

The challenges and future of trade unionism in Algeria: A lost cause?

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Abstract

Purpose – This paper aims to shed light on the realities of Algerian employee relations and the challenges autonomous trade unionists encounter in their activities, which are normally far removed from the eyes of the international community.

Design/methodology/approach – Twelve semi-structured interviews were conducted with Algerian autonomous trade union leaders, union members and non-members. The collected data were analysed using a qualitative approach.

Findings – The interview results brought into relief the challenges of Algerian trade unionism with the following four themes: (1) scepticism towards the only government-affiliated trade union in Algeria; (2) the relationship between autonomous unions and the government; (3) strike actions and intimidation/harassment; and (4) views of non-trade unionists and the future of Algerian trade unionism.

Research limitations – The sensitivity of the topic and widespread fear limited the number of interviewees and the length of interviews.

Social implications – This paper provides recent empirical evidence reflecting the contemporary nature of employee relations in Algeria, and its discussions consider the prerequisites for a more effective protection of workers' rights in Algeria.

Originality/value – This study addresses the lack of examination of trade union activities in north Africa and in Algeria in particular. Whereas studies on employment relations in emerging economies have been conducted mainly at the macro level, this study makes important contributions by providing a first micro-level insight into the realities of trade unionism in Algeria through giving voice to those who struggle daily to protect workers' rights.

Keywords: Algeria, employee relations, international standards, trade unions, workers' rights

Article Classification: Research paper

Introduction

In the nineteenth century, Engels (1994) described trade unionists' struggle to gain power as "a long series of defeats of the working-men, interrupted by a few isolated victories" (p. 243). Guaranteed freedom of association and the right to collective bargaining enshrined in international instruments such as UN Declarations, UN International Covenants and ILO Conventions are the fruits of many workers' determined struggles for better working and living conditions against the establishments of economic and political power. The UN Declaration of Human Rights enshrines the right to freedom of peaceful assembly and association (Article 20) and proclaims the right to form and join trade unions for the protection of one's interests (Article 23, paragraph 4). Freedom of association and the right to organise are internationally recognised as fundamental human rights, and trade unions are regarded as one of "the most important social movements underpinning democracy" (Olowu, 2006, p. 146).

Entitlements to these rights are not, however, guaranteed in practice or enjoyed by many in different parts of the world, especially in less developed or developing countries, including some African states (ICFTU, 2000; ITUC, 2011; Olowu, 2006). At the turn of the century, the International Confederation of Free Trade Unions (ICFTU) reported the prevalence of trade union repression in Africa. According to the report, the majority (nearly 80%) of arrests and prison sentences for trade union activities in the world took place in Africa, where strikes and demonstrations were often harshly repressed, legal restrictions on the right to strike were commonly found, and trade unionists were frequently harassed (ICFTU, 2000). The 2010 survey by the International Trade Union Confederation (ITUC) indicates the continued difficulties for trade union activities in Africa, with over 500 arrests and 1000 dismissals for trade

union activities reported (ITUC, 2011). Such conflict between political leaders and trade unionists is a common and historic feature of African labour relations (Henley, 1989).

The majority of these African states participate in international initiatives to promote freedom of association and the right to collective bargaining. They have obligations under the African Charter on Human and People's Rights of 1981, which is the most widely accepted instrument among African states. The Charter guarantees the right to freedom of association (Article 10) and assembly (Article 11). Moreover, the ILO reports 50 ratifications^[1] of the ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87) and 55 ratifications^[2] of the ILO Right to Organise and Collective Bargaining Convention (No. 98) among African states and regions (ILO NORMLEX, 2014). However, despite the supervisory mechanisms embedded in these instruments, legal and practical restrictions of these rights continue to exist in Africa.

Pencavel (1995) claims that some of the features of an obstructionist regime, under which strikes are made illegal and unionists are routinely intimidated by officials, are often found in north African countries. The criticisms issued by agents, such as the ILO, ITUC and the UN Economic and Social Council, suggest Algeria to be one such country (ILO, 2013; ILO Governing Body, 2006, 2007, 2013; ITUC, 2013a, 2013b; UN Economic and Social Council, 2010).

In its 2013 report, the ILO Committee of Experts on the Application of Conventions and Recommendations refers to allegations of intimidation and threats, including death threats, against trade union leaders and members in Algeria and the inevitable repercussions of the resulting atmosphere of fear (ILO International Labour Conference, 2013). Furthermore, previous reports of the Committee on Freedom of Association refer to allegations of "continuing and systematic violations of the

principles of freedom of association and collective bargaining” in Algeria, with anti-union dismissals, anti-union intimidation and harassment by the public authorities, and the arbitrary arrest and detention of union members (ILO Governing Body, 2006, 2007). The ITUC (2013a) points out that some of the above-mentioned actions are also violations of Article 53 of the Algerian Industrial Relations Law (90-14) that prohibits dismissal or transfer of union delegates on the grounds of their union activities.

Zack (1962) claims that industrial relations in African studies are an area of prime importance and much dynamism, but that they are at the same time further removed from the public eye than any other field. In the past, a number of researchers studied employment relations in Africa (see Buhlungu *et al.*, 2008; Etukudo, 1995; Fashoyin and Matanmi, 1996; Goodman, 1969; Hagglund, 1994) and African countries, such as Mozambique (Dibben, 2010; Dibben and Nadin, 2011; Webster *et al.*, 2006a; Webster *et al.*, 2006b), Ghana (Gray, 1980), Kenya (Henley, 1978), Tanzania (Fischer, 2013) Swaziland (Simelane, 2008), Nigeria (Fajana, 2008), Zambia (Fashoyin, 2008), and Namibia (Klerck, 2008). In particular, a considerable body of literature has investigated employment relations and unions in South Africa (see Albertyn and Rycroft, 1995; Anstey, 1993; Buhlungu, 2009; Butcher and Rouse, 2001; Dibben *et al.*, 2012; Hirschsohn, 1998, 2007; Maller, 1994; Von Holdt, 2002; Von Holdt and Webster, 2008; Wood, 2002; Wood and Dibben, 2008; Wood and Glaister, 2008). However, little research has been carried out on trade union activities in north Africa in general or Algeria in particular, apart from the studies by Branine and colleagues (Branine, 1994, 2002; Branine *et al.*, 2008).

