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ALGERIA: INDEPENDENT UNIONS IN THE HEALTH AND EDUCATION SECTORS

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About the Author

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Introduction

This study examines the trade union scene in Algeria, focusing on the health and education unions as a model for trade unionism. We aim to answer a series of questions mainly related to the roles these unions play within the trade union and broader social project. This is done in light of the political changes and their economic and social impacts. The paper looks at some of the historical junctures that contributed to the presence of unions and the strengthening of their activities and struggles; it is particularly interested in what unions have achieved since the 1990 Law and the break between the one-party and multiparty phases. Independent unions have played an important role in the struggle, demonstrated by their activities in the field, making them a force to be reckoned with.¹

The protest movements and strikes witnessed by several sectors from the 1990s to 2018 testify to the painstaking efforts made by independent unions and the suffering they face under the restrictions imposed by the authorities, whether through surveillance or laws restricting their movement and freedom. However, this has not deterred them from achieving some demands and gains.

Since the beginning of trade union pluralism, the health and education sectors have witnessed the formation of the largest number of job and service organizations, which have been continuously branching out. In the education sector, the number reached 23 unions, while the health sector included 13 unions – according to Ministry of Labor data – with a wide variety of employee categories within these two sectors. This expansion helped them emerge as the most dynamic unions in terms of protests and advocacy. This study examines the presence of these unions in light of social changes and the general political context in Algeria, asking: What is their role in the trade union project in Algeria? Will the presence of the health and education unions in the future be nominal compared to the pre-Hirak 2019 period? How will the independent unions interact with the 2023 Law on the exercise of trade union rights, the prevention and settlement of collective labor disputes, and the exercise of the right to strike?

¹ They are called “independent unions” in reference to their independence from the General Union of Algerian Workers (UGTA), which has played a central role since its establishment on 24 February 1956 and was the labor arm in the public sector for the various policies that followed Algerian independence until the multiparty and trade union pluralism resulting from the 1989 Constitution. The UGTA is considered a labor partner of the government.

To answer these questions, the study is organized around the following elements:

- Pluralism, or the emergence of independent unions, and legal challenges;
- The overlap between politics and trade unionism in health and education unions amid the Arab Spring and popular mobilization;
- The health and education unions as pioneers of the trade union project in Algeria; and
- The challenges and divisions facing trade unions, and the future of trade unionism.

Trade Unionism: Historical Background

Trade unionism in Algeria cannot be understood without reference to its historical background, which dates back to the period of French colonization of Algeria (1830-1962). During this period, trade unionists were influenced by the French labor movement, and migrant workers joined the General Confederation of Labor, which was under the tutelage of the French Communist Party. This influence led to the formation of the General Union of Algerian Trade Unions in June 1954, followed closely by the establishment of the Federation of Algerian Trade Unions on 20 February 1956. Shortly thereafter, the National Liberation Front (FLN), which had led the liberation war against France, announced the establishment of the General Union of Algerian Workers (UGTA) on 24 February 1956. The UGTA was able to attract the majority of workers in Algeria, to mobilize various labor forces to support the struggle for independence.²

Thus, trade unionism in Algeria was formed within the framework of a single party, the FLN, and under the umbrella of the UGTA. The UGTA was the strongest Algerian union and supported the revolutionary liberation struggle in accordance with the FLN’s plan.³ The UGTA’s aim at the time was to give directions in line with the deeply held aspirations of the

² Mohamed Ait Medour, *The Maghreb Trade Union Movement 1945-1962 (Algeria and Tunisia as an example)*, Dar Homa, Algeria, 2013, p. 151.

³ Salem Bouehi, “Relations between the General Union of Algerian Workers and the World Federation of Free Trade Unions”, *Tunisian Journal of Social Sciences*, No. 141, Tunis, 2013, p. 47.

workers' struggle and foster workers' awareness of the need to fight against all kinds of exploitation, eliminate segregation, defend the working class, and direct their movements to obtain better living conditions and job creation.

After independence, the union supported the socialist approach of the Algerian state and the building of a national economy and supported the national goals, especially during the period from 1970 to 1983. This period was characterized by an increase in the number of workers in industry, construction, and public works, as the percentage of workers grew from 21% in 1967 to 33% in 1978 and 37% in 1983.⁴

Coinciding with the collapse of oil prices in the mid-1980s, Algeria experienced a multifaceted crisis on the economic, social, and political levels. This crisis resulted in several severe issues due to the significant decline in oil revenues, at a time when the Algerian government had initiated deep reforms touching all aspects of economic and social life. These reforms included strengthening tax administration and reforming the subsidy system for basic items, removing some items entirely from the list of subsidized items, or raising the prices of others to be closer to their real market price. In addition, enterprises were grouped into joint-stock funds to require them to take responsibility for their economic results and avoid the state treasury automatically financing their deficits.

During this period, labor strikes increased in major industrial zones such as Rouiba in Algiers, El Hadjar in Annaba, and Arzew in Oran. The workers were making demands surrounding their deteriorating standard of living and the lack of food supply. They also criticized the management style, the state's economic orientation, and the corruption of the administrative apparatus. At the time, the cord of friendship between the state and society had faded due to the accumulation of several factors, most notably the decrease in resources that the regime was using to buy what is known in the media as "social peace". This led to an increase in labor pressure, as the government faced severe economic and social demands. The government in turn employed the UGTA to confront, frame, and manage these demands, as an important partner that served the function of stabilizing the administration and its legitimacy in front of the working classes.

The legitimacy of the UGTA, and behind it the FLN, began to waver when the government lost its grip on the street. During the reign of President Chadli Bendjedid, the government adopted reforms aimed at privatizing economic enterprises

and phasing out socialism, while FLN leader Mohamed Cherif Messaïdia remained dedicated to socialism. The Bendjedid–Messaïdia conflict came to light after the president's speech on 19 September 1988 and resulted in political and economic reforms, the most important of which was the Constitution of 23 February 1989.⁵ From independence until 1989, the UGTA was not a true worker-advocacy trade union, but rather a state-controlled organization and a one-party apparatus whose function was limited to implementing specific political programs.

