



جامعة عباس لغرور خنشلة
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Abbes Laghrouj University, Khenchela



امعة عباس لغرور خنشلة
ABBES LAGHROUJ UNIVERSITY KHENCHELA

Faculty of Social Sciences and Humanities
Department of Social Sciences

Sociology of Labor Movements

Pedagogical lessons aimed at second-year Master's
Speciality : Sociology Of Organization And Work



Professor/ Ben Omrane Boubekour

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I. Labour and Trade Union Movements – An Introduction

Preface:

The labour and trade union movement is a broad social movement that did not arise by chance. From a socio-historical perspective, it is the outcome of societal characteristics, the transformations in economic and social organisation, and changes in policies, decrees, legislation, and other related factors.

The harsh social and occupational conditions endured by workers in Europe, from the late eighteenth century to the early nineteenth century, the period marking the emergence of the factory system, such as low wages, lack of security, the exploitation of labour through the employment of women and children, and the lengthening of working hours, all served as strong incentives for workers' uprisings and for the formation of labour organisations rooted in class consciousness.

As the size of the workforce expanded and trade union and labour-demand movements developed in many countries across the world, social researchers grew increasingly interested in studying this field. Therefore, in order to understand the history, foundations, and objectives of the sociology of labour movements in the Western world, we must ask the following questions: Why did the labour movement emerge in Europe? Why did it arise at a specific historical stage? What economic, social, and political conditions contributed to the emergence of trade unions? What were their objectives?

All these issues are addressed in the first section of this booklet, beginning with a clarification of key concepts related to the labour movement.

First: The Concept of Labour and Trade Union Movements

1. Social Movement:

A *social movement (mouvement social)* is, in sociological terms, a set of organised efforts undertaken by large segments of the population with the aim of changing public policy or a collection of laws and social norms.¹

¹ Mohamed Atef Ghaith, *Dictionary of Sociology*, Dar Al-Maarifa Al-Jamiiyya, Alexandria, 2015, p. 428.



Thus, this term refers to the behaviour and activity of a group of people who share common principles, objectives, and interests, and who seek to change the social reality.

We also find various interpretations concerning *new social movements*, which show that the term “social movements” is used in different senses. Jasper defines social movements as *a set of deliberate (intentional) and sustained efforts aimed at bringing about legal and social changes, conducted primarily outside the state’s formal institutional channels.*¹

From this definition, several important elements can be identified to clarify the characteristics of social movements, including:

1. Sustainability:

This means that social movements differ in nature from transient individual activities such as casual gatherings. They offer activists the opportunity to develop formal organisations, while at the same time allowing individuals to act independently within informal social networks.

2. Intentionality:

This links social movements to culture and strategy. All individuals hold personal ideas about what they want and how they wish to implement those ideas. These ideas are refined by passing them through the filters of their culture and psychology to determine their suitability, ultimately serving the aims of the movement.

3. Producing Change:

The aim of social movements is to bring about change in a reality they reject, using their own tools to express their collective opinions and shared ideas.

¹ James Jasper, *Collective Identity and Social Movements*, *Oman Journal*, Issue 33–09, 2020, p. 169.



4. **Non-institutional Nature:**

This is what distinguishes social movements from political parties and interest groups, which have established institutional structures and stable funding systems. It is worth noting that some social movements may, over time, transform into interest groups or political parties if their activities become institutionalised.

2. **Definition of the Labour Movement:**

This term refers to all forms of activity undertaken by workers to improve their conditions, whether immediately, in the near future, or in the long term. These movements are grounded in political, economic, and cooperative orientations.

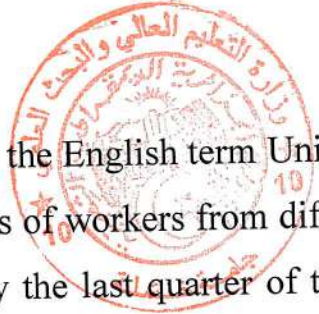
Accordingly, **labour movements:** are defined as all the organisations encompassed within the working class, including trade unions and political parties that claim to defend workers' rights. Thus, the labour movement assumes two forms: the political dimension, represented by parties, and the professional/occupational dimension, represented by trade unions, both of which work to safeguard the rights of workers.¹

Thus, it is a general term referring to the organisation of workers who launch campaigns urging employers and political authorities to improve their conditions and interests. It also aims at demanding the implementation, enactment, or amendment of laws governing labour relations.

3. **Definition of the Trade Union Movement**

The term *trade union movement* is relatively modern. Until the second half of the nineteenth century, the terms most commonly used were: *craft guilds*, *craft clubs*, *craft associations*, and *friendly societies*. These organisations were not trade unions in the sense in which we understand the term today; rather, they were in an *embryonic* stage of development.

¹ Mohamed Houssein Mansour, *Labour Law*, New University House, Cairo, Egypt, 2017, p. 56.



In the 1830s, the English term Union referred to the union of the working class or associations of workers from different trades. From this, the term Trade Union emerged. By the last quarter of the nineteenth century, *trade union* had become the recognised term. At that time, it referred to an association comprising workers engaged in the same craft.

However, during this period, workers began forming joint organisations based on **industrial** and **class** principles. From that point onwards, previously established craft-based organisations began expanding their membership base.¹

1. Definition of a Trade Union

Linguistic Definition:

The term *trade union* is linguistically derived from the word *naqīb* (captain or head). In *Lisan al-‘Arab*, it is defined as: “the leader or chief of a people, whose plural is *nuqabā*’, and the one who observes the affairs of the people. He investigates their matters and gathers information about them.” A *naqīb* is anyone who knows the inner workings of their community and is informed about its merits and notable qualities.²

The etymological meaning of the word also indicates that a *naqīb* is a formally elected individual entrusted with attending to the affairs and interests of a specific group or community of people.³

Technical Definition:


A trade union can be defined as an organisation freely formed by a group of workers to carry out professional activities aimed at defending the interests of its members, improving their conditions, and representing them at both professional and national levels through negotiation and active participation.⁴

¹ Ali Mahmoud Islam Al-Far, *Industrial Sociology*, 2nd ed., Dar Al-Maarif, Alexandria, Egypt, 1984, pp. 325–326.

² Jamal Eddin ibn Mohamed al-Ansari, *Lisan al-‘Arab*, Vol. 4, Dar al-Kutub al-‘Ilmiyya Publications, Beirut, 2013, pp. 93–95.

³ Badawi Mohamed Sofiane, *The Labour Union*, Master’s Thesis, Sociology, Algeria, 2006, p. 17.

⁴ Mohamed Ahmed Ismail, *Trade Union Law*, Dar Al-Nasr for Distribution and Publishing, Cairo, 2006, p. 8.



A trade union is a permanent, voluntary organisation of workers that undertakes to safeguard their interests, defend their working conditions, and improve their living and economic conditions. It is also defined as a group of workers formed to advance their welfare and to protect their interests before employers and the competent authorities.

2. Definition of Labour Unions:

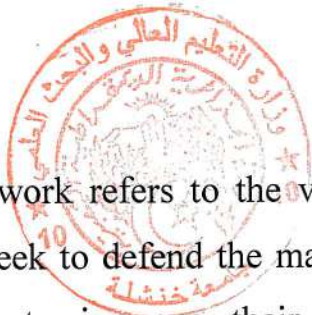
The term *labour unions* is relatively modern, emerging in the second half of the 19 century. Initially, the terms used were *craft unions*, *craft clubs*, or *craft associations*. These organisations were not labour unions in the comprehensive sense understood today but represented early forms that eventually led to the establishment of modern labour unions.

By the 1830s, the term *union* referred to associations of the working class or unions of workers from various trades. From this, the term *labour unions* emerged, particularly in the last quarter of the 19 century.¹ It became the term recognised in dictionaries, lexicons, books, and other references.

We can procedurally define the concept of **labour unions** as voluntary, sectoral, mass trade union organisations, democratically formed by workers under membership conditions that represent employees in similar, related, and complementary professions within a specific economic sector. Their purpose is to defend workers' rights and interests, improve their living conditions, preserve their dignity through decent work, protect them from risks, enhance social protection for them and their families, and participate as an effective and influential partner in shaping labour-related social policies within the societal system.

4. Trade Union Work:

¹ Badawi Mohamed Sofiane, *The Reality of Independent Trade Union Practice in the Public Sector*, Doctoral Thesis in Social Sciences, Sociology of Organisation and Work, 2013–2014, p. 59.



Trade union work refers to the various union-related activities through which individuals seek to defend the material and moral rights of workers and employees, aiming to improve their economic and social conditions. It encompasses all activities intended to advance workers' professional level and skills, enhance the social status of union members and their families, and communicate workers' problems to management for transformation into collective demands.

The strength and capacity of a union are determined by the effectiveness of its trade union work and its bargaining power. A union's strength depends on its membership size, the solidarity of its members, and the extent to which these issues are linked to the economic and social conditions of workers and their environment. Trade union work strengthens the union's position and is defined by the functions and roles of the union within the organisation, as well as its relationship with the workers.

3. Principles of Trade Unionism:

01. Principle of Conviction:


One of the most important principles of trade union work is that the individual must be convinced of the importance and usefulness of union activity in safeguarding the rights of all, improving members' conditions, and advancing the current reality towards better outcomes. This conviction is essential for the continuity of union work and resilience in the face of unforeseen circumstances.