The current study addresses this research paucity and investigates employee relations in Algeria. It aims to provide empirical evidence shedding light on the realities of Algerian employee relations and the challenges autonomous trade unionists

encounter in their activities, which are normally far removed from the eyes of the international community. The study allows us to make two major contributions to the debate on trade unionism in northern Africa. First, this study builds on Branine's (1994, 2002) and Branine *et al.*'s (2008) early works on trade unionism in Algeria. While these previous works are characterised by rich historical accounts of the development of the Algerian employee relations system, our work provides recent empirical evidence reflecting the contemporary nature of employee relations in Algeria. Second, Cooke and Wood (2011) point out that studies on employment relations in emerging economies have been conducted mainly at the macro level. Instead, we investigate the viewpoints of autonomous trade union activists and non-unionists through a series of interviews.

Because of the hostile environment surrounding autonomous trade unionists in Algeria and the consequent widespread fear of being identified in discussions of sensitive topics, the number of interview participants and the length of interviews were limited. Nevertheless, the resulting qualitative data, which were difficult to acquire and therefore unique, provide a first micro-level insight into the realities of trade union activity in Algeria. The article concludes with a discussion of the prerequisites for more effective protection of workers' rights in Algeria.

The Algerian context

Knight and Ludwig (2014) analyse social movements in Algeria, distinguishing between Islamist, feminist, radical socialist and Amazigh strands. They further point out that, in the past, other notable Algerian social movements "came from student groups or unions or banned political parties, all of which had unifying and organizing ideologies and identities" (Knight and Ludwig 2014, p.7). Moreover, they highlight that common social identities have lost importance in today's movements in Algeria. This may be a

particularly important issue for the unions as it directly translates into their ability to recruit members.

Additionally, Algeria is a special case given the recent regional developments during the Arab Spring movements because the old regime survived the turmoil in the region. As Volpi (2013, p. 104) states, “Algeria illustrates a type of authoritarian resistance to popular challenges that is based on pseudodemocratization, redistributive patronage, and an effective use of the security apparatus”. Historically, Algerian social movements did trigger major changes to the country, including gaining independence from France in 1962 and shifting into a multi-party system in 1989 (Knight and Ludwig, 2014).

Trade unionism in Algeria: A historical account

The history of Algerian trade unionism, at least until the early 1980s, evolves around the creation and development of the General Union of Algerian Workers (Union Générale des Travailleurs Algériens – UGTA). From its inception, the UGTA was deeply involved with the Nationalist Party and its mission. As in many other African countries (Dibben and Nadin, 2011; Fashoyin and Matanmi, 1996; Phelan, 2011), the trade union movement was at the forefront of the Algerian campaign against colonial domination (Branine, 2002). Algerian workers united under the national trade union to support the country’s independence from the French, which was won in 1962.

The newly independent Algeria aimed at building a socialist country but followed a path of “state capitalist” development (Farsoun, 1975; Lawless, 1984; Nellis, 1977, 1980; Pfeifer, 1983) in order to prepare the conditions for socialism with national economic independence first. Under state capitalism, the government owns the major means of production, and all enterprises, whether state-owned or private, compete with

each other in pursuit of profit maximization (Pfeifer, 1983). In Algeria, nationalisation of the means of production, which began after independence, accelerated in the middle of 1960s under the Boumedienne regime. This led to state monopoly of the major industries, including gas reserves and oil-gas complexes, which were and still are the main source of Algeria's national revenue (Farsoun, 1975; Nellis, 1977). The nationalised enterprises were capitalist in their activity, with autonomy and substantial financial independence (Farsoun, 1975; Lawless, 1984). Such economic activities allowed the emergence of a comparatively wealthy and powerful upper bureaucratic elite, the "petty bourgeoisie" (Lawless, 1984; Nellis, 1980).

Algerian state capitalism, initiated as the path to socialism, thus created a privileged and powerful new class in the society, which became an obstacle to the state's transition into socialism (Farsoun, 1975; Nellis, 1980). The class struggle with shared working class consciousness that fundamentally supported the Soviet and Chinese experiences failed to emerge in Algeria (Farsoun, 1975; Roberts, 1984). Instead, an opposition of management and wage labourers came to exist in each firm (Pfeifer, 1983).

While state capitalism created the management-labourer division, Algeria's trade unions became "state agents in a state capitalist system"; by the end of the 1960s the UGTA was under state control/sponsorship, whereby having UGTA membership was "a key to social and material privileges, not a sign of workers unity and solidarity" (Branine *et al.*, 2008, p. 412).

Despite having vested interests inside the one-party (National Liberation Front; FLN) state, however, the UGTA also presented opposition to the state's programmes. This opposition was especially fierce against the economic reform of the late 1980s, which was planned in response to the social riots of 1988 caused by the economic

challenges of high inflation and unemployment (Coleman, 2014). The social unrest also triggered the state's shift from the one-party system into a multi-party system in 1989. At the same time, the Benjedid regime tried to undermine the power of the UGTA by allowing multiple trade unions for the first time after independence (Alexander, 2000). The new Industrial Relations Law of 1990, enabling the formation of autonomous trade unions, officially ended the monopoly power of the UGTA (Branine, 2002).

Unexpectedly for the Benjedid regime, the multiple party system allowed the rapid emergence of powerful opposition from the Islamic Salvation Front (FIS). FIS also established the Islamic Labor Union (SIT) which became a strong rival to the UGTA. Faced by the FIS's impending electoral victory in 1992, the military led a coup d'état, cancelling the election, and the country went into a 10-year-long civil war, causing hundreds of thousands of casualties including many civilians (Bouandel and Zoubir, 1998; Coleman, 2014; Viorst, 1997). During the civil war, the unemployment rate went up dramatically, with large public sector enterprises going bankrupt, being privatised or closed down (Branine *et al.*, 2008).