Pluralism and the Birth of Independent Unions

Before the announcement of pluralism, Algeria witnessed several violent demands for change in the early 1980s. It began with the outbreak of the "Amazigh Spring" on 20 April 1980, in the Kabylia region, after security authorities prevented the writer Mouloud Maamri from giving a lecture at the University of Tizi Ouzou. The ban sparked violent riots and demonstrations demanding respect for human rights and recognizing the Amazigh language as an official language. As bitter as these events were, they were only the beginning of more violent protests. In the last quarter of 1986, several Algerian cities witnessed university students' protests demanding freedoms, which turned into violent incidents targeting party buildings, government institutions, and public facilities. In response, the police used force to control the situation.

During the 1980s, labor strikes went beyond demands for improved workers' conditions and turned to political demands, as unions began to get involved in various issues and play a role in the country's public affairs. Workers criticized the management methods and corruption of the state's administrative apparatus, and the ruling elite's use of power for their narrow interests at the expense of workers. Authorities, with the help of the UGTA, were able to control these strikes, limiting the protests and convincing workers to return to work. However, they often resorted to threats and the possibility of force against the strikers, whom the UGTA reports described as "disruptive" elements that had clear

4 Amchani Mustafa and Alaoui Ahmed, "The Algerian Trade Union Movement: Its Origins, Development, and Struggles", *Journal of the Researcher in Social Sciences and Humanities*, Algeria, 2019.

5 Ghazi Haidoussi, *Algeria: Imperfect Liberation*, 1st ed., translated by Dr. Khalil Ahmed Khalil, Dar Al-Tali'ah for Printing and Publishing, Beirut, Lebanon, March 1997, p. 67.

political objectives aimed at undermining state authority.⁶

. Algeria again witnessed an uprising on 5 October 1988; authorities used various methods of repression, including imprisoning activists. However, the uprising forced the authorities to accommodate the people’s demands for change, given the government’s inability to agree on a single line of economic and social policy at the time.⁷

A Shifting Political Environment

The events of October 1988 were the first step in the revival of the freedom to strike, organize, and debate, and led to the subsequent profoundly important political amendments. These were endorsed by the 1989 Constitution. Article 39 states: “the freedoms of expression, association, and assembly are guaranteed to the citizen” and Article 40 affirms: “the right to establish associations of a political nature is recognized”. Article 1 of the Constitution states: “Algeria is a democratic and popular republic and is indivisible.” This means opening the way for liberalism without abandoning the state’s social role in supporting education, health, housing, and other sectors.

This political shift in a country that had experienced a long period of unilateralism, before transitioning to political, party, and media pluralism after 1990, opened the way for trade union pluralism and the right to strike within the legal framework. This in turn contributed to the establishment of a more appropriate grounding for the trade union movement and the beginning of a break away from the UGTA as the sole trade union and its domination of workers’ affairs; there was a shift away from the various organs of the single party and a move toward trade union independence and the free exercise of the right to strike, organize, dialogue, and defend workers’ rights. Under the constitution, trade union rights are enshrined as an individual right under Article 53, which stipulates: “Trade union rights are recognized for all. Trade union rights are recognized for all citizens.” The principle of the right to unionize refers to the right of every citizen who meets the legal requirements to establish a trade union and to join or refrain from joining one.

The period following the adoption of the constitution, especially from 1990 to 1992, was pivotal in Algeria’s process of change; the decisions enacted by the authorities at that time shaped the current political environment, whether related

to the system of government, parties, associations, unions, media institutions, or various civil society organizations.

In June 1990, the Islamic Salvation Front’s victory in local elections, followed by its winning 188 out of 430 seats in the first round of the 1991 parliamentary elections, plunged the country into such political turmoil that the army stopped the electoral process and canceled the second round of elections scheduled for January 1992. President Chadli Bendjedid resigned, plunging the country into a deep security crisis.⁸

In the face of these exceptional circumstances, the authorities were no longer interested in putting the new political opening on the right track but instead felt justified in tightening their grip on power. The UGTA was no longer affiliated with the FLN, although it has remained close to the ruling authority, and is one of the entities that has supported its political choices over the decades. Thousands of workers broke away from the UGTA, and dozens of them founded independent unions. The independent unions were limited to the public services sector, such as education and health; however, they were able to attract workers in these sectors, thereby creating a new paradigm of defending workers’ rights. Indeed, the pluralism that emerged from the 1989 Constitution provided an institutional framework – from party, political, trade union, and media pluralism laws – that allowed the emergence of these independent unions in specific sectors.

Table 1: History of the establishment of education unions after the 1989 Constitution

Education Union	Date Established
Independent Union of Education and Training Workers	9 September 1990
National Union of Education Workers	3 October 1990
National Union of Education and Training Workers	27 October 1990
National Union of the Economic Interests of Education and Training Workers	7 November 1990
National Council of Professors of Higher Education	19 February 1991
National Union of Educational and Vocational Guidance Workers	12 November 1991

From 1991 to 2001, labor unions sought to resolve disputes

⁶ Jabi Nasser, *Algeria on the Move*, Dar al-Hikma, Algeria, 1995, p. 59.

⁷ Abed Charef, *Algérie, Le Grand Dérapage*, Edition de l’aube, France, January 1995, p 76.

⁸ Ayachi Ansar, “Democratic Transition in Algeria, Reality and Prospects”, *Riwaq Arabic magazine*, Cairo Center for Human Rights Studies. No. 17, January 2000.

and address contentious issues between workers and employers, improving working conditions by providing the requirements of prevention, safety, and occupational health, and reducing working hours within the framework of international labor standards. They also aimed to increase workers' wages, especially in light of the rising prices of basic materials at the national level; protect workers from arbitrary punishments and racial discrimination; and provide health care and insurance requirements for workers, among other goals.