02. Principle of Positive Self-Engagement:

Trade union work is voluntary; therefore, the importance of positive self-engagement by members lies in being the main driving force for work, perseverance, and achieving desired goals, including readiness and willingness to make sacrifices to attain these objectives.

03. Principle of Democratic Centralism:

This principle is considered the backbone of trade union activity and the organisational life of the union movement as a whole. It entails that the



management of the union and all positions it expresses must be conducted according to democratic mechanisms in which all members participate. These mechanisms give individuals the right to choose the group that leads the work, while all members are obliged to adhere to the decisions made by the group.

04. Principle of Collective Leadership:

This principle protects trade union work from errors and the pursuit of narrow self-interest. It is applied when decisions are made based on the majority's opinion while respecting the minority, who are expected to defend the decisions even if they initially opposed them.

05. Principle of Collective Work or Consultation (Shura):

This principle requires that every union leader or officer consult and seek guidance from experienced members as well as colleagues during trade union activities. This ensures that decision-making mechanisms are rational and in the best interest of the union.

06. Principle of Individual Responsibility:

According to this principle, every union leader or officer must assume responsibility for the union decisions made.

07. Principle of Oversight and Accountability:

When trade union activity lacks oversight and accountability, the organisation is exposed to disorder and neglect, sometimes leading to its effective collapse. Oversight and accountability are not primarily intended to punish mistakes but to improve the quality and productivity of union work.

08. Principle of Criticism and Self-Criticism:

Self-criticism is a duty for every union member, regardless of their position, whether in leadership or among the general membership. Through this principle, members provide objective and constructive critiques of the responsible authorities, avoiding personal attacks.

09. Principle of Accepting Opposing Opinions:



Every union member, regardless of their background or orientation, must accept opposing opinions with flexibility, whether they agree or conflict with their own views. As it is said: “We cooperate on what we agree upon and forgive one another on what we differ.”

10. Principle of Objectivity in Decision-Making:


This principle requires members to maintain objectivity when making decisions, avoiding the influence of emotions and personal interests, and striving for the common good through scientific and rational choices.

4. Objectives of the Trade Union:

The general objectives of trade union organisations are:

- Raising awareness to strengthen union organisation and achieve its goals.
- Enhancing the union level of workers through educational courses, publications, and media.
- Improving workers’ professional efficiency and advancing their technical and vocational skills.
- Encouraging competition, safeguarding public funds, and protecting resources.
- Improving the health, economic, and social conditions of members.
- Participating in discussions of economic and social development plans, mobilising the workforce to achieve these objectives, and contributing to their implementation.
- Identifying the material and social difficulties of members, studying them, and transforming them into collective demands.

The objectives differ in capitalist countries, which are characterised by persistent and intense conflict, as the majority of companies in these countries aim to maximise profits, often at the expense of workers’ health, social well-being, and even cultural life. These contexts are also marked by alienation from a sociological perspective, weak human relations, and the absence of formal



solidarity.¹ This positions trade unions in capitalist countries as defenders of workers, sometimes employing confrontational methods. In socialist countries, however, their goal is to reinforce the socialist system, which is achieved by assigning unions specific tasks determined by public authorities. For example, unions mobilise workers in support of the ruling party and encourage them to implement the state's political and economic plans. Consequently, the role of unions shifts from protecting workers and improving their working conditions to merely serving as a tool exploited by politicians to achieve their own objectives.²

Characteristics of a Trade Union:³

Labour unions and professional associations play a highly significant role in the economic and social spheres and are considered a political pressure force. Our current study is limited to **labour unions** and **employers' unions** operating within the framework of labour law (exercise of trade union rights), excluding professional associations, which aim to protect their members within the framework of a regulated profession, such as law, notaries, or accounting.

Given that a labour union is an organisation or assembly comprising workers who practise the same profession or trade, or who work at the same location or for the same establishment, with the aim of defending their economic and social interests, we can infer from the definition of a trade union that it is a professionally oriented association with legal personality, as will be detailed below.⁴

a. The Union as an Association:

A trade union consists of several individuals who permanently unite their efforts for a purpose not intended to generate material profit, but rather to defend

¹ Abdel-Baqi Salah Eddin, *Scientific and Practical Aspects of Human Resource Management in Organisations*, unpublished edition, 2001, p. 44.

² Mohamed Houssein Mansour, *Labour Law*, New University House, Cairo, Egypt, unpublished edition, 2007, p. 135.

³ Khalifi Abdelrahman, *Trade Union Pluralism Between Freedom and Restriction*, Millat Jeel for In-Depth Legal Research, Jeel Scientific Research Centre, April 2018, Issue 24, Tripoli, p. 29.

⁴ Hassan Mansour, *Labour Law in Egypt and Lebanon*, Dar Al-Nahda Al-Arabiya, Beirut, Lebanon, 1995, p. 81 et seq.



both the material and moral interests of its members. It differs from professional associations in terms of non-compulsory membership and conditions of practice. While a trade union is an association, it is not subject to association law but rather to labour law in the field of trade union activity.⁵

In France, trade union work or activity is of great importance, as it represents workers before their employers. From 1884 until 1920, the legislature recognised this practice only at the local or professional level. In other words, trade union activity was confined to the workplace until the enactment of the law of 27 December 1968, which expanded the scope of union activity. It extended the union's role to defending the material and moral interests of workers and engaging in negotiations. Consequently, special protection was established for members while exercising their union activities.⁶


b. The Union as a Professionally Oriented Organisation:

The primary purpose of a union is to defend the interests of the profession and to promote its progress in all economic and social aspects. A union is not permitted to engage in political work or activity outside this professional focus.

Most legislations explicitly prohibit a union from being affiliated with a politically oriented association. For instance, Article 5 of the Algerian Law on the Exercise of Trade Union Rights stipulates that trade union organisations are independent in their management, distinct in purpose and designation from any politically oriented association. They cannot be structurally or corporately linked to any political association, receive grants, donations, or bequests of any kind from such an association, nor participate in its funding. Violations are subject to the sanctions provided in Articles 27 and 30 of the law (suspension of activity or dissolution).

⁵ Al-Qadi Houssein Abdel Latif Hamdan, *Lebanese Labour Law*, Al-Halabi Legal Publications, Beirut, Lebanon, 2003, p. 368.

⁶ Camerlynck, G.H., & Lyon, G., *Labour Law*, 10th ed., Dalloz, 1980, pp. 489–493.



The preliminary draft of the Algerian Labour Law maintained the same provision under Article 506. Comparative labour laws generally uphold the professional character of unions and prohibit structural or corporate affiliation with political parties. Article 84 of the Lebanese Labour Law explicitly states this principle. Similarly, French courts have confirmed that a union may not compel its members to participate in political demonstrations or intervene in parliamentary elections. However, this prohibition applies to unions as legal entities and does not restrict the individual political rights of their members, who may join political parties and engage in politics independently, without union endorsement.

This reflects the principle of **specialisation**, meaning a union must not engage in activities beyond its designated purpose. Applying this rule, the French Court of Cassation ruled on 16 November 1914 to dissolve a union that was establishing religious sects, promoting a religious newspaper, and encouraging pilgrimages to Rome, and fined its director for engaging in illegal activities.

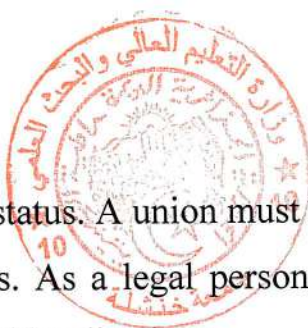
The Algerian Labour Law recognises the right to form unions and the right of free and voluntary membership in existing unions, provided compliance with applicable legislation and the fundamental laws of these organisations.

c. The Union's Legal Personality:

A union enjoys legal personality within the scope of its trade union activities, enabling it to file lawsuits as plaintiff or defendant. It may acquire movable and immovable property and enter into contracts and agreements. A union also fulfils several professional roles, the most important of which include:

- Demand-based activity
- Representation activity
- Role as a negotiation partner

Labour unions are free to be established; they are formed by the free and individual will of their members without the need for public authority intervention. Workers are free to join or abstain from joining without affecting



their legal or professional status. A union must have a purpose that distinguishes it from other organisations. As a legal person under private law, it carries all associated legal and judicial implications.

A union also has nationality, which corresponds to the state in which it is established. Foreigners are not permitted to create unions in the countries where they work under agreements or concession contracts, and the same restriction applies to foreign employers and companies.

Acquisition of Legal Personality by a Union:

The acquisition of legal personality grants a union the following rights:

- The right to own property
- The right to enter into contracts
- The right to litigate

Thus, a union may own movable and immovable property, whether for consideration or gratuitously, purchase what is necessary for practising its profession, or mediate freely in the sale of products created by its members through their personal work. It may also register its union trademarks or insignia in accordance with applicable legislation.

Article 49 of the Algerian Civil Code recognises legal persons, defining them as any group of individuals or assets granted legal personality by law. To confirm this doctrinal and judicial approach, Article 50 of the Civil Code specifies the effects of legal personality, stating that a legal person enjoys all rights except those inherently linked to being human, within the limits established by law. In particular, it possesses:

- A financial estate
- Capacity within the limits defined by its founding charter or law
- A domicile, which is the location of its administrative centre
- A representative who expresses its will
- The right to litigate

6. Conditions for Establishing a Union:

The law requires both **substantive** and **formal** conditions for establishing and recognising a union.