In the same period, the number of autonomous trade unions rose. However, from the outset of the multi-union period, the government preferred to deal only with the experienced UGTA. Only the UGTA was invited to represent labour at the tripartite negotiations between the state, workers and public enterprise managers (Alexander, 2000). Moreover, faced by the increase in autonomous trade unions in the 1990s, the state strove to maintain control by strengthening its ties with the UGTA, in early 2000 allowing it to regain its position as the government's only sponsored and officially recognised national trade union confederation (Branine *et al.*, 2008).

At the same time, the government used the strong partnership with the UGTA to sideline independent trade unions, and restricted the number of autonomous unions by

limiting approval for their establishment. The situation brought about strong distrust of state initiatives among independent unionists. The government also began intervening in the autonomous unions' strike activities with violent suppressions and arrests, which significantly reduced the number of strike actions after 2003 (Branine *et al.*, 2008).

The mutually supportive relationship between the government and the UGTA also created scepticism among Algerian workers in general. For most of the 2000s the UGTA, in return for the privileges given by the government, supported the government's economic reforms, regardless of their adverse impact on workers (Branine *et al.*, 2008). Being loyal to the one-party FLN state and its principles, the UGTA also opposed mass strikes and public demonstrations (Branine *et al.*, 2008). In the meantime, employment conditions in Algeria rapidly deteriorated, and thus the UGTA lost the trust of a large part of the Algerian working class, also resulting in lowering their membership (Branine *et al.*, 2008).

Algerian trade unionism's history, and especially accounts of its more contemporary history as outlined mainly by Branine *et al.* (2008) above, led to the emergence of the following propositions for empirical investigation:

Proposition 1 (for theme 1): Autonomous trade unions and other Algerian workers hold sceptical views about the UGTA.

Proposition 2 (for theme 2): Hostility exists in the relationship between the government and autonomous unions.

The accounts also suggest (theme 3) difficulties faced by autonomous trade unionists in carrying out their union activities. Moreover, Branine *et al.* (2008) conclude their account with a key question for (theme 4), the future direction that Algeria's

autonomous trade unions would take – whether to continue to fight or collaborate with the government. These two points, together with the first two themes, will be examined in the next section, which consults international agencies' documents on Algeria's employee relations, and subsequently through this study's data analysis.

International legal status, national policies and practice

As of August 2014, Algeria had ratified 59 ILO conventions (of which 53 are in force), including all eight fundamental conventions. Algeria's ratifications of the ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Right to Organise and Collective Bargaining Convention (No. 98) date back to 1962. The former convention extends far beyond the simple right to organise or join a trade union (Dunning, 1998) and provides other rights to workers' and employers' organisations, including those to draw up their constitutions and rules, to elect their own representatives, to organise their activities, and to establish and join federations and confederations. Under the convention, the establishment of organisations should not require previous authorisation, and the public authorities are obliged to refrain from any interference that would restrict the exercise of these rights. The latter convention (No. 98) provides workers with protection against anti-union discrimination and prohibits dismissal of or other prejudice against workers for their union membership or activities.

Allegations of violation of the above-mentioned rights by the Algerian authorities have been filed to ILO committees on several occasions. The ILO Committee on Freedom of Association reported at the 317th session of the Governing Body in 2013 that complaints against the government of Algeria were submitted by four Algerian autonomous trade unions, including the Higher Education Teachers' Union (SESS) and the National Autonomous Union of Public Administration Staff (SNAPAP).

The complainants denounced the systematic refusal of the authorities to process applications to register the newly established trade union organisations (ILO Governing Body, 2013).

Although the Algerian Industrial Relations Law (90-14) of 1990 allows the establishment of autonomous unions, the same law requires newly established unions to make a declaration to the authorities, announcing their establishment. The governor or the labour minister then has to issue a receipt acknowledging the constitution of the union within 30 days. Without this receipt, unions cannot operate legally. The above-mentioned complaints allege that the authorities (the Ministry of Labour and Social Security) systematically refuse to register autonomous trade unions by delaying issue of the receipt, at times for years,^[3] citing reasons such as non-conformity of the union statutes. Responding to these allegations, the ILO Committee on Freedom of Association considers the case to be not very different from requiring previous authorisation to establish an organisation, which is an infringement of Convention No. 87, violating the right of workers to establish organisations of their own choosing (ILO Governing Body, 2013).

Besides the ILO conventions, Algeria ratified two UN International Covenants in 1989. Article 22 of the International Covenant on Civil and Political Rights stipulates the right to freedom of association. Similarly, Article 8 of the International Covenant on Economic, Social and Cultural Rights provides the right to form and join the trade union of one's choice, the right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organisations.

However, concerns have been expressed by the UN Committee on Economic, Social and Cultural Rights about implementation of the covenant by the Algerian

government. Numerous issues were raised such as: systematic restrictions on the activities and actions of autonomous public sector trade unions; requirements to obtain prior authorisation to form a trade union and strike; exclusion of autonomous trade unions from negotiation processes and social dialogue; and restrictions on establishing national federations and confederations (UN Economic and Social Council, 2010).

Article 2 of the Algerian Industrial Relations Law (90-14) of 1990 states that workers and employers from the same professions, branches or sectors of activity have the right to form trade unions. The Algerian authorities cite this provision to restrict the formation of national federations or confederations of trade unions (Human Rights Watch, 2013) because these encompass several *different* occupations/trades, etc. However, the formation of national federations or confederations is important in uniting workers from different sectors, and the Algerian government's prohibition of this right has raised concerns internationally (for example, see ILO Governing Body, 2006, 2007) as it is a violation of Article 5 of Convention No. 87 (Swepston, 1998).

