TRADE UNION CONFEDERATION OF PRODUCTIVE FORCES

Confédération syndicale des forces productives

COSYFOP

INTERNAL REGULATIONS

English translation of the Internal Regulations of the Trade Union Confederation of Productive Forces

Unofficial translation provided by the source

January 2024

www.cosyfop.org

PART ONE — GENERAL PROVISIONS

Article 1

The structure of the Trade Union Confederation of Productive Forces was renewed on 30 July 2018 in accordance with the Constitution of the organisation, the Constitution having been amended and these Internal Regulations adopted as a text interpreting its articles.

The union, its bodies and its subsidiary and specialised committees shall be constituted in accordance with the provisions laid down in these Internal Regulations and without contravening the rules of freedom of association or the Constitution.

The trade union organisation may be dissolved only by a decision of its National Congress or by a judicial decision, in accordance with the legal texts governing the modes of dissolution of trade union organisations and in compliance with international Convention No. 87 concerning freedom of association.

No authority may withdraw the union’s registration or dissolve it by administrative means without referral to the courts, which shall rule by a dispositive ordering dissolution and shall base its reasoning on the laws and international conventions in force. All administrative decisions taken in this regard shall not be given effect and shall not be enforceable against the organisation.

An application and an action for annulment may be brought against these Internal Regulations before the competent judicial authorities, provided that the applicant establishes an interest in bringing the action and is a member of the National Bureau.

Article 2

The headquarters of the Confederation may be transferred to another location under a lease concluded by one of the members of the National Bureau, the members being informed of the new headquarters by all available means.

Article 3

The union is lawfully represented by the President of the National Bureau. In the event of permanent incapacity, death or resignation, the Secretary-General shall succeed the President for a period not exceeding six months, it being understood that the National Council must be convened before the expiry of that period in order to install another member in the vacant post and to elect a new President of the union. Where the Council is vacant, the Secretary-General shall, after approval by all members of the Executive Bureau, convene an extraordinary National Congress to consider the matter.

The President of the Confederation, the Secretary-General and all members of the Bureau shall continue to represent the trade union organisation in the event of imprisonment or long-term travel, neither of which shall be regarded as a case of incapacity to represent the organisation. The members of the National Council are bound to defend them by all lawful means and to designate a figure to represent the organisation before international bodies until their return to the country or their release from prison.

PART TWO — OBJECTIVES OF THE CONFEDERATION

Article 4

The union aims to protect the rights of its members, to defend their interests and to improve working terms and conditions, and it shall work in particular towards the achievement of the following:

1. To defend the rights of the members and safeguard their interests.
2. To spread trade union awareness and the spirit of collective action, so as to strengthen the union and achieve its objectives.
3. To work towards raising the economic, social and cultural level of the members.
4. To provide social, economic, cultural and health services to the members and their families.
5. To take part in national public affairs and in the formulation, discussion and implementation of plans and programmes for the development of society, and to discuss and express views on legislation affecting the rights and interests of its members.
6. To work towards the settlement of individual and collective disputes concerning the members, to conduct collective bargaining and to conclude collective labour contracts and agreements.
7. To revise wage structures so as to guarantee workers and their families a decent standard of living, commensurate with rising prices and rates of inflation.
8. To make use of litigation in order to defend the rights and interests of the union and its members. The union may also intervene alongside its members in all actions connected with its objectives.
9. To establish and regulate the right of workers to protest and to strike in defence of their interests and rights, and to create the funds required to meet the financial burdens of supporting that right.
10. To create and administer institutions, associations, funds and cultural, scientific, social, cooperative, health, credit and recreational clubs in order to provide services to the members and their families, such institutions being endowed with legal personality.
11. To work towards securing the affiliation of independent trade union organisations to the structures of the Confederation and towards coordination with other confederations.
12. To campaign for the entrenchment of the fundamental freedoms of citizens and for respect for the international conventions on labour and human rights.
13. To communicate and work with all international bodies, such as the International Labour Organization, the Office of the High Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, with a view to the flourishing and development of trade union rights and human rights in Algeria.

PART THREE — CONDITIONS FOR THE ADMISSION AND WITHDRAWAL OF MEMBERS

Article 5

A worker who takes part in its economic activities shall be admitted as a member of the union, in accordance with the provisions of Article 1. Any person wishing to join the union must submit an application, drawn up on the form provided for that purpose, to the union's representative at the level of the horizontal or vertical structures, or by means of the electronic form.

Registered and accredited organisations or associations may affiliate to the Confederation under the same procedures as those laid down above.