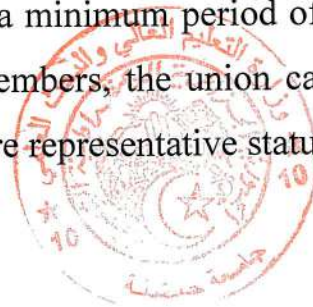
Substantive conditions include:

- Requirement to practise the profession
- Membership in the same profession, branch, or sector of activity
- Compliance with conditions imposed on the founding members

Formal conditions, as specified in Article 10 of the Law on the Exercise of Trade Union Rights, include:

- Submission of a declaration of establishment or registration file
- Receipt of registration and deposit confirmation
- Public notification

Once both substantive and formal conditions are met, a union acquires existence through recognition of its legal personality. It can defend the interests of its members and affiliates. After a minimum period of six months, and upon gathering a sufficient number of members, the union can negotiate, enter into contracts and agreements, and acquire representative status.



II. Classification of Labour Unions

The development of the labour movement has led to the emergence of different types of trade union organisations, each adopting its own approach to work and the resolution of labour-related issues. This has resulted in various classifications, which can be distinguished according to two main criteria: **social labour function** and **trade union politics**.

1. Classification Based on Social Labour Function:

The traditional classification: Based on this approach, there are two types of unions:

A. Craft Unions:

These are organisational associations of all workers belonging to a single craft, irrespective of the establishments or industries they work in. On this basis, for example, builders had the right to form a union specific to their trade, representing them and no other workers employed in the same establishment. This type of union reflected the initial stage of the labour movement.

At the beginning of their formation, craft unions are considered among the oldest forms of trade union organisation. They appeared in England following the Industrial Revolution and maintained control over British unions until the mid-19th century. This does not mean that unions were absent during that period, but rather that their influence was limited in negotiations with management because these unions often faced conflicts of interest with other craft unions, which sometimes weakened their negotiating power.

B. Industrial Unions:

These include all workers belonging to a specific establishment or a particular industry, regardless of the variety of trades they practise. The basis for their formation is **industrial affiliation**. Industrial unions encompass heterogeneous trades, for example, textile workers' unions, steel workers' unions, etc.

They are open to all workers in a given industrial sector, including skilled and unskilled workers, without distinguishing between different roles within the establishment. The emergence of this type of union is linked to the expansion of industry and the growth of large-scale production, as well as the desire to unite unskilled workers within the labour movement to create a force capable of confronting employers. While this type of union enables workers to address their issues collectively, it does not allow unions to go beyond their industrial sector to impose their will on workers from other industries. Likewise, demands related solely to wages and improving working conditions should be addressed within the management of the enterprise itself.

Although this classification cannot fully account for all contemporary union organisations, many of them no longer maintain the strict distinction between craft and industrial unions, reflecting the evolving circumstances and development of the labour movement.

2. Clegg's Classification :⁷

He distinguished between five categories of trade unions as follows:

a. General unions: These comprise workers employed across multiple industries, meaning that workers belonging to different and unrelated industries may be affiliated with them.

b. Single-industry unions: These encompass workers belonging to a single industry and correspond to the traditional classification of industrial unions.

⁷ Hanan Chtibi, *The Labour and Trade Union Movement in Algeria: Driver or Obstacle to Pedagogical Performance*, Master's Thesis in Human Resource Development, University of Constantine, 2010, p. 18.



c. Skilled workers' unions: These consist of workers who have acquired specific skills through progression from one level of work to a higher one.

d. Exceptional craft unions: These include both skilled and unskilled workers and differ from professional unions in the traditional classification only in terms of allowing unskilled workers to join.

e. White-collar workers' unions: These consist of employees engaged in clerical, administrative, and technical work. It is evident that *Clegg* based his classification on the social division of labour, that is, the same principle as in the traditional classification, but with greater precision and analytical depth.

Nevertheless, the generalisation of this classification encounters significant challenges, as not all trade unions worldwide have adopted the social division of labour as the basis for their structure. This is apparent from their stated objectives, given that many unions do not confine themselves to defending workers of a particular profession to the exclusion of others.

However, the classification as a whole still reflects the distribution of union branches across workplaces, since the process of organisation and representation requires that workers from different sectors have distinct union branches, without precluding them from belonging to a single union where appropriate.

3. Classification Based on Trade Union Policy:⁸

By "trade union policy," we refer to the plan or strategy pursued by a union to achieve the material and moral demands of workers, relying on a specific framework and defined means. On this basis, three types can be distinguished:

a. Reformist unions:

Their primary focus is on improving working conditions, such as reducing working hours, raising wages, and establishing social security systems, without confronting the existing economic and political order. While they acknowledge the existence of the capitalist system and the possibility of engaging with it, their

⁸ *The Guide to Trade Union Organisation Management*, Arab Federation of Trade Unions, First Edition, Amman, 2016, p. 24.

fundamental principle is to avoid direct conflict with that system. Instead, they concentrate on meeting the workers' material and social needs or their moral and material interests, using peaceful means, particularly collective bargaining aimed at reaching collective agreements.

It is in this context that this type of union is often referred to as a monitoring or project-based union, whether from an organisational-technical perspective or a social perspective. Its approach relies either on active participation in administration, decision-making, and project goal-setting.

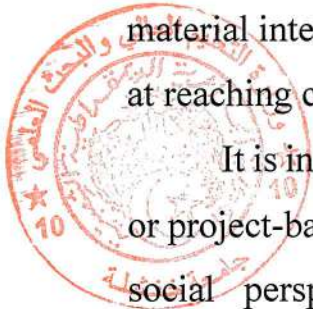
On this basis, this type of union does not carry the idea of reconsidering the social structure, but rather focuses on resolving the problems that workers face without granting their demands a theoretical framework. The approach adopted is dialogue with the employers, which concludes with a collective agreement. Such an approach does not guarantee a complete victory, as, in most cases, all parties compromise on their rigid positions to allow space for moderate solutions.

Among the most notable countries that developed this type of union is the United Kingdom, where, around 1890, 189 craft unions were established. These unions sought to prevent unqualified workers from obtaining positions. Between 1848 and that period, they focused on jobs for skilled workers, without conflicting with the existing system, and aimed primarily at securing gains for the workforce.

b. The Revolutionary Union

The harsh conditions experienced by the working class; poor working conditions, low wages, and extremely long working hours that sometimes exceeded 17 hours a day, together with its weakness in the face of a class that owned the means of production, drove workers to protest against a system that did not place the producer in their rightful position.

For this reason, unions began to seriously seek an improvement in the fate of the expanding working class, but within the framework of a new society; one in which labour relations were transformed and control over the means of production was placed in the hands of the workers themselves.



This type of union is therefore founded on an essential principle: rejection of the existing system, which is dominated by the bourgeoisie, and striving to change it. This is because it views most of the problems within society as the product of the capitalist system. Class conflict, combined with the weakness of the working class, gives trade-union activity a revolutionary character. It does not merely aim to improve working conditions; rather, it seeks to establish industrial relations in which employers no longer hold control. Its ultimate goal is to change the social structure as a whole.

Such unions believe that negotiation and dialogue are ineffective, and that it is therefore necessary to abolish them through strikes, force, and all other means that would hasten this objective.

Some refer to this type of unionism as *oppositional unionism*. In pursuing control over the means of production and redefining relations and conditions of work and production, so that workers hold authority, they adopt all possible methods and employ various revolutionary tools. They are also independent from political parties, which they view as entities seeking to control them in service of the existing regime and their own interests.

Among the countries that witnessed this form of unionism is France. Revolutionary union action in France manifested itself in the belief that achieving solutions for the working class could only come through transforming the prevailing economic, social, and political system.

c. The Union Participating in Power

These are unions of a different nature, which neither negotiate nor resort to strikes. There is no room for opposition when their participation in efforts devoted to development and the organisation of production is already ensured. The most prominent unions adopting this model were previously the Soviet unions and, more recently, the German unions. Their role resembles that of “workers’ councils”. In the countries that adopted this structure, a system known as co-management was established to achieve balance within the enterprise. Despite

workers' involvement in management and organisation, they remained constrained, for instance, by the duration of economic planning (as was the case in the former Soviet Union), meaning that the outcomes of the plan did not reflect on workers as quickly as desired.

Such arrangements did not allow workers to raise some of their concerns or claim additional benefits. As a result, workers' councils were introduced as a side mechanism enabling them to meet certain demands.

This model of union organisation was found in the former Soviet Union, characterised by its strong ties to the Communist Party, which articulated and advocated for workers' aspirations, as well as in some other countries, such as Germany. These unions differ considerably in nature, as their role within establishments is significant. They do not simply monitor; rather, they participate directly in decision-making.

However, their claims-based function is limited due to their institutional affiliation, preventing workers from advancing their demands and aspirations freely. Consequently, workers' councils emerged as a means of narrowing this gap, acting as the management body, while the union, alongside them, maintained its role in representing workers' interests.

4. Classification Based on Trade Union Strategy

a. The Oppositional Union:

This type of union seeks expression through the reconstruction of society as a whole and aspires to industrial relations in which workers hold the dominant position. It focuses primarily on improving workers' economic and social conditions and relies heavily on general strikes. The French union **CGT** is the most prominent representative of this orientation.

b. The Supervisory (or Monitoring) Union:

This model prioritises, above all else, the reform and improvement of living and working conditions for workers in general. It does not seek to transform

society, and its approach is more pragmatic and reformist. The most notable examples are the British and American trade unions.

c. The Participatory Union:

This type of union strives to participate in decisions related to workers and labour issues, placing emphasis on the social dimensions of the labour process. The most prominent representative of this approach is the German trade union model.