Given the turbulent political atmosphere in which the independent unions were born, the overall trade union movement in Algeria also changed its direction, as workers' demands were directed toward the need to reconsider the organization of public institutions, especially the status of managers and cadres. Workers were able to shift the balance of power in their favor, away from favoring administrators and managers as before.

The great difficulties that Algeria faced in the transition from a socialist economy to a market economy also affected the working class. Among the repercussions of the deep economic reforms undertaken by the regime at the time were the loss of thousands of jobs in the public sector after the closure of many institutions, the removal of subsidies on some basic items, and the rise in prices due to the decline in oil revenues.⁹ The UGTA used the political situation to attack newly born parties and unions in the era of pluralism and to undermine any free action.

The emergence of independent unions also coincided with the beginning of the security crisis, popularly known as the "Black Decade" (1991-2001), which caused political inertia and great tension in various fields. Amid this difficult security situation, trade unions were unable to form organized and politically effective frameworks, and the security conditions did not help them develop the new trade union experience. There was also an atmosphere of fear of engaging in social demands amid dangerous security conditions due to terrorist attacks. At the time, all eyes were focused on the need to restore security and ensure the return of stability. The security crisis hampered the independent unions' field work, as reflected in the tools of demand and protest action, so union activity in Algeria during this period ebbed and flowed, even after the security situation stabilized.

Table 2: History of the establishment of health unions after the 1989 Constitution

Health Union	Date Established
National Union of Assistant Professors in Medical Sciences	7 January 1991
Independent Union of Managers of Public Health Institutions	5 May 1991
National Union of Health Workers	29 October 1991
National Syndicate of Professors of Medical Sciences	11 November 1991
National Union of Public Health Administrators	
National Syndicate of Dentists	
National Union of Public Health Practitioners	15 November 1991
National Syndicate of Public Health Professionals	October 1993
National Union of Teachers of Paramedical Education	24 June 1996
Union of Health Administrators	14 October 2001
National Syndicate of General Physicians	27 October 2001

In addition to the political situation and the return of the central authority and the UGTA's control over institutions and the working class, the state delayed the implementation of economic decisions resulting from the adoption of a market economy. This situation has left independent unions in a state of uncertainty and repression on the ground, despite the laws that regulate their work on paper. Additionally, although independent unions obtained licenses to operate in the field, they were subjected to various methods of harassment by the authorities. The authorities prevented them from organizing meetings and placed obstacles when they tried to reserve halls for their union activities. The authorities also used other practices to break workers' protests and strikes, especially

⁹ Mahmoud Belhimer, "Democratic Transition in Algeria", PhD thesis in Political Science and State Relations, University of Algiers, 2018, p. 89.

in the health and education sectors.¹⁰ These practices were formed in a one-party framework; it is, therefore, difficult for the authorities to deal with new union actors in the workplace, or to think outside of unilateral frameworks or “outside the box”, and limited their dealings to vertical labor relations based on employer and employee.¹¹

Legal and Constitutional Challenges

Establishing a new constitution meant establishing a new contract based on a new legitimacy, and the constitution is linked to the extent of the awareness of political elites and their roles in the stage of constitutional construction and political transformation.

Studying the post-1988 period shows that the 1989 Constitution approved several laws related to trade union activity, the most important of which is Article 2 of Law No. 90/14 of June 1990, which stipulates: “Wage earners have the right to organize. Wage earners on the one hand and employees on the other, belonging to one profession, one branch, or one sector of activity, have the right to form trade union organizations to defend their material and moral interests.”

The 1989 Constitution ended the trade union monopoly of the UGTA, which had been reinforced by regulatory measures, following the promulgation of the Law on the Exercise of the Right to Organize in 1990, which broke with the era of trade union monopoly and guaranteed trade union freedom for every citizen. The labor federation and its union branches remained close to the authority, so independent trade unions used to distance themselves from the UGTA as “independent”.¹²

The laws governing trade unions represented the success of workers in organizing under the cover of union formations to defend their rights, and the various unions had a high degree of importance in professional institutions. While the private sector was far from establishing independent unions,

the public sector, particularly in the fields of education and health, was the most practiced sector for the right to union pluralism. The number of independent unions reached 87, including 66 unions within the official list of the Ministry of Labor and Social Security in 2019; the education sector received the lion’s share of the accreditation of 21 new unions in 2021.

These data show that independent unions have become a legitimate entry point for trade union transformation in Algeria and are the locomotive that pulls the carts of labor protests.

Since the popular movement in 2019,¹³ and the various political dates organized by the authority, the authority’s tendency to draft laws regulating political and trade union activity, in addition to framing the media space, has surfaced, resetting them and setting legislative limits for them.¹⁴

In 2023, Parliament ratified Law No. 23/02 on 25 April 2023 on the exercise of the right to organize and Law No. 23/08 on 21 June 2023 on the prevention and settlement of collective labor disputes and the exercise of the right to strike. They include a redefinition of concepts and an adjustment of trade union activity to the new situation, including the complete separation of trade union activity from political action.¹⁵

Law No. 23/08 replaced Law No. 90/02 of 6 February 1990. In the section on the prevention and settlement of collective labor disputes, the new law included in the provisions of the right to strike “the obligation to create a social environment in which strikes are used only as a last resort”, thus introducing additional sanctions on trade union striking freedoms, as workers are allowed to strike only after exhausting amicable settlement methods through dialogue, consultation, and collective bargaining.

The government counted 2,173 illegal strikes in nearly ten years, which, according to the government, is equivalent to stopping activity for many months in the health and

10 Zoubiri Hussein, “The Labor and Trade Union Movement and the Search for Social Justice in Algeria”, American University Policy Institute, Beirut, Lebanon, February 2017, p. 32.