Al-Monitor (2015) reported that out of about 70 independent unions in Algeria, 10 were in the health sector, where autonomous trade unionists actively held strikes and protests. In the mass strike of 2010, for example, public health workers reportedly had an extremely high participation rate, close to 100 per cent in some hospitals and healthcare institutions (CWI, 2010). In the following year of 2011, three strikes were held by health workers and doctors (PSIRU, 2012). More recently, strikes were held at public hospitals for three days in May 2013 (Al-Monitor, 2013), and another health workers' indefinite strike was announced in November 2014 (This Day Live, 2014). These activities do not go unmarked by the government, which considers large-scale autonomous union activities as a threat to the regime's stability. ITUC (2013b) reports the intimidation the health sector has been experiencing at the hands of the authorities.

Their strikes have been declared illegal and threats were made that if they went on strike, they would face mass dismissals.

The violent repression of strikes, and arrests of trade unionists by the Algerian authorities are often based on an interpretation of the Algerian Law (90-02) provision that allows the authorities to ban strikes when they consider them likely to cause a serious economic crisis (ITUC, 2013b). This law also requires trade unions to take steps including exhaustion of the mechanisms for mediation and conciliation, notifying the employer and ensuring the minimum level of service during the strike. Taking part in non-authorized strikes could result in penal sanctions including imprisonment for up to 20 years (ITUC, 2013b).

The above reviews of reports on Algerian employee relations support our second proposition of a hostile relationship between the Algerian government and autonomous unions and add to the third theme of difficulties faced by autonomous trade unions by indicating that the difficulties may revolve mainly around their strike activities. The fourth theme of the future of Algeria's employee relations will be consolidated through the data analysis.

Methodology

Using a combination of purposive and snowball sampling methods, 12 semi-structured interviews were conducted with Algerian autonomous trade union leaders, union members and non-members in two waves of data collection. The first took place in July 2011 and the second in October 2012. The initial, purposively selected, contacts were made through social media. After a few communications through blogs, emails and Facebook, interviews were agreed and conducted. Another contact was made at a meeting of an autonomous trade union held for the preparation of a strike. One of the

authors was allowed to attend this meeting through a personal contact. Other interviewees were identified through personal contacts for their active participation in or knowledge of Algerian employee relations and legal conditions.

Although we also approached other groups of workers, such as workers of multinational corporations (MNCs), the majority of our interviewees were health sector employees. While we fully acknowledge this as a potential bias not reflecting other sector workers' points of view, we mainly chose interviewees from this sector since, as previously indicated, it is the sector that has recently been subject to many strikes and demonstrations. Additionally, four interviews were conducted with non-trade unionists in order to investigate a wider and more comprehensive picture of the employee relations landscape in Algeria. All of these respondents were employed in the health sector and had chosen not to join any trade union.

The situation surrounding trade unionism in Algeria posed certain obstacles to our data collection. Originally more unionists agreed to be interviewed. However, three MNC employees withdrew because their signed confidentiality contracts with their companies did not allow them to disclose certain information. Two others no longer wished to participate in our research because they feared repercussions. Because of the sensitivity of the topic and the risk attached to discussing certain issues such as politics and government actions, preserving confidentiality and anonymity was a crucial element and was guaranteed to all interviewees. In this setting, using personal contacts and recommendations has been particularly useful as it established trust between the researcher and the participants to facilitate free discussion with less fear of the potential consequences. We also assured respondents that they were free to terminate their participation at any point. These points were stipulated in the participant consent form.

All information that could lead to the identification of the interviewees is therefore anonymised and identities are not disclosed in this article.

The 12 subjects were four autonomous trade union leaders (codes L1 to L4), one former MNC employee and former trade union leader (code MNL), three autonomous trade union members (codes M1 to M3) and four non-trade unionists (codes N1 to N4). We gave each of the interviewees a fake name as shown in Table 1. Two interviews were conducted over the phone as meetings in person would have required travel to certain cities in Algeria, which we avoided for safety reasons. All other interviews were conducted face to face in Algeria. On average, interviews lasted 23 minutes, creating overall 4.6 hours of interview material. We kept the interviews relatively short because of the sensitivity of the topic and the consequent fear that the interviewees may experience, which could have been amplified if the discussions were prolonged.

[Insert Table 1 here]

Interview questions and discussions covered a wide area. Besides topics related to the four themes of the study – the participants' views towards the UGTA, the relationship between the government and autonomous trade unions, strike activities, and their views on future employee relations in Algeria – the topics discussed included the role of trade unions in Algeria, the legal situation, union strategy, union representatives, and to the non-union members, the reasons for not joining trade unions. The interviews were semi-structured, allowing the interviewer to adapt questions according to the respondent's position or knowledge and also according to the flow of the particular conversation.

The interviews were conducted in French and Arabic. With consent from the participants, all but two interviews were tape-recorded and transcribed. On two occasions in which the interviewees felt more comfortable not being recorded, the researcher took detailed notes. The transcriptions and notes were later translated into English for analysis.

The small sample does not allow for generalisation, representing only a very small part of the unionist and worker population in Algeria. We let the interviewees freely express their views and analysed them assuming a variation of the interpretative-constructionist position by employing a critical perspective. It is a position “that explicitly embodies a political agenda oriented toward social justice and taking sides on the most pressing social issues of our time” (Amis and Silk 2008, p.458). Rubin and Rubin (2011, p.20) emphasise that this approach provides a voice to “those sidelined by society, or those made invisible to the public”. This standpoint best reflects the conditions under which the autonomous trade unionists operate in Algeria and is aligned with our aim to build on Branine *et al.*'s earlier work through the provision of empirical evidence as this makes these conditions visible to a wider audience.

Both inductive and deductive approaches were used for analysis of the collected data. The majority of the initial questions were based on the themes emerging from the accounts by Branine *et al.* (2008), which were consolidated through reviewing reports by international organisations. Accordingly, some themes of analysis, such as the views towards UGTA, the relation between autonomous trade unions and the government, strike actions and the future of Algerian trade unionism, were determined deductively. However, the interview conversations at times went beyond the prepared topics and covered a wider area of Algerian employee relations. Once scripts were ready, we therefore followed an inductive approach, letting categories emerge from the data

(Waring, 2010), requiring the researcher to use their judgement in identifying the emergent themes (Jenkins and Johnson, 1997). This approach specified two remaining themes for analysis. Intimidation/harassment was determined as an accompanying theme for the topic of strikes, and the views of non-trade unionists were added to the theme of the future of Algerian trade unionism, in which expectations for the role of autonomous unions were expressed.