III. The Right to Engage in Trade Union Activity

Trade union freedom, whether in its definition, scope, or extent, has undergone significant developments that reflect the changes affecting labour relations. These developments have highlighted its importance as an aspect of individual liberties, prompting both international and national legislation to protect it by surrounding it with safeguards that prevent any infringement.

With the emergence of capitalism as an economic doctrine, the working class began its struggle against capitalist exploitation. Early forms of this struggle were limited in scope, often taking the shape of isolated acts, individual rebellions, or small-scale strikes aimed at defending economic rights and interests, actions to which employers, preoccupied with the pursuit of profit, paid little attention.

In order to rescue the working class from the severe exploitation to which it was subjected, professional trade unions emerged as defenders of workers in their struggle to improve their standard of living and enhance their working conditions.⁹ Its emergence initially encountered numerous obstacles and went through arduous stages before gaining recognition and before the legislator regulated its rights. Some of these obstacles were linked to the stance adopted by various political systems in place during the Industrial Revolution.¹⁰ Despite the statutory prohibition of trade union activity, workers' struggle nevertheless

⁹ Abdelatif Khalfi, *Al-Wasīf fī Madūnat ash-Shughl*, vol. 2, *Al-Maṭba'a wa al-Wirāqa al-Waṭaniyya*, 1st ed., 2009, p. 136.

¹⁰ J. M. Verdier, *Treatise on Labour Law: Trade Unions*, Dalloz, 1966, p. 19.

continued. They formed secret associations, which led to an increase in strike movements and, consequently, to widespread disorder and unrest within society. This situation compelled governments to recognise employees' right to organise in trade unions. Britain was the first country to acknowledge this right, as the earliest attempts at trade union organisation emerged in England, the birthplace of the Industrial Revolution.¹¹

1- Trade Union Freedom in International Instruments:

Trade union freedom occupies an important and prominent place in the constitutions of the world, particularly in international instruments. Accordingly, promoting respect for this freedom is one of the main objectives pursued by various international organisations and bodies. To clarify this, this section is divided into two parts: the first part examines the role of the United Nations in supporting trade union freedom, while the second part is devoted to the International Labour Organization's guarantee of trade union freedom.¹²

First: The Role of the United Nations in Supporting Trade Union Freedom

Since its inception, the United Nations has been concerned with establishing a set of rights considered fundamental for humans, among which trade union freedom stands out. This right has been enshrined through various declarations and conventions issued under the supervision of its bodies, as outlined below.

Trade Union Freedom under the Universal Declaration of Human Rights

In 1947, the UN General Assembly issued a resolution recognizing the right of trade unions to operate freely. Trade unions are considered one of the fundamental social guarantees that cannot be waived, as they form the basis for improving the living standards of the working class and raising their economic level.

¹¹ Ahmad Hasan al-Borii, *Collective Labour Relations in Comparative Egyptian Law*, Vol. I, Dar al-Fikr al-'Arabi, Cairo, 1976, p. 13.

¹² Mahmoud Messaad Mahmoud, *The Role of the International Labour Organization in the Creation and Implementation of International Labour Law*, Cairo, Dar Al-Nahda Al-Arabiya, 1976, p. 488.

Reinforcing the content of this resolution, the Universal Declaration of Human Rights, issued by the UN on December 10, 1948, stipulates in the fourth paragraph of Articles 3 and 23 the human right to join and form trade union organizations to protect one's interests.¹³ However, it should be noted that the Declaration addresses only the individual right to create and join unions, without addressing the principle of union independence from the state or the freedom to withdraw from a union. By omitting these issues, the Declaration limits the full scope of trade union freedom. Therefore, legal scholars argue that, in this regard, the Universal Declaration of Human Rights is less protective and effective than the conventions issued by the International Labour Organization, as we will examine later.

• Trade Union Freedom under the International Covenant on Economic, Social, and Cultural Rights

This covenant was adopted by the United Nations on 16 December 1966. Article 8 guarantees trade union freedom, stipulating that the States Parties undertake to ensure the right of every individual to form trade unions with others and to join those of their choice, within the limits established by the rules of the organization concerned. No restrictions may be imposed on the exercise of this right. The covenant also guarantees trade unions the right to form national federations, and for these federations to form or join international trade union organizations.

• Trade Union Freedom under the International Covenant on Civil and Political Rights

This covenant was also adopted by the United Nations on 16 December 1966. Article 22 guarantees trade union freedom¹⁴ and paragraph 2 of the same article prohibits any restrictions that could impede the exercise of trade union

¹³ Paul Durand & André Vitu, *Treatise on Labour Law*, Volume I, Dalloz, 1956, p. 92.

¹⁴ The text of paragraph 1, Article 22 of the International Covenant on Civil and Political Rights states the following: "Everyone shall have the right to form associations with others, including the right to establish and join trade unions for the protection of his interests."

rights, except those legally prescribed and necessary for reasons of public safety, public order, or the protection of the rights and freedoms of others.

Secondly: **The ILO's Guarantee of Trade Union Freedom**

The International Labour Organization (ILO) is considered "an independent specialized international body associated with the United Nations, with full legal personality enabling it to take the measures it deems necessary to achieve lasting global social peace based on social justice through the unification and organization of labour laws." The ILO was linked to the United Nations as a specialized international organization in 1946¹⁵, under a special agreement organized according to the framework established by Articles 63 and 87 of the UN Charter at the Montreux Conference. Ensuring the right to unionize and respecting trade union freedom is among the main tasks undertaken by the ILO, according to its founding document.¹⁶ It is also considered one of the main objectives for which the organization has made and continues to make great efforts, based on a series of conventions and recommendations issued by it in this regard.

• **The Treaty of Versailles and the Organisation's Constitution**

International concern with the right to organise and the guarantee of trade-union freedom emerged immediately after the end of the First World War. A range of factors converged to draw attention to the economic and social conditions of the working class, including the aspiration to build an international community founded on social justice, the growing political awareness of the consequences of social unrest, and, of course, the significant role increasingly played by trade-union organisations at all levels.¹⁷ This role enabled them to contribute to the drafting of Part XIII of the Treaty of Versailles, under which the International Labour Organisation was established.

¹⁵ Otman Baqnish, *Law of the Contemporary International Community*, University Publications Office, Algiers, 2012, p. 100.

¹⁶ See Article 13 of the Treaty of Versailles for Peace, concluded on June 28, 1919.

¹⁷ Bernard Teysié, *Labour Law – Individual Employment Relations*, 2nd ed., Litec, 1992, p. 64.

The founding instrument of the International Labour Organisation stipulated in Article 427, as well as in paragraph 2 of Article 41 of its Constitution, that among the objectives pursued by the Organisation is “the right of association for all purposes not contrary to the law, whether for employers or for workers”. The Preamble to the Organisation’s Constitution likewise states that “the recognition of the principle of freedom of association is among the matters which must be secured in order to improve working conditions and to overcome the discontent that threatens international peace and understanding.”¹⁸

- **The Philadelphia Declaration**

Article 2 of the Philadelphia Declaration states that freedom of expression, freedom of assembly, and the freedom to form trade unions are indispensable to any lasting progress. Thus, through the Philadelphia Declaration, the 26th Session of the International Labour Conference introduced new dimensions to the ILO’s programme, consistent with the state of advancement in professional relations and the process of social and cultural development, with the aim of ensuring that workers benefit from the fruits of such progress.

- **ILO Convention No. 87 of 1948**

The International Labour Organisation has contributed, and continues to contribute, to the development and advancement of labour relations through the conventions it adopts. From an early stage, the Organisation addressed the issue of trade-union freedoms through a series of conventions and recommendations, among them Convention No. 87, which provides that workers, without distinction of any kind, have the right to establish organisations of their own choosing or to join such organisations without prior authorisation.¹⁹

¹⁸ Abdellatif Khalfi, *op. cit.*, p. 146.

¹⁹ Article 2 of this Convention provides as follows: “Workers and employers, without any distinction whatsoever, shall have the right to establish organisations of their own choosing, as well as the right, subject only to the rules of the organisation concerned, to join such organisations without prior authorisation.”

Given the role that autonomy plays in consolidating and protecting trade-union rights and freedoms, the Convention places particular emphasis on the requirement that trade-union organisations enjoy independence vis-à-vis the State, and on their right to draw up their own constitutions and rules, to elect their representatives freely, to organise their administration and activities, and to formulate their programmes in full independence. Public authorities must therefore refrain from any interference that would restrict trade-union rights or impede their lawful exercise.²⁰

- **ILO Convention No. 98 of 1949**

In 1949, the International Labour Organisation adopted Convention No. 98 as a complement to Convention No. 87, with the aim of protecting the most important trade-union activity: collective bargaining. It stipulates that workers must be afforded adequate protection against acts of anti-union discrimination, particularly protection from being required, as a condition of employment, not to join a trade union or to relinquish trade-union membership. It also protects workers from dismissal or any harm inflicted upon them on account of their trade-union membership or their participation in trade-union activities outside working hours, or during working hours with the employer's consent.