11 Nasser Djabi, *Algeria, the State and the Elites*, Dar al-Shehab Publishing House, Algeria, 2008, p. 67.

12 Ajja Jillali, *Al-Wajeez in Labor Law and Social Protection*, Dar al-Khaldounia, Algeria, 2005, p. 109.

13 On Friday, 22 February 2019, thousands took part in popular marches across various states in Algeria demanding that President Abdelaziz Bouteflika not run for a fifth presidential term (1999-2019). This led to the postponement of the scheduled 4 April 2019 elections, and the announcement of President Bouteflika’s resignation in April 2019 (less than two weeks before the end of his fourth term) in response to mass calls that rejected his remaining in power.

14 Directives by the President of the Republic given during two Cabinet meetings held on 3 August and 23 October 2022.

15 “Report on the laws” (Arabic), National Independent Council of Secondary School Principals website, available at <https://cnadl.net/?p=1451>

education sectors during the period 2013-2022.¹⁶ Although the purpose of the law is unclear, the new amendments aim to regulate strikes by setting legal deadlines before launching a strike, in addition to respecting procedures for exercising this right legally.

Prime Minister Ayman Ben Abdel Rahman revealed that these amendments seek to reduce the chaos of strikes, establish stability, open channels of dialogue between all parties in various sectors, protect labor rights, and reduce collective disputes between the government and the social partners.¹⁷ Meanwhile, trade unionists point out the paradoxes in the new law and its provisions governing labor. While the law enshrines the idea of the right to strike as a fundamental right, its exercise is emphasized in Part III of Law No. 23/08. According to Article 46 of the Trade Union Labor Law of April 2023, any “collective stoppage of work that does not meet the aforementioned definition shall be considered an illegal strike” and shall result in “prosecution and penalties if it is aimed at meeting political demands, of indefinite duration, sudden, intermittent or solidarity, or has a purpose foreign to the professional interest of workers, or is practiced without respect for legal and convention procedures.” Illegal strikes are those that “result in violence, assaults, threats and fraudulent maneuvers to infringe on the freedom of work or incite non-striking wage earners to join an agreed work stoppage”.¹⁸ If the union initiates an illegal strike, it will be subject to the penalty of dissolution under Article 46 of the Law.

On the other hand, Article 12 of Law No. 23/02 states:

Trade union organizations are independent in their operation and distinct in their purpose and name from any political party. Trade union organizations are prohibited from being structurally and functionally linked to political parties and cannot receive support by financial means or other privileges from such parties.

The same article also prohibits trade unionists from combining the practice of trade union work with the exercise of basic legal responsibility or a mandate in the leadership bodies of a political party. Article 13 also requires “founding and leading members of trade union organizations to remain neutral and refrain from declaring their support for political parties or any political figure”.

¹⁶ Official report announced by the Minister of Labor, Employment and Social Security, Faissal Bentaleb, on the sidelines of a parliamentary meeting, 4 May 2023.

¹⁷ Statement by Prime Minister Ayman Ben Abdel Rahman, at the National People’s Assembly, October 2022.

¹⁸ Law No. 23/08 on the prevention and settlement of collective labor disputes and the exercise of the right to strike.

As part of the discussions of the bill in the National People’s Assembly (the lower chamber of the Algerian parliament), 30 independent unions rejected the two draft laws on the exercise of trade union rights, the prevention of collective conflicts at work, and the right to strike.¹⁹ They considered the passage of these laws to be a threat to constitutional rights and trade union freedoms, saying that passing them without consulting the various unions and their sectors in the preparation of the draft laws and preventing them from participating in discussing their provisions is a violation of the right to freedom of expression guaranteed by the constitution. The unions also emphasized: “The articles of the bill are incompatible with the international conventions ratified by Algeria and the Algerian constitution regarding civil and political rights.”²⁰

The Overlap Between Politics and Trade Unions in Health and Education

Due to social and political changes, independent unions, especially those in health and education, have faced many challenges, as labor rights have overlapped with political considerations and issues of freedom. The unions played an important role in mobilizing the Algerian street in recent years, especially in what was also known in the media as the “oil and sugar incidents”.²¹ The protests in several sectors,

¹⁹ Statement signed by 30 independent unions after their meeting on 26 January 2023 at the headquarters of the National Union of Education and Training Workers, Algiers.

²⁰ Elias Mrabet, President of the National Union of Health Professionals, said in an interview in 2023: “We must first define the terms in order to set boundaries between trade union activity and partisan political activity, in addition to taking into account an important matter, which is the conformity of the laws of the Republic with the articles of the 2020 Constitution on the one hand and the provisions of international treaties and conventions ratified by our country, which do not prohibit combining the two activities. This is an interference in the internal affairs of unions and political parties alike, and the decision on such matters should be left to them through their organizational bodies and their members, away from the directives or pressures of the authorities.”

²¹ The “oil and sugar incidents” took place in Algeria on 5 January 2011, coinciding with the beginning of the so-called “Arab Spring” that toppled ruling regimes in Arab countries. Several

especially health and education, in 2012, 2014, and 2015 ended with the realization of professional demands related to raising wages and important amendments to the laws governing the working class, especially those related to the career ladder.

The confrontation between the independent unions and the government was renewed, with protests by education and health workers in 2017 and 2018, and they were able to mobilize strongly and push other sectors to take action on the ground. The unions used the right to strike to achieve their demand for basic laws for workers in the postal and transportation sectors as well. The number of protests reached 450 in two years and 159 strikes.²²

In light of the general political situation in Algeria, the presence of independent unions was prominent in the popular movement, which has completed its fifth year (2019-2024), through their ability to mobilize and polarize workers in protests and defend their interests. Accordingly, the government worked to break the ties between the political and trade union communities by creating a legal environment after the adoption of the new constitution in 2020 to regulate the work of independent unions.

The issue of the political participation of unions in 2022 was a cornerstone during the discussions of the draft laws regulating trade union activity. This sparked great debate in various circles, leading people to confuse unions and political parties and plunging them into a conflict spiral between supporters and opponents of completely separating unions from political practice. In general, the law prohibits any organic link between unions and parties, prohibits union leaders from being members of political parties, and prevents unions from carrying out any activity with a political dimension or presenting positions of a political nature.

cities witnessed acts of vandalism that started in Bab El Oued, the largest neighborhood in Algiers, as a reaction by several popular groups against the increase in the prices of oil and sugar, two basic needs subsidized by the government. The violence left six people dead: “The scarcity of some widely consumed foodstuffs in the Algerian national market and their high prices”, National People’s Assembly, October 2011.