Findings

The combination of inductive and deductive approaches to the collected interview results led to the identification of the following four themes of analysis: (1) the UGTA and scepticism; (2) autonomous trade unions and the government; (3) strike actions and intimidation/harassment; and (4) views of non-trade unionists and the future of Algerian trade unionism.

The UGTA and scepticism

The UGTA was mentioned by all interviewees except one, indicating its strong presence in Algerian labour relations. Naima (M1) explained that the UGTA was originally created to defend Algerian workers, whose rights and working conditions had been compromised under French rule, but that it changed its priorities, became political, and weakened its commitment to defending all workers. This observation is in line with the account provided by Branine *et al.* (2008) that in the fight for independence, the UGTA united Algerian workers and represented workers' interests. However, subsequent to Algeria's independence, workers saw the UGTA constantly under state control and developing into an organisation representing state interests. Our interview respondents

indicated that the close ties between the UGTA and the government were one of the sources of their mistrust of the UGTA:

The UGTA ... they are an entity of the government and not independent. They have people who belong to the union and also work for the government. This is not logical at all as people need to be impartial to defend employees' rights. ... How can they understand the employees who are simple people? (L4)

The fact that UGTA leaders are appointed for life by the government seemed to alienate the independent trade unionists from the organisation. They felt there was no transparency in the organisation. They considered the UGTA members as untrustworthy and corrupt.

Such scepticism towards the UGTA was shared by the non-trade union members. Redouane (N3) stated:

The government trade union called the UGTA is controlled by members who belong to the government. These people will never help a worker or an employee. They will think about the government's need first ... the UGTA ... acts little in the workplace, not much, as it does not really care about employees' rights and benefits.

Non-trade union members mentioned these perceptions and reservations when explaining their scepticism regarding the system of trade unionism as a whole and their reasons for not joining. They observed the pressure the government put on the independent trade unions after Algeria's shift to the pluralist trade union system. They

felt this limited independent trade unions' power to protect workers' interests, while the UGTA only represented the government's needs. With the absence of trade unions to represent employees' needs, workers' conditions in Algeria kept deteriorating (Branine *et al.*, 2008). The interview results suggest the consequent permeation of scepticism and mistrust of government initiatives and the UGTA among Algerian workers.

Autonomous trade unions and the government

The trade union leaders interviewed in this study experienced their relationship with the authorities as problematic. They believed the government was using the law for its own interests and making it difficult for autonomous trade unions to obtain legal status. As previously mentioned, the systematic refusal of the authorities to process applications to register newly established trade union organisations is reported by the ILO (ILO Governing Body, 2013). The union leaders also mentioned some problematic areas in their relationship with the authorities, such as an incident of the authorities' interference in union affairs, trying to influence union leader selection. Kenza (L3) pointed out that such interference was forbidden by law (90-14, Article 15) and the Constitution. Kenza also expressed her strong mistrust as she felt the authorities negotiated only superficially with autonomous unionists. She felt that they were sidelined by the authorities. This view is in line with the account by Branine *et al.* (2008) highlighting that the Algerian authorities exclude autonomous unions from the decision-making process of employee relations reform.

Furthermore, Amine (L1) mentioned the government's campaign against autonomous trade unionists:

They [the ministry] use the newspapers and the TV against us, so if something is good for us, it's written on a small page so no one could read it. And if it's bad, it's written on the front page. ... They even used our pictures against us and the newspaper didn't help us.

This may be one of the government's reactions to the increase in number and membership of autonomous trade unions. Despite the risk associated with being a member of an autonomous union, as Hocine (L2) argued, independent unions have the advantage of being specialised, representing certain professions. Hocine believed this made workers more at ease in discussing issues with fellow members and ultimately more likely to join the organisations. As the increased membership represents power, autonomous unions consequently pose more threat to the government, leading to stronger repression.

The tension between independent trade unions and the Algerian government was also observed by other parties. Redouane (N3) stated:

I would say there is a big tension between the two. The government does not want to see independent trade unions acting in Algeria. It makes their life difficult and, I probably should not say this but in this country, you are not allowed to go against the government.

One way of avoiding such tension and government suppression of unions is to join the government affiliation – that is, to join the UGTA. Leila (N1) suggested incorporating influential government officials into the organisation as the only way for an independent union to be powerful and have a future.

In fact, the autonomous trade unionists can choose to affiliate their unions to the UGTA or to personally join the UGTA. Such movements seem to be commonly offered by the UGTA. However, as Leila predicted, the independent unionists have no intention of doing so. Younes (M3) claimed:

Our aim is to remain independent. We do not want any influence from the government. We are not like other trade unions who get help. We are independent and we have our own objectives.

The autonomous trade unionists expressed strong pride in being independent as they believed that was the only way to defend workers' rights, not being affected by other agenda such as that of the government. They therefore remain independent despite certain risks associated with being an autonomous trade unionist in Algeria.

Strike actions and intimidation/harassment

Holding strikes in Algeria requires prior authorisation from the government (UN Economic and Social Council, 2010), and taking part in unauthorised strike actions could result in penal sanctions. The unionists interviewed in this study, who occasionally encountered beating when participating in strikes, understood this. They indicated that as they did not live in a country of rights, they experienced serious harassment during the strikes. Younes (M3) explained:

It [the strike] was difficult. We were hit and arrested. Violence was there. We did not expect it to be peaceful. We know that the freedom of expression in Algeria is not an easy thing. We knew they would hit us. The police kicked us. I

have bruises on my body, but it is more of a mental memory they left, not a physical one. Some of the members were arrested and taken to jail. No legal procedure took place, but they went to prison.

Their accounts suggested that where there was a strike, there was often violence. The police would intervene and arrest union members, who could end up in jail.