IV. Establishment and Formation of Trade-Union Organisations and Their Functions

In accordance, first, with the principle of freedom of association and, second, with the independence of trade-union organisations from public authorities and employers, as explained above, the establishment of such organisations is governed by two fundamental principles:

²⁰ Paragraph 2 of the same Convention provides as follows: "The public authorities shall refrain from any interference which would restrict these rights or impede their lawful exercise."

A. The Principle of Freedom and Independence in Establishing a Trade-Union Organisation

Comparative labour legislation, as well as the International Labour Conventions, guarantees the full freedom of workers and employers to establish any trade-union organisation for the defence of their material and moral professional interests. Such establishment must take place with complete independence from any external body and without the need for prior authorisation or approval from official authorities.

The establishment is to be carried out within a constituent general assembly of the concerned workers, during which the organisation is formally declared, its statutes and internal regulations adopted, and the leadership entrusted with its management elected. The assembly also determines the basic and central structures, both vertical and horizontal, as well as other matters decided upon by the founding workers' group, such as defining the territorial scope of the trade-union organisation's activity, whether national or local.²¹

B. Substantive Procedures for Establishing a Trade-Union Organisation

1. Conditions for Establishment

These are the conditions set out in trade-union legislation, particularly regarding the requirements that must be met by the founding members of a trade-union organisation.²²

Article 6 of Law No. 14-90 provides that individuals may establish trade-union organisations if they meet the following conditions:²³

- They must hold Algerian nationality, either by birth or acquired, for at least ten (10) years.
- They must enjoy their civil and political rights.

²¹ Suleiman Ahmiya, *A Concise Guide to Labour Relations Law in Algerian Legislation*, Diwan of University Publications, Algiers, 2012, p. 236.

²² *Ibid.*, p. 239.

²³ *Ibid.*, p. 240.

- They must be of legal age.
- They must not have engaged in conduct contrary to the Liberation Revolution.
- They must engage in other activities related to the objectives of the trade-union organisation.

2. Procedures for Establishment

The process of establishing a trade-union organisation is a collective endeavour involving all workers active in the relevant sector or profession. Article 10 provides that the declaration must be made to the public authorities, represented by the Wali of the wilaya where the headquarters of municipal or inter-municipal organisations is located, or to the Minister of Labour in the case of national organisations. Article 8 stipulates that a receipt acknowledging the registration of the founding declaration is issued by the competent public authority within a maximum of thirty (30) days of filing the application, after which the establishment is published in at least one national daily newspaper at the organisation's expense.

3. Submission of the Founding Declaration File

Article 9 of Law 14-90 provides that the founding file must include:

- A list containing the names and signatures of the founding members and the leadership and administrative bodies, as well as their civil status, professions, and residential addresses.
- Two certified copies of the statutes.
- The minutes of the constituent general assembly.

Functions of the Trade Union

Economic Function: This includes:

- Improving wages and allowances, as well as the safety and health conditions of workers, holidays, and other matters related to the improvement of working conditions, particularly in capitalist societies, where the State does not automatically safeguard workers' interests, unlike

in socialist societies, where the State assumes this role as labour standards develop.

- Protecting employment and ensuring job security, especially in the face of competition in the labour market or workforce. The trade union seeks to prevent workers from being directly pressured into accepting wages lower than those previously determined by supply and demand within a specific sector.²⁴

Social Function

The social function of a trade union lies in serving the social interests of workers and their families, thereby ensuring stability at work and enabling workers to perform effectively. This includes:

- Improving the general social conditions of workers and raising their standard of living, particularly through demands for higher wages, with the union aiming to prevent wages from falling below a subsistence level.
- Enhancing workers' sense of belonging to the workforce and fostering security and self-confidence, reminiscent of the guild system, and promoting awareness of social roles and solidarity.
- Providing support to workers during crises, both materially and morally (e.g., illness, death).

Organisational and Political Function

- Engaging in negotiations to resolve workers' problems and achieve their demands through dialogue and pressure on management and employers. If negotiations fail, the union may resort to strikes or production stoppages as an alternative method of asserting demands.
- Developing ideological and political awareness at the grassroots level, involving workers in management and decision-making, and raising their consciousness through education and training.

²⁴ Marx and Engels, *On the Trade-Union Movement*, translated by Talal Al-Husseini and Sonia Khoury Ta'meh, op. cit., p. 37. Medhat Al-Quraishi, *Labour Economics*, Wael Publishing House, Jordan, 2117, p. 151.

- Participating politically by organising workers to understand their societal role and engaging them in political demonstrations.

Psychological and Educational Function

The union also focuses on:

- Reducing worker dissatisfaction or discontent at work, thereby lowering voluntary turnover rates.
- Directly contributing to increased productivity by building workers' trust, addressing their complaints, motivating them with bonuses and rewards, and providing opportunities to express opinions on potential changes to work or production rules that benefit both management and workers, thus reducing psychological stress and alienation.
- Serving as an organisational unit that brings together workers to raise awareness and provide education.
- Meeting with management to negotiate labour-related matters.
- Informing workers about the institution, its operations, and its projects.



V.Theory on the Labour and Trade-Union Movement

1. The Marxist Approach

The subject of trade unions is closely linked to the phenomenon of labour struggle, which arose as a result of imbalance, a concept previously articulated by Karl Marx, who made alienation and conflict within capitalist organisations central to his analysis of labour relations. Marx observed that organisational conflict has desirable aspects, as unions encompass large and diverse social groups with varying interests and stakes to defend.

It is evident that two major groups contend over interests: the workers on one hand and management on the other, or more broadly, groups with power versus those without. This situation can lead workers to experience a sense of alienation due to their lack of ownership over the means of production.

Additionally, workers are often denied the opportunity to express themselves or innovate because of the pervasive supervision and bureaucracy they encounter, complicating the work they perform. This is the reality faced by workers under the bourgeois system. Marx also notes that this condition is not limited to capitalist organisations but is characteristic of all organisational structures, albeit with differing objectives.

Karl Marx argues that the objective basis for the existence of trade unions should not be confined to economic demands, such as improving wages and working conditions, but should extend to political and social demands. The Marxist perspective holds that trade unions are not ends in themselves but are political institutions designed to strengthen cohesion among workers.

Marx further contends that improving the material and social conditions of workers can only be achieved through organising them into trade-union organisations that participate in determining working conditions and terms at all levels.

2. The British School of Trade-Union Theory

One of the most important representatives of this theory are Beatrice and Sidney Webb. This approach analyses and interprets the emergence of trade unions from the very beginning of industrial work, focusing on the elimination of the guild system, which in turn created new working conditions. These conditions led to a gap between the worker and the employer, the latter imposing terms that the worker had little choice but to accept and follow.

However, this situation did not persist for long due to workers' growing awareness and understanding of the necessity to organise in order to secure better working conditions and protect their economic interests.²⁵ The theory emphasises specific demands, including wages, working hours, physical working conditions, and social security, all aimed at alleviating the injustices suffered by workers.

In this context, trade unions pursued two primary objectives: the first concerned improving working conditions, and the second involved organising workers according to job categories to eliminate competition:

Through mechanisms such as establishing strike funds to compensate workers during strikes and collective bargaining between trade unions and employers to reach mutually acceptable agreements, and by influencing labour legislation through pressure on the State, this theory addresses aspects of work and working conditions while largely neglecting other dimensions. As a result, it struggles to deal with the complexities of reality, particularly the diverse aspirations and ambitions of individuals, ranging from conservative to radical to utilitarian. Consequently, this theory aimed to encompass all working conditions and the evolving expectations of workers.

3. The Psychological Approach

²⁵ Hanan Chetibi, *op. cit.*, pp. 26–28.

Prominent representatives of this theory include Perlman, Selig, and Tannenbaum Frank. It focuses on the psychological and social aspects of the worker, considering material and economic demands, such as wages and working conditions, as marginal compared to those related to the worker's psyche.

This approach rests on two key assumptions:

First assumption: Trade unions emerge as a reaction to job scarcity. It posits two dimensions: an internal one, where the worker feels unable to take advantage of economic opportunities outside the workplace, and, given the worker's natural aversion to risk, is reluctant to change jobs in a competitive environment; and an external one, where job scarcity results from low demand for labour in the labour market. As long as supply exceeds demand, workers fear unemployment and thus aim primarily to protect their existing jobs.

Second assumption: Relating again to the worker's psyche, the trade union is seen as a group that fulfils social and psychological needs, providing a sense of security, confidence, and recognised social status.

Accordingly, from this perspective, the primary purpose of workers organising into trade unions is to protect their jobs against scarcity and competition, as well as to create a sense of comfort and security within a group that meets their social needs. Material and economic demands are considered secondary to the principal objective of safeguarding employment.²⁶

This theory has been subject to several criticisms. It is true that workers aspire to protect their jobs against scarcity and competition and to belong to a group that provides security and fulfils their social needs within a restrictive system characterised by individual relations and private interests. However, this does not mean that workers are unconcerned with their economic interests, such as wages and various working conditions, which are important and significantly affect their lives. Workers also harbour substantial political aspirations through

²⁶ Abdelbasset Mohamed Mohsen, *Industrial Sociology*, Anglo-Egyptian Library for Publishing, Egypt, 1972, pp. 212-267.

trade unions. Therefore, the emergence of trade unions cannot be reduced solely to psychological and social factors while neglecting the economic and material aspects of workers.

4. The Social Approach

From this perspective, Michel Crozier divided the social theory explaining trade-union activity into five main viewpoints:

A. The Genetic Perspective

This viewpoint focuses on the origin and emergence of trade unions and their position in society, studying their roots and the circumstances that shaped them. It suggests that exceptional individuals were able to gather workers around them, exploiting the miserable conditions these workers faced, which led to the emergence of the working class.