²² Khaira Laroussi, “Anger mobilizes the government”, Al-Khabar newspaper, 19 February 2020, available at <http://www.elkhabar.com/>

The Arab Uprisings and the Health and Education Unions in Algeria

The involvement of independent unions contributed to the opposition forces’ quest for a democratic transition and the emergence of independent unions demanding improvements to the professional and economic conditions of thousands of workers in health and education.

The government and pro-government parties at the time limited these protests and strikes to a narrow economic and social demand. The Workers’ Party called for opening a dialogue on all measures that could be taken to improve the “social and professional” conditions of Algerians. At the time, authorities tried to minimize the protests, smear the unionists – calling them treasonous and saboteurs – and discredit union leaders and members, especially as Algeria was preparing to organize local and parliamentary elections in 2012, and presidential elections in 2014.²³

The Algerian regime at the time of the Arab Spring bet on media institutions to present a discourse in line with its orientations. The beginning of the street protests in Tunisia, Egypt, Libya, Yemen, and Syria raised many questions: Does Algeria have the same conditions as those countries, so that the Algerian street can emulate them? Is the internal fabric capable of limiting any repercussions of a social movement that may occur in the country? Do civil society, national organizations, and unions, in particular, have the margin of independence and the power to influence the course and framing of events? How can the media be used to undermine political processes that call for political change in conjunction with the movement in many Arab countries?

The Algerian street was affected by the Arab Spring as these movements resulted in the division of the trade union movements in the subsequent phase, from 2012 to 2014, into two halves: one supporting the political authority and the other opposing it.²⁴ The side supporting the political authority aligned with the UGTA union branches and their bases and supported the choices of the political arena, including presidential candidate Abdelaziz Bouteflika; the other side was led by independent unions and engaged in political opposition activities. The independent unions demanded more freedoms, participating in the Saturday

²³ Interview with the trade unionist of the National Health Syndicate, Farid Houam, May 12, 2023.

²⁴ Abdallah Bedjaoui, scientific intervention at the symposium “Elite and Society”, organized by the Movement of Society for Peace (MSP), Algiers, February 13, 2012.

demonstrations led by the Barakat movement and holding rallies in the center of Algiers.²⁵ One of their main demands was that President Bouteflika not run for a fourth presidential term. They were a force capable of imposing their demands in rallies and meetings.

This was especially evident in the participation of the health and education unions in the Opposition Conference on Democratic Transition in June 2014 and in 2015, or what was then called “Mezafran 1” and “Mezafran 2” in the Algerian capital.²⁶ This conference reflected positively on the independent unions, making them a force present in the various political events organized by the prominent forces on the scene and participants in the open debates on the democratic transition. Trade union activism was very effective in mobilizing the masses to make predominantly professional demands, especially in the health and education sectors.

During the second decade of the current millennium, the authority employed many devices to delegitimize any trade union movement that took place outside its political frameworks. It used the judiciary to undermine protest movements led by professional education and health unions and to stop the strikes launched by thousands of doctors, nurses, and teachers at various educational levels. The government did not hesitate to use an iron fist to quell protests, as during the prevention of doctors’ marches called for by independent unions inside of medical buildings in several hospitals in 2018,²⁷ and it also resorted to violence by police and public order officers.²⁸ This incident incited workers’ demands for an independent judiciary; independent health and education unions condemned the violence and threatened to escalate the situation with their calls for freedom of expression and the right to strike.

25 The Algerian “Barakat” was founded on March 2, 2014, organizing several protests in the capital to reject the fourth term of President Abdelaziz Bouteflika, followed by sporadic protests in several regions of Algeria.

26 “Draft of the First Symposium on Freedoms and Democratic Transition” (Arabic), Coordination for Democratic Transition, following the first Mezafran meeting on 10 June 2014, available at <https://hoggar.org/2014/06/01>

27 “Security forces prevent resident doctors from organizing a march in the streets of the capital” (Arabic), 3 January 2018, available at <https://www.aps.dz/ar/algerie/51815-2018-01-03-17-21-43>

28 “Badawi announces investigations into the ‘assault’ on resident doctors” (Arabic), 10 January 2018, available at <https://www.aps.dz/ar/algerie/52057-2018-01-10-15-03-06>

The 2019-2021 Algerian Protests and the Rise of Independent Unions as Political Players

The independent health and education unions adopted a strategy to defend the demands of employees in both sectors, which consisted of getting involved in the preparation of the draft labor law, retirement, and protecting the purchasing power of their employees.²⁹

Among the most important of their demands was the abolition of union representation requirements that mandated a union must represent at least 20% of its sector’s workers and employees to be able to negotiate with the authorities on professional issues and social demands, such as “strengthening the acquired rights of workers and protecting the trade union representative against any arbitrary dismissal decision, [ensuring] that the amendments support trade union freedoms, reviewing the trade union representation process, and allowing the establishment of federations, confederations, and workers’ federations”.³⁰

The authority recognizes the importance of independent unions as a social partner only when it submits reports and promotes its official vision of work to international forums and seminars; it presents them as the unions of the middle classes defending the interests of wage earners and employees. In all other situations, the authority excludes them from the social dialogue or the so-called “triumvirate” of the government, employers, and unions.

President Bouteflika’s speech on 23 February 2005 announced his recognition of the UGTA as the only official union and a partner of the government.³¹ The president’s statements surprised the independent unions, which led them to enter a new phase of struggle and led to labor protests and continued denunciations of their exclusion from the trade union scene. The independent unions appeared to be an inconvenient reality that the political authority adapts to only in narrow sectoral corners, interacting with their demands to manage social conditions and appease their workers by meeting only part of their demands as a means to further its political project.³² Thus, the existence of independent unions became

29 Rapport du comité national des libertés syndicales, p. 11.

30 Massoud Amraoui, leading member of the National Union of Educational Workers, interview, September 2022.

31 Speech by President Abdelaziz Bouteflika at the headquarters of the UGTA on 24 February 2005, marking the 33rd anniversary of the nationalization of hydrocarbons on 24 February 1971.