Article 6

A member may at any time submit a reasoned notice of withdrawal from the union by way of resignation. The union shall undertake such steps with the applicant as may persuade him to reverse his withdrawal, within a maximum of thirty days from the date of the aforementioned notice. If the applicant does not reverse his request, he shall be deemed to have withdrawn from the union as from the date of his notice and shall remain liable for the payment of subscriptions and any other obligations owed by him until the date of his withdrawal from the union.

Article 7

Membership of the Confederation shall cease in any of the following cases:

1. Resignation from the union.
2. The member's indictment for a felony or a misdemeanour, following the lodging of a complaint by the union.
3. Where it is established by evidence that he has sought personal benefit or sought to harm the leadership.
4. Death.

Article 8

A member whose membership has ceased may apply for re-registration with the union. His membership shall then be regarded as new as from the date his application is accepted, provided that he satisfies the membership conditions set out in these Regulations, having regard to Article 7 of this text.

PART FOUR — STRUCTURES OF THE CONFEDERATION

Chapter One — The National Congress

Article 9

The National Congress is the supreme authority of the Confederation. It sets its policies, determines its programmes and action plans and oversees all its affairs. The National Congress is composed of

delegates who are up to date with their subscriptions as at the date it is held, and, where necessary, an extraordinary (urgent) National Congress may be convened.

Each delegate is required to pay the congress expenses as assessed by the National Bureau, failing which he shall be deemed not to satisfy the conditions for participation in the congress.

Chapter Two — The National Bureau

Article 10

The National Bureau is the authority responsible for implementing the decisions of the National Congress between its sessions. The National Bureau is composed of a number of members that may not be fewer than three nor more than eleven.

Article 11

A candidate for membership of the Executive Bureau must satisfy the following conditions:

1. He must have attained the age of majority and have full legal capacity.
2. He must be able to read and write.
3. He must be a member of the National Congress and be up to date with his union subscriptions in full as at the date of the scheduled elections.
4. He must be no older than 63 years, for men and women alike.
5. Remaining in office beyond retirement age is not permitted, the post being deemed vacant in that event.
6. An elected candidate may not serve more than two consecutive terms after attaining the representativeness and bargaining threshold with the Government.

Article 12

Where a member of the union’s National Bureau withdraws following resignation, death or failure to take part in meetings of the National Bureau, he shall be replaced by a new member elected by the National Council, the new member’s term being the remainder of the union term.

Chapter Three — The National Council

Article 13

The National Council is the governing body of the Confederation and has the power to decide to take general strike action.

Article 14

One member of each national union, federation or union body shall stand for membership of the National Council, the wilaya delegate being a member of the National Council ex officio.

Article 15

The officers of the Working Women's Committee and the officers of the Youth Committee shall be ex officio members of the National Council.

The remaining committees shall elect from among themselves a single delegate to represent them before the Council.

As for the unions, they are entitled to appoint five of their members to the National Council of the Confederation, while the number of members of affiliated associations is set at one.

Article 16

The elected members of the National Council shall present themselves before the National Congress in order to have their membership established and to take up their duties within the Confederation. Should the Confederation be without members of the National Council, the National Bureau shall manage the organisation until the structuring is completed, and in the event of a dispute the matter shall be referred back to the National Congress.

Chapter Four — The Wilaya Secretariat and the Municipal Bureau

Article 17

A wilaya delegate shall be appointed or elected for each wilaya from among the union's members, and he shall carry out the following:

The chairing of the wilaya bureau, the formation of the wilaya council and the installation of union branches within the boundaries of the wilaya or the municipality.

By way of exception, in the event of a regional vacancy, he shall ensure coordination with the branches in neighbouring wilayas.

Chapter Five — Unions, Federations, Union Bodies and Union Branches

Article 18

The National Bureau shall install enterprise unions, unions of a national character or federations.

Article 19

The National Bureau shall install national union bodies bringing together federations and unions, or enterprise unions of the same character.

The term of office of the presidency of a union body is three years, non-renewable, the leadership of each union body being held in rotation by a president of a federation or of the unions making up that body.

Union bodies may, after prior request to the National Bureau, submit applications for affiliation to international or regional organisations pursuing the same objectives, in full compliance with the directives of the National Bureau and of the National Congress of the Confederation.

Union bodies may open their own bank accounts or postal current accounts for the management of their annual budgets, after prior declaration to the National Bureau. In the event of a breach of the Constitution of the Confederation or of a departure from the general policy of the Confederation, the National Bureau has the power to assess the nature of the fault and to close the account.

Article 20

The union branch constitutes the true base of the Confederation and is installed by the various bodies, whether municipal, wilaya-level or federal, or by the national or enterprise unions.