However, it cannot be assumed that unions are created solely by exceptional individuals. Trade-union activity should be considered within the broader context of evolving social relations, including the emergence of class structures in society and alliances formed at specific stages between dominant classes, such as capital owners and authorities. One must also consider the significant political orientation prevailing in each society.

B. The Functional Perspective

This theory emphasises the functional aspects of trade unions by studying the tasks assigned to them, that is, the roles unions perform in relation to the social reality they inhabit.

Proponents argue that a union's role is linked to direct action and the reactions it provokes within the productive enterprise, as well as its ongoing involvement in discussions on working conditions and wages. It also considers the autonomy of trade-union organisations from employers or managers, focusing particularly on collective bargaining and the management of collective agreements. The union's function varies according to political orientation and the economic and social system; for example, the role of industrial unions in capitalist

societies differs from that in developing societies still undergoing industrial formation. Political engagement becomes inevitable due to the dominance of political issues and the desire of authorities to ally with employers to undermine unions.

C. The Structural Perspective

This perspective studies trade unions based on their internal structure, examining the union as a distinct social organisation with defined characteristics that enable it to function continuously and stably, emphasising its bureaucratic aspect.

However, despite the variety of structures and organisational forms, the strength or weakness of a union is less determined by its formal structure than by the relationships within institutions at both the horizontal and vertical levels, between the workforce at the base and the union leadership. Therefore, this theory neglects the objective conditions necessary for a union to overcome its challenges. Structural organisation alone is insufficient; it must take into account problems that vary according to the nature of social and economic institutions.

D. The Evolutionary Perspective

This viewpoint does not consider the trade union as a static unit within the overall social structure but sees it as an important agent in driving social change within the society in which it exists.

VI. The Emergence and Development of the Labour and Trade-Union Movement in the Western World

1. In Britain

The trade-union movement first emerged in Great Britain in the form of trade unions. Its initial appearance dates back to the first half of the 18th century, specifically in 1720, when workers employed in tailoring submitted a demand for the first time in history. The petition stated:

"The tailors in the towns and suburbs, numbering more than seven thousand, demand the establishment of an association with the purpose of increasing their wages and reducing the working day by one hour."

To achieve this goal, each worker registered their name in records kept for this purpose in shops or meeting centres they frequented, and they collected significant funds to defend themselves in case of persecution. This marked the emergence of several key features of trade-union activity. Similar unions were formed among cutlers and wool workers in the western regions of Britain.

In fact, supportive associations for workers appeared roughly half a century before the era of the domestic (handicraft) industry. This was largely because industrialisation began in England before other countries, with large industrial enterprises emerging. Within these enterprises, a working-class population developed, living in extreme poverty. Workers therefore united to secure better working conditions and higher wages.

These conditions explain the emergence of trade unions in different countries. However, employers and, often, governments in many European states resisted the development of trade unions and sought to prevent labour organisation, perceiving it as a threat to their authority and a danger to the prevailing political and economic systems.²⁷

In the late 18th century, unrest spread among textile workers, alarming the public authorities. Within 22 days in 1799, Parliament enacted and the King promulgated a law punishing any collective assembly. The application of this law was strict in modern industries, whereas in older industries traditions prevailed,

²⁷ Judge Hussein Abdel Latif Hamdan, *Labour Law – A Comparative Study*, Al-Halabi Legal Publications, 1st ed., 2009, p. 512.

resulting in more tolerance and leniency. Consequently, forming new unions became difficult. Existing unions managed to preserve their existence under the form of cooperative aid societies, with authorities intervening only in response to complaints. In trades where unions did not exist or could not survive, problems were often more severe, marked by spontaneous and violent unrest against new machinery and fears of unemployment.

Between 1848 and 1890, trade-specific unions were formed to prevent unskilled workers from taking positions meant for skilled workers. Cooperative funds were also established for union members to benefit from. Following these initiatives, occupational labour associations were created, such as the Miners and Mechanics' Union, and associations for dock and railway workers. These became known as professional unions and were officially recognised in 1871, later taking federal forms within professional union councils in 1900. In 1989, legislation lifted restrictions on employing women in men's work, and in 1990, the minimum wage system was abolished.

2. In France

The movement to abolish intermediary bodies between the state and the individual marked the beginning of the first forms of trade unions. The Law of Loucheur (14 June 1791) is considered one of the first official texts acknowledging the existence of permanent workers' organisations in France. These took the form of cooperatives aimed at increasing wages. After the French Revolution of 1779, their goal was to eliminate class distinctions and feudal ownership, amid conflict between the bourgeoisie and the working class.²⁸ These cooperatives typically required workers to contribute the equivalent of one day's work per month, in exchange for which they received benefits such as sickness support, pensions, and other assistance.

²⁸ Bourbia Djamel, *Sociology of the Labour Movement, Sociology: Organisation and Work*, Master's Thesis, 2nd edition, Algeria, 2015–2016, p. 13.

However, it should be noted that these cooperatives and movements were revolutionary in nature. These movements continued until Parliament, in 1848, granted freedom of association in France, which was also recognised the same year through the Constitution of 4 November. Workers actively formed associations of all kinds. This period of freedom did not last long, as the French legislator soon curtailed the right to form associations, ultimately banning them under the decree of 25 March 1852.

Following the establishment of the Second Empire, the government monitored secret associations and supervised mutual aid societies, while allowing employers to form unions to defend their interests.²⁹ This tolerance soon extended to workers' unions, which then flourished. Their numbers grew, their activity intensified, and disputes with employers multiplied, particularly after French workers became aware of the positive impact of trade-union organisation in Britain on improving workers' conditions. Labour organisation was formally legalised in 1864, but workers did not wait for this law to begin strikes, which the courts increasingly hesitated to prosecute.

In 1884, the "Waldeck-Rousseau Law" was enacted, repealing the Law of Loucheur that had prohibited all forms of workers' associations. Article 2 of this law allowed workers to freely establish an association or union with government authorisation. This law implicitly recognised the legal personality of the union while simplifying and facilitating the procedures for its establishment. The first union under this framework emerged in 1895 as part of the General Confederation of Labour (CGT). Thus, trade unions in France did not emerge all at once but developed progressively through continuous efforts until reaching their current form.

3. In the United States of America

²⁹ Abdelbasset Abdel Mohsen, *Explanation of Labour Law: Collective Labour Relations*, Vol. 1, Dar Al-Nasr for Distribution and Publishing, Cairo, 1998, no edition, p. 28.

In the United States, there were no labour movements in the true sense, as in Europe. This was partly due to the country's vast agricultural nature. Notably, the struggles in the northern states were characterised by democracy and growth, whereas the southern states exhibited opposite conditions. Many researchers have noted that this disparity prompted the unification of America and the pursuit of social justice.

In 1720, a secret society called the "Knights of Labour" was established to improve workers' conditions. Workers in Chicago factories staged protests demanding higher wages and better professional and social conditions. Thousands of workers were killed during these protests, specifically on 1 May, which later became International Workers' Day in commemoration of these victims.

The first national labour centre was formed in 1866 as the National Labour Union. Between 1869 and 1893, the "Knights of Labour" attempted to lay the foundations of an industrial trade-union movement and gained wide support, particularly for advocating a reduction in daily working hours. However, this movement faced repression and harassment, leading to its decline and competition from other unions.

Starting in 1866, the American Federation of Labour (AFL) was established, aiming to regulate trades and professions and secure higher wages. Unlike the unions in France and Britain, American unions did not challenge the existing economic system. Throughout the 19th century, their role was largely confined to defending workers' social and professional interests, securing the right to unionise from employers, and advocating for wage increases. The distinguishing feature of American unions was their strength, rapid expansion, and substantial capacity to influence political decisions.

VII. The Labour and Trade Union Movement in Arab Countries

In the Arab States, or what is commonly referred to as the Third World, trade unions emerged in most societies during the colonial period, that is, after the arrival of colonial capitalism. It was during this phase that the first nucleus of the

working class began to take shape, as a result of its interaction with migrant labour coming from colonial powers to the colonised territories. The emergence of trade union movements enabled the indigenous workers of these countries to engage in trade union activity.

A. In the Arab East:

1. In Egypt:

The emergence of labour unions began under British occupation. The first Egyptian trade union was established in 1898, namely the Cigarette Workers' Union, following the promulgation of the *Patent Law (Qanun al-Batinah)*, which opened the way for the formation of workers' trade organisations. From this point onwards, the spark was ignited for the creation of further trade unions, which succeeded in performing their role, albeit without any legislation to protect or legitimise them.³⁰ The first labour strike in Egypt took place in 1882, carried out by coal-unloading workers in Port Said. It concerned demands raised by the workers. After the First World War, the Egyptian working class continued its broad struggles and protests. In this context, the year 1899 witnessed the establishment of the first workers' gathering in Egypt, though it was not led by Egyptians. Greek workers were the leaders of the strike, calling for reduced working hours and higher wages. A committee was formed under the name "*Committee for the Defence of Workers' and Peasants' Rights*" to draft legislation aimed at protecting workers and their trade-union organisations.

However, labour legislation did not officially recognise workers' unions until the enactment of the 1942 legislation. Despite this, unions continued to suffer from political and legislative pressures and constraints that limited their activities, particularly in the period preceding the 1952 Revolution.