Two of our respondents were jailed for their trade union activities. Mohamed (MNL), sentenced to three months imprisonment after 27 court appearances and four trials, called the whole incident harassment and commented, "What hurt me most was the fact that the Algerian justice system supported this". Kenza (L3) was imprisoned twice, once for two months for taking part in a demonstration, and the other for a year. She pointed out that women were not exempt from the assaults. Kenza gave us an account of a woman arrested on strike who had to leave a baby at home.

Trade unionists also face dismissal or suspension by company managements. According to Kenza, her colleague was suspended from his job for seven years for taking part in a sit-in. Furthermore, Mohamed (MNL) stated that MNCs dismissed all employees who tried to create trade unions, and he was also suspended for his union activities. He claimed that this was done with silent approval from the local and national authorities. Mohamed explained that being trade unionists in MNCs meant being dismissed, and this scared employees, who were very poor and had spent many months unemployed before finally joining the company. He suggested:

Any expatriate can fire an employee without any justification because no one will ask him why. ... the law exists but they use it as they like. ... there is no

way to challenge an MNC, and that was why employees abandon [their complaints] because of the wrongful dismissal without any justification.

Kenza (L3) observed that it was in 2005 that the government began using suspensions, abusive repressions and imprisonment against the union she belonged to. She claimed that these harassments reflected government desire to destabilise union organisations and deter workers from joining unions:

When you see trade union leaders go to jail, people will go backwards and say ‘why did I join the trade union and end up in jail with problems?’ Adding to that, there are direct violations of freedom, individual freedom and trade union freedom in general. (L3)

The statement of Amine (L1) further indicates that Algerian trade unionists face intimidation and harassment in their daily lives:

An official of the ministry said that there is someone watching you, even Facebook, and even now, when we are talking, there is someone listening to us from the intelligence services. Once someone came to me and told me, ‘I know who you are and where you come from’.

Views of non-trade unionists and the future of Algerian trade unionism

Two main reasons were given by the non-trade unionists for why they would not join trade unions: scepticism of the role of unions and fear of joining one. Non-unionist respondents were under the impression that trade unions were on the management and

government sides, being financially corrupt, and not on the side of workers, failing to help them in trouble. Although they had different impressions about autonomous trade unions – who they observed to be working with passion and conviction – they believed it was too dangerous for them to join one as they saw members being beaten and jailed. They felt the sacrifice would be too great to join such unions, to little advantage.

Rachida (N2) explained:

I have a family, I have a child. I do not want to lose my family or get killed or beaten. ... there are trade union members who are threatened, ... watched, ... followed in every step they take. It is too dangerous. I do not want to be a trade union member. Only if I had nothing to lose in my life.

Amar (L4) pointed out that because of the fear of being associated with trade unions, people often refused to sign documents such as membership applications or formal complaints. Workers might say they were going to join a union, but when it came to signing up, they would not do so for fear of being associated with an entity that opposed the government. She also pointed out that, for the same reason, workers refused to file complaints. Workers are afraid of leaving any written complaint as one never knew who would deal with the complaint or how.

Nevertheless, despite such difficulties, strong beliefs were expressed by union and non-union members that for the future development of employee relations in Algeria, autonomous trade unions must play a crucial role, though none of them felt the road ahead would be smooth for them. Karima (N4) predicted:

I think independent ones can do something ... if they battle for what they believe, if they fight, if they accept to be beaten, they have a future, though it will take 20 years, or as long as the independence.

She added nothing would come from the UGTA as long as it remained in partnership with the same government. To achieve something in the future, it was crucial that unions stayed independent. Throughout the interviews, workers expressed their disappointment with the government-sponsored unions that sided with management and failed to help workers. In the meantime, it has emerged that by battling for workers' interests and needs, autonomous trade unions have been gaining the trust of workers. In fact, autonomous trade unions have been increasing in membership and strengthening their presence, despite the danger associated with joining them. Redouane (N3) observed:

In my point of view, the only way of improving employment relations is to give freedom to trade unions and allow them to express themselves. They need to be independent entities from the government and independent from the management and employers. Independent trade unions recently acquired power because their number increased and people realised how important they were in the workplace. They witnessed ... this was the only way they could make their voice heard.

The importance of being independent was emphasised by the union members and leaders. Being independent was, they felt, the only option if they wanted to enhance

the working and living conditions of Algerian people. They were aware how rough the road ahead could be but felt there were risks one had to take.

Discussion

This study provided further evidence for a number of violations of international agreements, such as those frequently pointed out in the literature. More importantly, the interviewees gave us a glimpse of the realities Algerian trade unionists face, referring to dismissals, violence, intimidation, harassment, arrests and imprisonment. Swepston (1998) argues that large-scale arrests and dismissals of strikers place freedom of association in grave jeopardy. These actions are not only against ILO Convention No. 98 but are also against Algerian law which prohibits any kind of discrimination against union members and leaders (Branine *et al.*, 2008). The right to freedom from arbitrary arrest and the right to a fair trial are essential fundamental rights for the normal exercise of trade union activity (Valticos and von Potobsky, 1995).

Branine *et al.* (2008) referred to the extreme scepticism of Algerian independent trade unions regarding state initiatives, leading to our second proposition of a hostile relationship between the government and autonomous unions. The interview results supported this observation and indicated Algerian autonomous trade unionists' strong mistrust of the authorities. The scepticism extended to the UGTA for its strong ties with the government, and the feeling was shared by non-union members, which supported our first proposition concerning sceptical views about the UGTA. Buhlungu *et al.* (2008) point out that any engagement between unions and political parties inevitably leads to compromises and may necessitate repression of those who contest such links. The scepticism-tainted relationship between unions and the authorities observed in Algeria is problematic considering the significance of the partnership between unions,

employers and the state for the development of unions and the importance of the state's support for the future of the unions (see Donnelly and Dunn, 2006).