Chapter Six — The National Committees

Article 21

The National Bureau shall establish specialised committees, which are principally the following:

- The Working Women's Committee, within which all women of the union branches, unions and federations shall be organised, housewives and unemployed women also being able to join. The purpose of this committee, which is composed of eleven members, is primarily the promotion of women's rights, and all its members are ex officio members of the National Bureau, in order to give effect to the principle of parity with men in the leadership.
- The Youth Committee, composed essentially of all young members affiliated to one of the unions or federations, its members being under thirty years of age. The Youth Committee also includes university students and secondary school pupils, in order to give effect to the rights of the child and of young people, foremost among them the right to expression enshrined in the international Convention on the Rights of the Child.
- The chairperson of the Youth Committee is an ex officio member of the National Bureau.
- The Committee for the Unemployed, composed essentially of all inactive and future productive forces, whose main purpose is to ensure the integration of the unemployed into the labour market and to defend transparency in recruitment.
- The Trade Union Committee of Human Rights Defenders, composed essentially of trade unionists concerned with human rights and of human rights defenders, who work primarily to defend rights defenders by all legal and material means.
- The Committee for Environmental Protection and the Fight against Global Warming, composed of defenders of the environment and of nature, whose purpose is to work for the protection of the environment and to raise awareness of the dangers of desertification and global warming.
- The Committee for Combating Corruption and Protecting Corruption Whistle-blowers, composed of any worker who has wished to join it on an individual basis, whose purpose is to coordinate with the National Bureau with a view to designing a general strategy for reporting corruption and protecting whistle-blowers against reprisals.

The National Bureau may create and establish specialised national committees whenever it sees the need to do so.

PART FIVE — RESOURCES AND FUNDS OF THE UNION

Article 22

The resources of the union consist of:

1. The subscriptions paid by the members.
2. The proceeds of the publications and activities carried out by the union.
3. Aid, gifts and donations paid into the bank account without prior conditions.
4. The profits and interest on the union's funds and its safe investments, in accordance with its financial regulations.
5. Public subsidies.

Article 23

A member shall be exempted from paying subscriptions while retaining membership in the following cases:

1. Where he has been unfairly dismissed from employment on account of his activity within the union.
2. Where the member faces circumstances of force majeure preventing him from paying his subscriptions regularly, subject to acceptance by the National Bureau of his trade union organisation or union body, by a decision of that body setting the period of exemption.
3. Where the member is called up for national military service.

Article 24

All the union's funds and receipts shall be deposited in one of the bank accounts or current accounts and shall be subject to the rules of the Central Bank of Algeria. No sums may be withdrawn from that bank account other than by cheques signed by the Secretary-General and the Treasurer, or by those replacing them by a decision of more than two thirds of the members of the National Council. The bank account may be opened, transferred or closed only on the initiative of the Secretary-General or by delegation from the President.

By way of exception, subscription funds may be collected in cash against a receipt for the funds, expenditure and income being recorded in a special accounting register.

Article 25

The funds of the Confederation shall be disbursed by cheque allocated to its trade union activities, each cheque being supported by documents evidencing the use of the funds, and the financial report shall be referred to the National Council at the beginning of each year for approval of the expenditure.

Article 26

The Confederation may, in order to achieve its objectives, invest its funds in safe forms of investment and establish funds or associations to finance the union's activities.

The union may grant aid or financial allowances to persons unfairly dismissed from their employment on account of their trade union activities.

Every beneficiary of the monthly assistance allowance must have contributed to the trade union solidarity fund before his dismissal from employment.

Article 27

In the event of unfair dismissal on account of trade union activity, the member shall benefit from a contract in which the union sets a special allowance for him until his reinstatement in his post.

Article 28

The union's financial year begins on 1 January and ends on 31 December.

Article 29

The union is required to keep the registers and books that ensure the proper conduct of its work and rigorous control over its activities and funds. These registers and books must be kept up to date on an ongoing basis and must be made available to the auditor at the end of each year.

PART SIX — BENEFITS AND SERVICES

Article 30

The members of the union shall enjoy, without any discrimination, the social, health, cultural, recreational and other benefits and services provided by the union. No member may be deprived of any of them except by a reasoned decision of the National Council.

The National Council of the union shall, in accordance with the financial situation and after study, draw up regulations on the benefits and services provided to members and their families, shall announce those benefits and make them available to all members, and the union shall endeavour to develop and continuously improve those benefits and services.

PART SEVEN — DUTIES OF MEMBERS, THEIR ACCOUNTABILITY AND THE OBLIGATIONS OF THE CONFEDERATION

Article 31

The leaders of the Confederation are responsible, each within the limits of his competence, for any act contrary to the provisions of the union's Constitution, the decisions of the National Congress and the rules of freedom of association.

