



QUID JURIS?

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GENERAL INFORMATIONS

The work regulation was completely amended by the law n°65-99 of December 8th, 2003 which will come into effect on June 8th, 2004.

This text innovates on the following principal points:

Factory committee - Obligation for the companies to create a Factory committee when the strength exceeds 50 employees. The employer is henceforth anxious to inform his Factory committee about aspects relative to the management of the human resources and any structural and technological changes, notably in case of fusion, transfer of assets. The Factory committee has no decision-making power and any absence of consultation is liable to fines not exceeding 20.000,00 DH.

Lasted of the work In the industrial sectors and the services, the weekly week is returned at 44 am against 48 hours, with a maximum of 10 hours a day of work.

Resort to the contracts of employment determined fixed-term contracts can be concluded only for one year at most and renewable once. It is not any more allowed to renew infinitely a contract of employment in limited duration.

Fault engraves The grave fault can be henceforth established against the employer and it is likened in that case to an unfair dismissal.

Reparations of dismissal

The new law revises the level of the legal reparation of dismissal and fixes henceforth a maximum for the granting of the reparation of unfair dismissal.

" A legal reparation is due to every employee being the object of a dismissal. it is determined according to the number of years of services within the company. In the case of an age of more than 15 years, the legal reparation cannot exceed the payment for 240 working hours.

The legal reparation is also due in case of dismissal for economic, technological or structural reasons and authorized by proper authorities.

" A supplementary reparation is due to every employee having been the object of an unfair dismissal. In that case, an employee wrongly dismissed is entitled to perceive, besides

the aforesaid legal reparation, a maximum amount equivalent to one and a half month of salary a year of age, within the limits of 36 months.

Resort to the temporary work

The appeal to the temporary work is regulated for the first time. it is limited to the following cases:

- " Replacement of an employee in case of break of the not attributable contract of employment in a strike,
- " Temporary Increase of the activity of the company,
- " Works of seasonal nature,
- " Works for which the custom(usage) does not admit the possibility because of their nature, to resort to permanent employment contracts.

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