000 DA) to fifty thousand dinars (50,000 DA) or one of these two penalties, anyone who obstructs the execution of a judgment suspending or dissolving a trade union organization, taken in accordance with the provisions of this law.

Art. 156. — Any person who obstructs the constitution or the functioning of the management and/or administrative bodies of a trade union organization.

In the event of a repeat offense, the penalty is doubled.

Art. 157. - Any employer who deducts union contributions from the worker's salary with a view to paying them for the benefit of the union organization is punished with a fine of fifty thousand dinars (50,000 DA) to one hundred thousand dinars (100,000 DA) . to which it belongs.

In the event of a repeat offense, the penalty is doubled.

Art. 158. - Any person who exercises discriminatory practices, pressure, threats or hostile behavior towards the trade union organization, its members and activities, with the intention of hindering the exercise of the right to organize guaranteed by the provisions of this law.

In the event of a repeat offense, the penalty is doubled.

TITLE VIII

TRANSITIONAL AND FINAL PROVISIONS

Art. 159. — Trade union organizations legally constituted on the date of publication of this law are not affected by the provisions relating to the procedure for declaring their constitution.

However, they are required to bring their statutes into conformity with the provisions of this law within six (6) months, from the date of its publication in the *Official Journal*, under penalty of the application of the provisions relating to suspension and dissolution, provided for in articles 62 and 65 above.

Art. 160. — Basic union organizations, federations and confederations are required to present to the competent administrative authorities the elements of their union representativeness within one (1) year, from the date of publication of this law in the *Official Journal*.

Art. 161. — The election of union delegates and the constitution of union councils at the level of employing organizations must take place within one (1) year, from the date of publication of this law in the *Official Journal*.

Art. 162. — The terms of application of the provisions of this law are established, where necessary, by regulation.

Art. 163. — All provisions contrary to this law are repealed, in particular Law No. 90-14 of June 2, 1990 relating to the modalities of exercising the right to organize.

Art. 164. — This law will be published in the *Official Journal* of the Democratic and Popular Algerian Republic.

Done in Algiers, on 5 Chaoual 1444 corresponding to April 25, 2023.

Abdelmadjid TEBBOUNE.