32 Chih Arabe, “La colère des syndicats autonomes”, *Liberté*, 26

a formality, in which unions are almost a hand of the ruling authority, generating political cover and favorable statistics related to civil society organizations to ensure stability and counter international organizations' reports on freedom in Algeria.³³

The relationship between the government and the independent unions shows a web of contradictions. On the one hand, the state recognizes independent unions and provides them with a space for expression through sectoral representations. On the other hand, it only allows a representative of government institutions, the UGTA, to address issues related to workers and citizens, without allowing independent unions to address the core issues related to legal concerns, wages, and the professional status of workers.

Trade union practice in Algeria has faced difficulties on the ground due to the lack of a legal environment that allows the emergence of truly independent unions that are able to resolve issues related to their organization and their right to participate in the central bargaining process. This can be seen in the incomplete exercise of trade union rights in many working sectors; the notable exceptions are in the education and health sectors, and to a lesser extent other administrative sectors such as transportation, post, and telecommunications.

In terms of structure and roles, independent unions have been subject to the evolution of the political and institutional environment since 1990 and influenced by the security situation the country faced at the time. Except for the debate that independent unions, especially in the health and education sectors, engage in during local, parliamentary, and presidential elections, the government has since 2002 barred unions from the social dialogue. In this context, independent unions – especially those affiliated with two blocs: the National Coordination of Independent Public Service Unions and the Independent Commission of Public Service Unions, which includes sectors beyond education and health – fought several battles with the authorities during 2007-2008. These unions issued a call for a general national strike from 13-15 April 2008, demanding the inclusion of independent unions in the preparation of special laws and the system of grants for various sectors, as well as the integration of contract teachers, the stabilization of retirees by opening financial positions, an increase in wages, and the establishment of a retirement grant that would guarantee the dignity of the employee and be in line with purchasing power.³⁴ To denounce its exclusion from the social dialogue in 2009, the National Union of Public

February 2005.

33 Nasser Djabi, "Algeria, the State, Elites, Political Parties and Social Movements", Chehab Publications, Algeria, 2008.

34 www.cnapest.com

Health Practitioners decided to hold a pro forma national protest at a meeting to denounce what it described at the time as "the policy of selective dialogue".³⁵

A kind of overlap occurred between union activism and political party work, which became evident through joint activities between independent unions and political opposition groups. This overlap was particularly clear when some union leaders were nominated on party lists to participate in legislative elections. The education sector benefited from these lists.³⁶ This led to the election of 17 unionists to the National People's Assembly (2017–2021) on various party lists, including the FLN, National Liberation Front, the National Democratic Rally, the Workers' Party, Ennahdha, the Future Party, as well as independent lists.³⁷

With the beginning of the popular movement, the education and health unions engaged in weekly marches and mobilized thousands of teachers and doctors to participate in demonstrations and open-ended strikes. They called on their bases in the states to support the 2019-2021 protests, also called the HIRAK, under the organization of the National Confederation of Independent Trade Unions. The latter launched a general strike on 29 October 2019 to support the popular movement and denounce the security prosecutions and arrests of activists.³⁸

However, the participation of independent unions in meetings of the political opposition, ahead of the presidential elections at the end of 2019, exposed their leaders to great pressure. There was discord within the unions between supporters and opponents of the HIRAK and between supporters and opponents of stopping the electoral process. These are among the factors that weakened the independent unions from within and led to the fragmentation of the labor bases that embraced them.

35 Interview with trade unionist Dr. Hamid Lazhar, active in the National Union of Public Health Practitioners, 13 May 2023.

36 According to an official tally announced by the Ministry of Interior on 12 January 2012, the number of associations reached 93,654 state-approved associations active at the national and local levels, including 92,627 local associations and 1,027 national associations. The number of active associations has not been counted. See article from Al-Shorouk Al-Youmi, 17 April 2012.

37 A number of union activists in education and health were interrogated in Algiers, Oran, and Constantine from 2022-2023.

38 Abdelaziz Rahabi, a diplomat and former Minister of Information, is among the national figures who participated in several seminars of the Coordination for Change and Democratic Transition in 2014 and participated in the "Democratic Transition" seminars in 2019.

Education and Health: Leaders of the Trade Union Project?

Since their emergence, independent unions have gone through phases of connection and separation with the political parties; this is due to their workers' demands for higher wages, amendments to labor laws, and calls for the Algerian government to release the basic Law regulating labor for professionals in the education and health sectors. In the face of the regime's attempts to impose its logic and censor unions, union leaders such as Massoud Boudiba, the national secretary in charge of information for the National Independent Council of Education Staff in Algeria (the largest trade union organization in the education sector), called on workers to register a position in support of the demands of the Algerian people raised since February 2019. The union rejected "attempts to circumvent these demands by imposing a solution path that does not meet the consensus of all Algerians". At the top of its demands, the union emphasized "the need to respect political demands and lift the restrictions on freedoms".³⁹

Until 2019, trade union activity in Algeria expanded and was influenced by the changes that many Arab countries have also experienced in the past ten years. Unions in the health and education sectors participated in protests and strikes, calling on the authorities to improve the living conditions of these professional groups by obtaining reasonable wage increases, which in turn contributed to at least partially rehabilitating trade union work and giving greater legitimacy to trade unions among groups new to them.

During the wave of anger that swept the country, health unions, led by the National Union of Health Professionals, called on workers in the sector to participate in marches and to postpone professional and social demands because the popular national demand had become the priority.⁴⁰ In

doing so, they played a leading role in supporting the Hirak, partially suspending work across many public hospitals and medical centers. The reason behind this support was that the best scenario for the development of trade unionism in Algeria depends not only on a change in the general political and institutional framework but also on greater transparency and the ability to produce institutions and people that believe in the legitimacy of individual and collective freedoms.