In 1959, enterprise-based unions were abolished, and the system shifted to general industrial-level unions, which remains in place. This system is based on

³⁰ Encyclopaedia, *Al-Bawaba News*: "The History of the Labour Movement in Egypt", 16/03/2018, 11:00.
www.albawabahnews.com/2504522

the categorisation of industries and economic activities within which workers may form a general union. Consequently, 23 unions emerged, headed by the General Federation of Egyptian Trade Unions. This structure was established pursuant to the Labour Union Regulation Law No. 35 of 1976, amended by Law No. 1 of 1981, and subsequently by Law No. 12 of 1995.

2. In Lebanon:

Under Ottoman rule, no clear legislation existed that addressed the “world of labour”, its conditions, forces, or relations. What prevailed in practice was a system of professional guilds and vocational associations, whose organisation came relatively late, under the Law of 24 April.

The term “*trade union*” was unknown in Lebanon until after 1919. What existed prior to that were merely associations formed in accordance with the Ottoman Associations Law. These associations often included both workers and employers, and their purpose was predominantly mutual aid and cooperative support for their members.³¹

During the Second World War, Lebanon, prior to gaining its independence, witnessed two forms of mobilisation: the first concerned demands for securing a subsistence system during the war period; the second consisted of a series of popular, cross-class movements aimed at protesting against the French authorities, in pursuit of what later came to be known as Lebanon’s independence struggle.

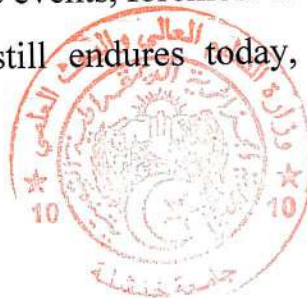
After independence, the labour and trade union movement sought to unify its ranks amid an intensification of protest action, whether by the Printers’ Union, the Drivers’ Union, or the Railway and Port Workers’ Union. This culminated in the establishment of the General Confederation of Workers and Employees in Lebanon in 1944, which in turn led to the formation of unions in new sectors.

³¹ Walid Daou, *The Trade Union and Labour Movement in Lebanon: A History of Struggles and Victories*, Issue No. 3, Lebanon, 2013, p. 10.

Most strikes at the time demanded wage increases, reduced working hours, annual leave, and the payment of wages for strike days.

The year 1945 also witnessed the longest strike in the history of the Lebanese labour movement, carried out by the workers of the National Wool Factory. Their demands included the authorisation to establish a trade union, wage increases, and the payment of family allowances. Remarkably, those who declared solidarity with them were the representatives of the General Confederation of Workers and Employees, who announced a general strike across the Lebanese Republic. However, it was not carried out because “the country was engaged in the struggle for independence and the evacuation of foreign troops...”, and because the trade-union representatives had travelled to Paris³² to participate in the founding congress of the World Federation of Trade Unions.

From this, we may conclude that the reality of trade unions in Lebanon is that they operate under the supervision of the authorities, which restrict their activities. What further weakens Lebanese unions, politicises them, and subjects them to the dominance of political and ideological currents is their susceptibility to Lebanon’s political and economic events, foremost among them the 1975 Civil War, whose impact the society still endures today, and whose destructive consequences remain evident.



B. In the Maghreb

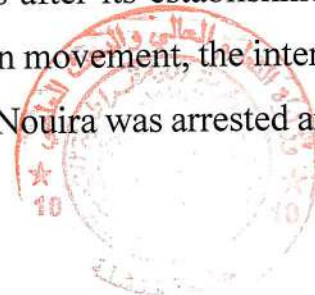
1. In Tunisia:

³² Elias al-Bouwari, *The History of the Labour and Trade Union Movement in Lebanon, 1908–1946*, Part I, Dar al-Farabi, Beirut, Lebanon, no edition stated, 1986, p. 109.

Before examining in detail the formation of the trade union movement in Tunisia, it is necessary to provide a brief overview of the social and economic conditions that constituted the ground upon which this movement emerged.

The Tunisian trade union movement originated with Mohamed Ali El-Haouari, who on 19 January 1925 founded the *General Confederation of Tunisian Workers*. This first Tunisian trade union organisation of its kind was subjected to attacks and campaigns by colonial authorities and conservative forces. In 1936, the *General Federation of Tunisian Workers* was established, and in 1937, Belgacem El-Ghanaoui founded another trade union organisation, also called the *General Confederation of Tunisian Workers*, which tended towards separating trade union activity from political activity.

In January 1938, large demonstrations took place, lasting nearly a month, and resulting in bloody events in which around two hundred martyrs were killed in and outside the capital, Tunis. During this period, Hédi Nouria, of Algerian origin, was elected Secretary-General of the organisation. Yet this experience was also short-lived, as it dissolved only two years after its establishment, once the authorities realised the growth of the trade union movement, the intensification of its activities, and the unity of its struggle. Hédi Nouria was arrested and sentenced to ten (10) years' imprisonment.



VIII. Trade Union Practice in Algeria

The exercise of trade union rights in Algeria passed through several stages before the establishment of pluralistic trade union practices. The struggle undertaken by the working class in defence of its rights and the protection of its professional gains was notable, and it became clear that the emergence of trade unions was closely linked to the development of industry and the formation of workers' collectives.

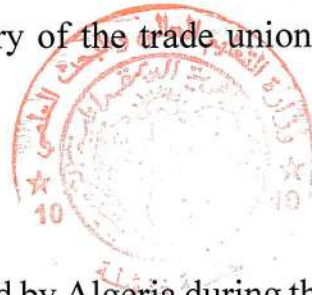
Considering the political developments that Algeria underwent, as well as its subjugation to French colonial rule for more than a century and a half, the trade union movement in Algeria was affected by this situation in terms of the delay in its formation, the pressures it faced, and its participation in the liberation revolution. Accordingly, the trajectory of the trade union movement in Algeria can be divided into two main stages:

1. The Colonial Period

A. The period from 1884 to 1939:

The political reality experienced by Algeria during the colonial era imposed dire economic and social conditions. Initially, this led Algerian workers to join the French unions operating in Algeria in order to defend their material and moral interests. Subsequently, they established independent unions composed solely of Algerian workers. This occurred within the framework of legal provisions that permitted trade union activity, most notably the 1884 Trade Union Law and the 12 March 1920 Law, which encouraged widespread participation of Algerian workers in the *General Confederation of Labour (CGT)*.

By March 1937, the CGT had transformed into a political organisation, the *People's Party*, which was dissolved in 1939 by the French authorities for being anti-French and supportive of the liberation revolution. During this period, the three main federations were established in Algiers, Constantine, and Oran. Due to the credibility they gained, a significant number of workers joined these



federations, with membership rising from 12,000 workers in 1936 to over 20,000 workers by the beginning of 1938.³³

B. The period 1939–1956

This period was characterised by an increase in the number of members of trade union organisations, with Algerians joining to defend their interests and professional rights and to alleviate the pressures exerted on them by employers. This continued until 1947, the year in which a free trade union was formed following the Congress of the Victory of Democratic Freedoms Movement, headed by the late martyr Aissat Idir. The dissolution of the party in 1954 affected the announcement of the trade union organisation, until the outbreak of the revolution and the establishment of the General Union of Algerian Workers. The dire conditions experienced by Algerians, particularly workers, were the primary motive and driving force behind the establishment of unions exclusively for Algerians. The economic and social situation was characterised by:

- The rise of unemployment among the Algerian population,
- Weakness of the industrial sector in Algeria,
- Monopoly of Europeans, especially French workers, over most trades and industries, leaving other jobs and sectors to Algerians,
- Exploitation of Algerian workers in arduous, exhausting, and seasonal work due to the reluctance of French labour to participate in such jobs.³⁴

In these distinctive circumstances, the **General Union of Algerian Workers (UGTA)** was established on 24 February 1956. Its accreditation was submitted in accordance with the French Associations Law of 1901, and the martyr Aissat Idir was elected its first Secretary-General. The union encompassed

³³ Idris Boulekaibat, *The Algerian Trade Union Movement Between Two Eras*, Journal of Humanities, University of Biskra, Issue 12/2007, pp. 149.

³⁴ Ahmiya Suleiman, *The Trade Union Movement in Algeria*, Algerian Journal of Legal, Economic and Political Sciences, University of Algiers, Issue 01/2013, p. 60.

more than 50 unions under its umbrella, with 110,000 members, and played an active role in resisting colonialism and participating in the liberation revolution.³⁵

C. Post-Independence Period

Immediately after independence, **Order 71/75**, dated 16 November 1971, recognised workers' trade union rights by allowing the establishment of a union branch in every private enterprise. This was followed by **Decree 75/64**, dated 29 April 1975, concerning the protection of trade union rights in private enterprises, thereby granting legal protection to this right. Additionally, the provisions of **Order 71/74**, related to the socialist management of enterprises, conferred upon the worker two roles: producer and manager, while giving workers' councils a representative function.

This framework remained in place until the enactment of **Law 88/28** on 19 July 1988, concerning the practice of trade union activity. This was the first legal text to institutionalise trade union practice under the sole framework of the UGTA (trade union monism). The situation remained unchanged until the 1989 Constitution, which recognised trade union pluralism, followed by **Law 90/14**, dated 2 June 1990 (amended and supplemented), regarding the exercise of trade union rights. This was the first law to allow trade union pluralism.