Olowu (2006) further lists some major factors in five domains that would contribute to more effective defence of workers' rights in Africa: (1) increasing membership; (2) training unionists; (3) improving information; (4) building alliances/solidarities; and (5) gaining bargaining power. However, the qualitative evidence in this article suggests difficulties in addressing these requirements in Algeria.

The first factor refers to the significance of recruiting and retaining union members. However, interviews with non-union members revealed their strong fear of joining unions. A union leader expressed his frustration with this pervasive fear, affecting the union's ability to recruit new members. Nevertheless, some interviewees pointed out the overall increase in autonomous trade union membership in Algeria. This is significant considering that, as pointed out by Webster *et al.* (Webster *et al.*, 2006b), union membership can be regarded as the simplest measure of union strength.

The second consideration concerns training union officers in organisational skills. This was also referred to by one of the interview participants, who identified lack of experience within new independent trade unions in the trade union field. The young unionists need to acquire better understanding of trade unionism, their rights and duties, and need to become able to act with longer-term visions considering workers' overall career developments. It was pointed out that for this, and as one solution to enhance the working conditions for Algerian workers, training was necessary. However, from our interviews the impression conveyed is that not much progress has been achieved in relation to training union officers.

The limitation imposed on trade unionists' freedom of speech and information in Algeria, as revealed in the interviews, hampers efforts to improve union information

services for members and potential members. The respondent unionists explained that while newspapers and TV were used against independent unions, Facebook had become the most important tool for communicating with existing members and recruiting new members. However, their accounts indicated that even this new means of communication was not free from government intervention.

Fourth, the restriction on forming federations and confederations across different sectors and industries in Algeria poses obstacles to building alliances and solidarities between unions and unionists, which would help them strengthen their capacities through international and regional collaborative strategies. This restriction, which constitutes violation of Article 5 of ILO Convention No. 87, was also mentioned by a unionist as an obstacle to trade union activities.

The last of the five considerations requires trade unions to secure legal standing and promote their representation and bargaining rights to lobby for improvement in the labour laws and policies and their enforcement. In fact, social dialogue has been strongly endorsed by the ILO and ITUC and has been considered key to trade union development (Phelan, 2011) and for the promotion of democratisation and national development (Fashoyin, 2008; Fashoyin and Matanmi, 1996). For this reason, trade unions need to acquire equal status in negotiations with government and employers at bilateral or tripartite dialogues and achieve social concertation in employment relations (Fashoyin and Matanmi, 1996). This has been achieved, at least to some extent, in some African nations, such as South Africa (Etukudo, 1995) and Zambia (Fashoyin, 2008). However, as found in the interviews, Algerian autonomous unions often experience difficulties in securing legal status. Furthermore, the problematic relationship with the authorities makes it difficult for the autonomous trade unions to gain negotiating power. The independent unions are reported to be excluded from negotiation processes and

social dialogue (Alexander, 2000; UN Economic and Social Council, 2010) and struggle to have their demands heard by the authorities (ITUC, 2013b). The realisation of Olowu's (2006) final factor of more effective defence of workers' rights thus also faces challenges in Algeria.

From the end of 2010, the "wave of democratization" (Moghadam, 2014) triggered by citizen uprisings against authoritarian regimes quickly spread into Arab countries and brought about political changes in Tunisia, Egypt, Libya and Yemen. The Arab Spring also hit Algeria and from December 2010 a series of protests broke out in the capital of Algiers and other cities and towns, triggering clashes between the protesters and police. The protests were a public outcry over food inflation, unemployment, housing shortages and more broadly the lack of political freedom and the government's inability to tackle the country's social and economic problems (Coleman, 2014). Autonomous trade union members played an active part in the protests and many youth joined over unemployment.

The Algerian government reacted to the protests by announcing measures such as decreasing food prices, increasing wheat supplies, and opening the state-run television and radio to all political parties. It also announced measures to create jobs and alleviate unemployment. Moreover, in February 2011 the government lifted the state of emergency, which had prohibited protests since the aforementioned civil war for 19 years. This was one of the demands of the protesters who considered it as detrimental to civil liberties (Coleman, 2014). However, protests in the capital city of Algiers remained banned, and by the early part of the following year, the wave of protests subsided.

Thus the Algerian government avoided the political changes of the Arab Spring. However, the causes of public dissatisfaction that triggered the uprisings, such as the

high unemployment rate especially among the youth, remain. The unemployment rate in Algeria, which was announced to be approximately 10% (25% for youth) in 2014 (Trading Economics, 2015) is in reality believed to be as high as 25% (IHS Global, 2014). Moreover, of the unemployed population, 74.4% were younger than 30 and 87.5% were younger than 35 in 2010 (IHS Global, 2015).

Creating jobs for youth is an urgently pressing matter for the state, as the primary employer and job creator in Algeria (Chemingui and Ayadi, 2003). However, the Algerian economy forecast for 2015 and beyond is rather grim, as the projected lower global price for oil and gas restricts the Algerian government's capacity for public investment. Consequently, the government announced a public sector hiring freeze for 2015. Attempts to obtain essential finance from foreign direct investment have also been unsuccessful partly because the government imposed rules disadvantageous to foreign investors (Coleman, 2014; IHS Global, 2015).^[4]

Auty (2003) points out the vulnerability of oil export-dependent governments, such as Algeria, to violent overthrow, especially with insufficient employment creation for the young. Algerians' reluctance to risk another violence like the one experienced in 1991 may have helped the government escape the political changes of the Arab Spring (Moghadam, 2014). However, social dissatisfaction, such as that stemming especially from high unemployment among the youth, plants a seed of social unrest.

Many believe that the Islamic movement is waiting for the chance (Viorst, 1997) and the gas field attack by Islamic extremist militants in 2013 demonstrated Algeria's vulnerability to such movements. In order to avoid an outbreak of domestic disorder, the government is likely to maintain high levels of restriction on movements that could potentially lead to mass protests. Autonomous trade unionism is considered to be part of such movements and a threat to the stability of the political regime.