The independent unions in health and education were able to organize large numbers of employees within their local and national structures and to disengage dozens of them from the structures of the UGTA, which remained present but without much effectiveness within these two sectors. Based on the number of workers, the two sectors have a strong ability to benefit from and influence draft laws, even if they are not officially presented to the social partners. Since the dawn of trade unionism, the two sectors have been present in the establishment of trade union laws or as a lobbying force for the approval of projects that the government is developing and deciding on.

Unions in the education and health sectors use several methods in their struggle, the most important of which is negotiation. If their demands are not met, they threaten strikes, and if this does not work, they proceed to intermittent strikes. Open-ended strikes remain their most powerful weapon, as they have enabled the unions to win several social and professional demands.⁴¹ For example, through pressure, protests, and strikes, the National Independent Council of Secondary and Technical Education Teachers was able to achieve some demands and gain some rights from the government related to improving the professional conditions of workers and raising wages for more than 800,000 employees in the education sector and 500,000 in the health sector.

³⁹ Interview in the context of a comprehensive research on political and trade union practice in Algeria on the fourth anniversary of the 2019 popular movement, conducted on 14 January 2023.

⁴⁰ Elias Mrabet, President of the National Union of Health Professionals, in an exclusive interview during 2023, stated: "Independent unions played a role in supporting the 2019 popular movement and did not delay in officially joining it through a meeting on 28 February 2019, which ended with a statement issued the same day in which the Confederation of Algerian

Unions (under establishment) announced its absolute support for the movement and called on its members to participate in the marches strongly, with the decision to postpone professional and social demands, as the priority became the popular national demand."

⁴¹ See Sahli Mohamed, "Protests in Algeria, Algeria has witnessed more than 4,000 protests and strikes from 2012 to 2019", available on the Al-Khabar website, www.elkhabar.com

Table 3: Number of employees in education and health*

Health	Education
2019:	2019:
365,893 workers	Number of teachers in all stages of primary, middle and secondary education
Paramedical staff: 131,460 workers.	
Administrative and technical corps: 118,337 employees.	478,985
2019-2023	2019-2023
Recruitment of 62,736 workers (specialized doctors, nurses and administrative staff)	Number of professors: 573,196
Recruitment of 10,623 specialists according to university hospital centers	More than 11 million students
Recruitment of 45,441 paramedical staff	Number of workers and employees: 287,453

Note: Table 3 is meant to demonstrate the extent to which the unions were effective in their demands. We adopted the period from 2019-2023 to determine the extent to which the popular movement achieved the unions' demands, especially in education and health, and used 2019 numbers as a benchmark.

Internal Divisions and Authority Interventions

The education and health trade union experience is not to be underestimated, as their political participation experience contributed to the emergence of categorical and professional unions. However, despite their achievements, they failed to maintain their goals due to fragmentation and division. Labor organizations were born from the womb of other unions, which made it easier for the government to disperse their efforts, contain them, reframe them, or suppress their movements in the field.

In this context, trade unionists recorded the interference of the administrative authority in their internal affairs by establishing parallel unions, thus violating the principle of trade union independence. Law No. 90/14 prohibits “any legal or natural person from interfering in the management of a trade union organization except in cases explicitly stipulated by the law”. Despite this provision, the authority created parallel unions to thwart the active unions with a large membership, which were able to rally activists around them and whose leaders could mobilize their bases for protests or strikes. The administration created divisions within the original unions, fragmenting them from within and creating

rifts that it could exploit by using more malleable militants.⁴²

Independent unions, especially in health and education, have also witnessed internal divisions due to conflicts within the union’s executive body, crises of leadership and field representation, and the absence of democratic practice in the union itself. This is what happened to the National Union of Education and Training Workers, founded in 1990, when one of its leaders withdrew to found the National Union of Education Workers in 1999. The same happened to the union of the National Independent Council of Secondary and Technical Education Teachers, with the establishment of a new union called the Independent National Union of Secondary and Technical Education Teachers.

These divisions lead to the weakening of the unions, wasting their energy by dispersing and diluting their membership, not to mention the emergence of personal loyalties; the divided unions are also weakened in terms of their negotiation power and their ability to defend the interests and rights of their workers and win basic demands. Facing this weakening, some unions have taken the initiative to establish union coalitions, working as a single union or a union bloc, such as the National Union of Education and Training, the National Union of Public

⁴² Della Sudda-Francois, “Entre répression et manipulation, le courageux combat des syndicats autonomes Algériens”, rapport du comité international de soutien au syndicalisme autonome Algérien, p 6.

Health Practitioners, the National Union of Algerian Doctors, and the Algerian Union of Paramedics”.⁴³

In this regard, the government’s granting of licenses to a number of new unions, especially since 2021, is a double-edged sword. Ostensibly, it shows the face of union pluralism in terms of quantity, while in practice, it helps to implement the strategy of fragmentation chosen by the political regime.⁴⁴

The number of unions in the health and education sectors has not been spared from the issues of poor representation in the field, as the efforts of their activists are dispersed, which increases the level of pressure exerted by the government on employees. In addition to the fragmentation of workers’ union affiliation, and thus the diminished response rates to protests, with the adoption of the 2020 Constitution the authorities were able to enact legislation that allowed them to weaken the unions’ joint work.

In addition to the divisions that have weakened union militancy, independent unions also face legal challenges. If any settlement between the unions and the administration or ministry concerned fails, the latter wields the threat of legal action to block protests or stop strikes by declaring them “illegal”, thereby deflecting the direction of the trade union struggle by prosecuting union activists.