Each member is liable for the damage caused to the Confederation or to any of its members as a result of such an act. Where there is more than one offender, their liability shall be joint and several. The National Bureau shall, after meeting, impose the appropriate penalty on any member whose breach of the Constitution is established, and the Disciplinary Committee shall, as soon as it is installed by the National Congress, take the necessary steps to examine the appeal of the offending member, after the

latter has challenged before it the penalty decision of the National Bureau or has become aware of the breach.

The bodies of the unions and federations shall draw up reports of breaches against those of their members who are shown to have harmed the organisation and shall issue penalty decisions, every penalised member having the right to appeal before the Disciplinary Committee, which shall rule at first instance on the appeal within a period not exceeding one year from its lodging by email to cosyfop.alg@gmail.com or its dispatch to the Confederation by registered letter with acknowledgement of receipt, its decision being final.

By way of exception, as regards the leadership, where the decisions of the Appeals Committee are not accepted by the governing bodies of the unions or federations, the penalised leading member may bring his complaint before the National Congress, which shall rule on it finally by acceptance or rejection.

Article 32

A member must cooperate with his fellow members of the Confederation in order to do everything likely to strengthen the Confederation and achieve its objectives, and he is bound by the following:

1. To pay membership subscriptions on time and to meet any other obligations towards the union or any institution arising from trade union activity and membership of the union.
2. To implement the decisions of the National Congress and the National Council and not to depart from the provisions of the union's Internal Regulations.
3. To strengthen the spirit of trade union cooperation and collective action, to uphold the principles of freedom of association, equality and justice, and to refrain from any act harmful to the union, to his colleagues, to his profession or to his dignity.
4. To support the struggle for the independence of the Confederation from the influence of the Government, the administration or political parties.

Article 33

A member may not be called to account, have his liability determined or be subjected to any penalty before an investigation has been conducted with full regard for the rights of the defence, and after he has been notified in writing, or by any other means established within the Confederation, of what is attributed to him, a date being set for him to be heard and to present his defence at least one week after the date on which he received the notification. If he fails to appear on the date set without an acceptable excuse, the accountability proceedings may be continued in his absence.

Article 34

The penalties that may be imposed on an offending member are:

1. A warning not to repeat the breach.
2. A reprimand for the breach, together with its publication.
3. Deprivation of some or all of the benefits for a fixed period not exceeding three months.
4. Expulsion from membership.

Article 35

A member must be notified of the penalties imposed on him and of the reasons for them within a maximum of one month from their imposition, at the address recorded with the union, by post or by any other means.

A member may challenge the penalty decision before the Appeals Committee, whose decision is final for ordinary members and open to appeal before the National Congress in the case of union leaders.

Under no circumstances may the National Bureau be prosecuted for a breach, the National Congress alone being competent to rule on the fault of the senior leadership, after it has been lawfully brought before it.

Article 36

Under no circumstances and for no reason whatsoever may a member be expelled from the union on account of his dismissal from employment for his activities within the Confederation. The Confederation is bound to defend him by all legal and trade union means, and he shall continue to hold his post within the union until his reinstatement in his original post.

Article 37

The Disciplinary Committee is composed of three members elected by the National Congress, every delegate being entitled to stand for membership of the committee. The members of the Disciplinary Committee shall elect a chairperson from among themselves.

PART EIGHT — FINAL PROVISIONS

Article 38

Where the authorities refuse to approve the secondment of the President or of the members of the National Bureau, the Confederation shall assume the payment, to the members serving full time at the Bureau, of a monthly remuneration equal to the monthly remuneration they receive in their employment, without omitting bonuses and work-related travel expenses.

The same arrangements shall apply in the event of unfair dismissal.

Article 39

The members of the National Congress shall exercise control over the activities and management of the Confederation and may to that end have access to the Confederation’s papers, files and registers, the National Council being responsible for laying down the rules governing that control without undermining or diminishing its effectiveness.

The members of the National Congress have the right to call the National Council or the National Bureau to account during the congress and may to that end call upon experts and consultants, provided that they lodge with the congress an undertaking that the Confederation shall not bear the costs of the experts or consultants.

Article 40

In the event that the legal personality of the union lapses for any reason whatsoever, the National Congress alone has the power to determine this, and where it is impossible for it to meet, the decision shall rest with the majority of its remaining members, in a manner serving the interests of the workers.

The union may be dissolved only by a decision of the courts or of its National Congress in accordance with the provisions of the Constitution, any other decision, from whatever authority it emanates, not being taken into consideration.

Article 41

These Internal Regulations shall be amended by the National Council at its forthcoming sessions, where a draft of new internal regulations is submitted and is accepted.

In conformity with Law 23-02 on the modalities of exercise of trade union rights
January 2024

These Internal Regulations may be downloaded from the organisation's website
www.cosyfop.org