This is especially the case as the number and membership of autonomous trade unions is, notwithstanding the hostile environment, increasing (Branine *et al.*, 2008). The increased union membership leads to the strength of the movement (Webster *et al.*, 2006b), and the government, alerted by the autonomous unionist movement, is unlikely to loosen the leash. In the meantime, the severe repression inhibits autonomous unions' development as an effective actor in employee relations in Algeria.

Being excluded from the dialogue, Algerian independent unionists resort to public demonstrations and experience subsequent violent repressions. Branine *et al.* (2008) suggest that in such situations, independent unions have to decide whether to continue to fight or align with the government, although this may lead to the loss of their independent status. However, the trade unionists interviewed in this study showed strong pride and belief in being independent unions. For them, aligning with the government signifies the loss of the very reason for their existence. Being asked about the future of their union, one union leader said, "to conclude, we need to be independent. That's all". In the meantime, their struggle continues.

Conclusion

Whereas a number of studies have previously investigated employee relations in Africa, this study addressed the lack of examination of trade union activities in north Africa and in Algeria in particular. The research built on conceptual work by Branine and colleagues (2008) and used empirical evidence to shed light on the challenges Algerian trade unionists encounter in their daily union activities, which are normally far removed from the public eye (Zack, 1962).

The study mainly dealt with four themes emerging from the literature review and data analysis. The first three themes, (1) scepticism towards the government-

affiliated trade union, (2) the relationship between autonomous trade unions and the government, and (3) strike actions and intimidation/harassment, all implied the difficult relationship the autonomous trade unions have with the Algerian authorities, which consider autonomous unions as a threat to the status quo and to the stability of the current political regime. Moreover, the third theme and theme (4.1), views of non-trade unionists, brought into relief the consequent hostile environment surrounding autonomous unions and the widespread fear workers have about joining these movements.

Nevertheless, theme (4.2), the future of Algerian trade unionism, unveiled the belief Algerian workers have in the crucial role autonomous trade unions could play in the future development of Algerian employee relations. Such expectations for autonomous unions, together with their increasing membership, may further increase the threat they pose in the eyes of the government, possibly resulting in harsher environments for their activities. Nevertheless, our interviewees displayed strong belief in the autonomous unions being independent in order to enhance the working and living conditions of Algerian people.

There are some limitations to this study. Firstly, the hostile environment limited the sample and the length of interviews. Moreover, even with the presence of trust between the researcher and the respondents, there always existed an element of fear in discussing certain matters. The consequent restriction on the discussions affected not only the quantity of the data but also its quality. Additionally, this sensitive topic is not free from emotion. Our interviewees provided strong personal views on the matter, though it may be noteworthy that there were no distinct differences in opinions expressed by the interviewees on the analysed themes. By assuming a critical standpoint, we may have given too much leeway to the opinions of our interviewees without

balancing them with contrary opinions. We tried to mitigate this limitation by combining union and non-union members in the sample of interviewees and by cross-validating their views with those conveyed in official reports (see for example, ILO 2013; ITUC 2013a). However, ultimately, qualitative analysis is not free from researcher bias because when interpreting the data we have to give sense to it. We tried to alleviate this by using a team of researchers who reviewed the interview transcripts and provided independent interpretations.

Nevertheless, despite such limitations, the study makes important contributions to the subject. First, while various studies have examined Algeria's history, politics and employee relations conceptually, this study uniquely provides accounts of those who actually experience them, and provides recent empirical evidence reflecting the contemporary nature of employee relations in Algeria. These accounts consequently help underpin the conceptual examinations of the subject's extant literature. Second, the study provides the international community with a first insight into the realities of trade unionism in Algeria through giving voice to those who struggle daily to protect workers' rights. Such accounts, which are difficult to obtain because of the hostile environment, could provide an important insight for those working for better protection of workers' rights in the international community.

As the political situation in the region surrounding Algeria is fluid, the environment around Algerian trade unionism can change accordingly. Continuous investigations of the realities of Algeria trade unionism may therefore be necessary. Furthermore, future research could try to collect more detailed datasets to investigate the themes identified in this study. At the same time, future studies may extend the samples to the workers of sectors other than the health sector in Algeria, such as the education sector where autonomous trade unionism is active alongside the health sector.

More focused investigations into employees of MNCs, specifically in the oil and gas industry, may also be interesting as it is where union movements are especially suppressed to virtual non-existence due to anti-union practices, threats and harassments, mainly by employers (US Department of State, 2014). Such investigation also may reveal an aspect of the relationship between the government and foreign investors. These investigations combined can be expected to provide a more holistic picture of employee relations in Algeria.

Notes

¹ The countries/regions which have ratified Convention No. 87 are (in the order listed on the ILO website): Libya, Zimbabwe, Lesotho, Gambia, Ghana, Niger, Nigeria, Zambia, Sierra Leone, Eritrea, Botswana, Uganda, Swaziland, São Tomé and Príncipe, Comoros, Congo, Central African Republic, Chad, Gabon, Rwanda, Burundi, United Republic of Tanzania, Liberia, South Africa, **Algeria**, Egypt, Ethiopia, Madagascar, Mozambique, Democratic Republic of the Congo, Tunisia, Angola, Namibia, Senegal, Guinea, Côte d'Ivoire, Benin, Burkina Faso, Cameroon, Djibouti, Togo, Mauritania, Mali, Seychelles, Cabo Verde, Malawi, Mauritius, Equatorial Guinea, St Helena, Réunion.

² In addition to the above list, Convention No. 98 was ratified by: Sudan, Kenya, Morocco, Guinea-Bissau, South Sudan.

³ According to the 2010 report of the Committee on Freedom of Association to the ILO Governing Body, Algerian authorities are alleged to have refused to register the National Union of Vocational Training Workers (SNTEP) for a number of years since 2002.

⁴ A few factors contributed to the Algerian state's unsuccessful attempt to attract foreign direct investment. One is the government's new investment rule that establishes that initially only Algerian companies can bid for state contracts. Another is the Complementary Finance Law that decrees that foreign investment must be in the form of joint ventures with at least a 51 % share owned by Algerian partners (Coleman, 2014).

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