The emergence of independent unions more than three decades ago and their remarkable appearance in the Hirk movement explains the authorities’ concern about the control of independent unions over the largest of the public sectors (education and health) and their ability to mobilize the working class. This, in turn, explains the legal restrictions that the 2023 Law hinted at.⁴⁵ Since the enactment of the articles of the new Law regulating unions in 2023, the percentage of union representation required for a union to participate in government negotiations is now 30% of the total number of workers in their sector, which is up from 20% in the previous Law. The new Law regulating trade union work also emphasizes the need to “separate trade union work from management responsibility and political affiliation”, which some political parties in the country have described as “preventing political parties from controlling trade union organizations and dominating their decisions”.⁴⁶

43 The unions called on the social partners to unite under a national coordination of unions, noting the weak impact of a single movement, available in Al-Khabar newspaper on 06-02-2012.

44 Nacer Djabi, “Algeria: Independent Unions and the Stalled Democratic Transition” Arab Reform Initiative, November 2021, <https://www.arab-reform.net/ar/publication/>

45 “Algerian professors declare strike amid accusations of ‘disrupting’ the presidential elections” (Arabic), Independent Arabia, 2 May 2024, available at <https://www.independentarabia.com>

46 “Guest Speaker: Confederation of Algerian Trade Unions

Additionally, before that, some unions had lost the trust of workers and the political authority due to “the acquisition of several trade union organizations by some parties”. Houssein Beljoud, a former trade unionist in the National Union of Education Workers, explains that several unions lost their control over internal decision-making after the change in the Algerian street and the ambitions of some leaders to get closer to power. This led to divisions among trade unionists who defended the rights of workers.⁴⁷

Conclusion

Independent unions in the education and health sector have played an important role in creating and reproducing a professional reality in Algeria, pressuring the government through protests to obtain gains, promote rights, and improve the social and economic conditions of workers and employees, earning them social legitimacy in the trade union community in general. Unions remain a political lobbying force, forcing the authorities to recognize them and participate in enacting laws and interacting with the masses, which is a give-and-take between the politicians and the unions.

Those who look at the Algerian political situation and the position of health and education unions in public affairs are familiar with a transitional approach based on pushing the government and employers into dialogue and achieving goals in favor of the working class. Some unions have shown their independence from the governmental political actors and the UGTA in dealing with various partners. However, in recent years the unions have faced several issues related to their failures at the political level and their fragmentation into new unions, which makes it easier to control them and calm their anger in the field. The achievements of the independent health and education unions, such as wage increases, recognition of the strength of their representation in the field, negotiations as a labor party, and the right to strike, brought them into conflict with unions born out of the UGTA. They are active in the same workplaces in the public sector, making the trade union experience of different union actors an ongoing confrontation and power contest, constantly testing the field.

The gains of party and union pluralism in Algeria are still contingent on action in the field, as documented by the strikes that unions have launched over the years. Unions must be present and constantly react to social, economic, and political changes, despite the legalization and separation of union activity from politics.

Sticks to Strike” Ennahar TV <https://www.youtube.com/watch?v=oKuKqCrNzrw>

47 Private interview, Anonymous, 13 August 2023.

This movement augurs well for a future characterized by great pressure on the Ministries of Education and of Health, as well as society as a whole, and the unions' ability to keep pace with events.⁴⁸ Trade unionism in Algeria still faces a social environment that rejects the central importance of the struggle and the principle of respecting the independence of trade unions, for the myriad reasons discussed. The roles played by independent unions in general, and the composition of health and education unions in particular, are familiar to anyone who looks at them as a mosaic of people from different ideological backgrounds and political affiliations.

However, their division into several unions, including 21 new unions in the last three years, has hindered their access to joint action, put negotiations with their respective government partner – either the Ministry of Education or the Ministry of Health – on hold, and complicated the process of resisting pressure from the authorities after the adoption of the Law regulating trade union work in 2023.

Accordingly, the former trade unionist in the National Union of Education and Training Workers, Massoud Amraoui, believes that the creation of more labor organizations in the education sector is a policy of diluting the act of struggle in the education sector and inundating it with unions. He asks about their role in the field and what some of these organizations can do for some professional categories and states that by going on strikes for a whole year, they do not offer anything to the sector. He also emphasized that it is “a policy of fragmentation of the fragmented and fragmentation of the fragmented” and is far from achieving the demands.⁴⁹

On the other hand, the multiplicity of unions is not without benefit to the health and education sector because it strengthens each union's power to demand workers' rights and enables them to be involved in the preparation of labor contracts and collective labor agreements. These intertwined relationships and the multiplicity of sectors of activity may push unions to form federations or professional associations, to be more organized and better able to negotiate and achieve professional gains.⁵⁰

Therefore, it seems that the future of trade unionism in

Algeria is directly constrained by Law 2023, especially since it has resulted in a divergence in positions between those who believe it creates a gap between political and trade union work and those who support the law on the basis that it closes the labor space and prevents it from turning into an arena of conflict between political components. According to the first group, trade unions should enjoy full freedom to practice politics, as trade unionism and politics are considered two sides of the same coin. From this perspective, the exercise of the trade union right requires the availability of other rights, such as the right to assemble, strike, and express opinions on issues of public concern, which are intertwined with political action. Meanwhile, the second group believes that allowing unions to engage in political work may lead to the dilution of professional specialization, which in turn affects the level of workers' performance and weakens their productive capacity. Also, promoting the program of a particular party or candidate can open the workplace doors to conflicts based on ideological differences and political affiliations.

In the future, the main challenge for independent unions in general and health and education unions in particular is to adapt to the requirements included in the law on the exercise of trade union rights in Algeria, and the ability and flexibility of these unions to circumvent its constraints.

48 Hariya Atika and Kassi Samir, “The Stakes of Independent Unions in the University Labor Disputes of the Algerian Institution – A Sociological Approach to Union Action”, *Journal of Organization and Labor*, Vol. 12, January 2023.

49 Massoud Amraoui, former trade unionist at the National Union of Educational and Training Workers, statements made to the press.

50 Mohamed Hussein Mansour, *Labor Law*, 2nd ed., New University House, Alexandria, 2007, p. 299.

Arab Reform Initiative

The Arab Reform Initiative is an independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change and social justice. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality, and gender equality.



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