It is clear that this period approached trade union rights through the following phases:

Under Trade Union Monism (1962–1988):

This period was characterised by the restriction of trade union practice to the UGTA, despite the issuance of several relevant legal texts, starting with **Order 71/75**, dated 16 November 1971, and **Order 71/74**, dated the same day, concerning the socialist management of enterprises. This latter text expanded the powers of workers' councils, as socialist enterprise management conferred upon

³⁵ Idris Boulekaibat, *op. cit.*, p. 152.

the worker dual roles: employee and manager, effectively allowing union activity to penetrate the enterprise.

However, this text did not recognise trade union pluralism, rendering trade union activity merely a political framework, justified only within the context of a one-party system. This is evident in the positioning of the UGTA as a mass organisation affiliated with the ruling party, used as a tool to mobilise workers in line with the political, economic, and social choices of the state.

This continued until the enactment of **Law 78/12**, dated 5 August 1978, containing the General Labour Code, which unified legal frameworks and wage policies, thereby standardising regulations relating to trade union practice across all sectors (administrative, economic, public, and private), while maintaining UGTA's dominant position. Consequently, the UGTA became the main state-aligned union, integrated into the structures of the state. This close relationship between the union and the political leadership explains the social accord that characterised the historical relationship between the state and the trade union movement. The movement chose integration into state structures rather than independence, resulting in trade union practice being largely formal and lacking real union effectiveness, as evidenced by low participation, internal conflicts, and minimal member engagement.

After 1976, no legislation concerning the liberalisation or regulation of trade union activity was issued until 1988, with the enactment of **Law 88/28**, dated 19 July 1988, regulating the modalities of trade union rights. This law linked the National Liberation Front (FLN) and the UGTA, enforcing trade union monism under the UGTA and connecting party struggle with union responsibilities, in line with other state institutions and bodies.

Under Trade Union Pluralism

The rapid events and developments in Algeria necessitated a review of constitutional provisions and laws relating to trade union activity. Whereas trade union practice had previously been confined to the **General Union of Algerian**

Workers (UGTA) under **Law 88/28**, the advent of political and economic reforms and the recognition of party and trade union pluralism under the **1989 Constitution** opened the trade union arena to competition and diversity among different trade union organisations. Article 56 of the 1989 Constitution recognises trade union rights for all citizens, signalling the abandonment of trade union monism and the move towards freedom of association and union activity.

Unlike previous legal texts, particularly **Law 88/28** dated 19 July 1988, which restricted trade union practice to the UGTA, the adoption of party and trade union pluralism under the 1989 Constitution led to the enactment of **Law 90/14**, dated 2 June 1990, concerning the exercise of trade union rights. This law introduced new concepts and a new model of worker representation based on the principles of trade union pluralism and freedom of affiliation to unions. It also recognised the right of both workers and employers to establish unions, while providing legal protection for these activities, including managerial autonomy, prohibition of external interference, and encouragement of genuine democratic worker representation in dialogue and participation.

The exercise of trade union rights under this framework entails the following:

- Freedom to establish and join unions.
- Trade union pluralism applies equally to workers and employees.
- Representative trade union organisations contribute to negotiation and participation.
- Each representative union may establish a union structure under conditions stipulated by law.³⁶

The trade union movement in Algeria has, since its inception, been part of the global trade union movement in general, and particularly of the trade union movement in developing countries. The year 1990 represents a turning point in

³⁶ Bali Mohamed Al-Saghir, *Labour Legislation in Algeria*, Dar Al-'Ulum for Publishing and Distribution, 2009, p. 28.

the history and trajectory of trade union activity in Algeria. In accordance with the principle of trade union pluralism enshrined in the **1989 Constitution**, trade union rights were no longer limited to joining or leaving the single union affiliated with the **General Union of Algerian Workers (UGTA)**. They became full rights, including the right to form trade union organisations and other rights associated with the exercise of trade union activity for all unions, workers, and employers alike.

The Constitution enshrined trade union rights as absolute by recognising them for all citizens. This orientation is reflected in the 1989 Constitution and in the 1996 Constitution, amended in 2016. The main objectives are as follows:

- Consolidation of the exercise of fundamental freedoms in the world of work.
- Promotion of representation.

IX. Freedom of Trade Union Activity in Algeria

The Algerian Constitution affirms that trade union rights, namely the right to join labour unions, are recognised for all workers. The law guarantees the freedom to exercise this right. The Constitution stipulates that discrimination on the basis of race, origin, gender, opinion, or any other personal or social condition or circumstance is prohibited, and that freedom of expression must be ensured.

Labour law allows workers to enjoy their fundamental right to engage in trade union activity. The law also sets out the requirements that workers must fulfil in order to exercise trade union rights in any public institution.³⁷

1. Obtaining government approval to form any union, with the Ministry of Labour required to approve or reject the union application within 30 days.
2. The prospective union president must be either Algerian by birth or have held Algerian nationality for no less than ten years.
3. Union membership is open to all workers, regardless of nationality.

³⁷ Articles 52, 72, and 73 of the Algerian Constitution; Article 5 of the 1990 Labour Law; and the 2022 Country Reports on Human Rights Practices in Algeria.

4. The union must represent at least 20% of the workforce in the establishment.
5. This minimum threshold (20%) must be met or exceeded at the beginning of any given calendar year in which the union seeks to enter collective bargaining. Unions may appoint workplace representatives and have the right to form federations and unions and to join them.
6. The law allows unions to cooperate with international labour bodies and establish relations with foreign labour organisations. The law also prohibits unions from collaborating with political parties or receiving funds from foreign sources.

1. Freedom of Collective Bargaining

Labour law allows workers to engage in collective bargaining. To be recognised as representing workers, a trade union must be legally established for no less than six months. In addition, representative unions must include at least 20% of the workforce or 20% representation in the participation committee.

These unions have the right to participate in negotiations, resolve disputes, and exercise the right to strike. They may hold meetings with members outside working hours or during working hours with the employer's consent, inform workers via bulletins or announcements, collect dues, and promote trade union training for their members.

Labour law permits workers to negotiate collectively on issues such as working hours, basic minimum wages, overtime compensation, seniority and working conditions, expense reimbursements, probationary periods and notice, special leave, and other related matters. Employee and employer trade union organisations must be legally registered for at least six months to be considered representative under Algerian union law.

Representative trade unions within the same workplace are those that include at least 20% of the total workforce or have at least 20% representation

within the participation committee, when such a committee exists within the employer's organisation.³⁸

Within the framework of applicable legislation and regulations, representative labour union organisations within each employer's establishment enjoy the following rights:

1. Participation in the negotiation of collective agreements within the workplace.
2. Participation in the prevention and settlement of collective labour disputes and the exercise of the right to strike.
3. Meeting with union members on the employer's premises or in nearby locations outside working hours; exceptionally, meetings may be held during working hours if the employer's consent is obtained.
4. Informing relevant groups of workers through union publications or by posting notices in designated areas provided by the employer.
5. Collecting union dues from members at the workplace in accordance with procedures agreed with the employer.
6. Promoting trade union training for members.

2. The Right to Strike

The law grants the right to strike after the exhaustion of conciliation and mediation procedures. A strike requires a majority vote through a secret ballot by the workforce. Strikes are protected only in relation to collective labour disputes within the establishment, and the government may restrict strikes in certain cases, such as economic crises or matters concerning public safety. Public demonstrations, including strikes, must be authorised by the government, and essential services must be maintained. The law prohibits discrimination against union members and organisers, guarantees the reinstatement of striking workers,

³⁸ Article 5 of the Labour Law; and Articles 34, 35, and 38 of the 1990 Regulations on the Exercise of Trade Union Rights.

and outlines procedures for resolving disputes prior to striking. Strikes are prohibited in specific sectors such as defence, security, and public order.

Legal strikes require that the dispute persists after all conciliation and mediation procedures have been exhausted. The strike must be authorised by a majority vote via a secret ballot of all workers. Strike protection applies exclusively to collective labour disputes between workers and employers within the establishment. The government may limit strikes likely to cause severe economic crises. Additionally, all strikes must obtain prior government approval. During public sector strikes, a minimum level of essential services must be maintained, and the government has broad legal authority to call public sector employees to work in certain cases. Essential services include banking, radio, and television.

Algerian law, as detailed in the Official Journal, specifies procedures for resolving disputes between workers and employers, emphasising preventive discussions and sequential steps prior to the commencement of a legal strike. These steps include conciliation, mediation, and arbitration, which must be exhausted before a legal strike can proceed.³⁹

1. Approval by the majority of workers, after all other options have been exhausted.
2. Detailed notifications must be submitted by the authorised bodies prior to the strike, with a notice period of no less than ten working days.
3. Maintenance of a minimum level of services during strikes, with the minimum service level set at 30% of the workforce.

Under the applicable law, certain sectors and individuals are prohibited from participating in strikes. These sectors include defence, national security, and

³⁹ Articles 64 and 65 of the 1990 Labour Law; Paragraphs 8 and 9 of Executive Decree No. 23-361, issued on 17 October 2023, concerning the specification of sectors and workplaces requiring mandatory essential services, and the list of sectors, individuals, and positions prohibited from striking.

other vital areas necessary to maintain sovereignty and public order, such as justice, the interior, civil protection, finance, and foreign affairs.

Individuals prohibited from striking include judges, public officials appointed by decree, security personnel, customs officers, prison administration staff, air and maritime traffic controllers, and directors of educational institutions.





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