

RESEARCH ARTICLE

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**Controls Governing the Determination of Wages as a Worker's Right under
Algerian Legislation**

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Abstract

Workers enjoy various rights under the legislation, particularly Law No. 90-11 relating to labor relations. This imposes upon the employing entity the obligation to respect these labor rights. Accordingly, the present study focuses on one specific right in view of its paramount importance namely, the right to wages. The study sheds light on the concept of wages as a worker's right and the criteria governing their determination under Algerian legislation.

Keywords: Work; Worker; Wages; Employer; Wage Determination.

Introduction

From a legal perspective, wages possess a dual character within the employment relationship. On the one hand, they constitute a right of the worker in exchange for the effort exerted in performing work. On the other hand, they represent an obligation incumbent upon the employer in return for benefiting from the work or service performed. Given the profound importance of the issue of wages, it warrants careful examination, as it directly affects the worker's interests being the primary source of livelihood while simultaneously implicating the employer's interests, since wages constitute one of the principal components of costs and financial burdens borne by the employer. Consequently, wages represent a perpetual point of contention between workers and employers.

This dual nature of wages as both a right and an obligation compels us, in light of present realities, to clarify the controls governing the determination of wages as a worker's right. This is particularly significant as Algeria strives to ensure that the worker's right to wages is regulated by specific legal rules not merely through the establishment of a minimum wage, but by recognizing it as a mandatory rule related to public order, from which the parties may not derogate. Hence, it is a right consecrated for workers and one that must be surrounded by clear legal safeguards.

From this perspective, the following problem arises: What are the legal controls governing the determination of wages as a right guaranteed to the worker?

In addressing this issue, we shall adopt the analytical method, as it is best suited to the present study. The research plan is divided into two chapters. In the first chapter, we examine the definition of wages as a worker's right, addressing their definition in international and Arab conventions, as well as in comparative labor legislations and Algerian law. In the second chapter, we analyze the

criteria for determining wages as a worker's right, by discussing the time-based criterion, the productivity-based criterion, the dual criterion, and the position of the Algerian legislator regarding the standards for wage determination.

Chapter One: Definition of Wages as a Worker's Right

Wages constitute one of the fundamental elements upon which labor law is structured. They also represent a sensitive focal point in the conflicts between workers and employers. Moreover, wages are considered an essential pillar of the employment contract; the contract cannot be formed without them, as they constitute the cause and motivation for the worker's engagement in the contractual relationship. In their absence, the contract would be deemed unnamed and fall within the category of gratuitous or voluntary service contracts. The worker's will is directed toward obtaining wages in return for the work performed for the employer, while at the same time, the employer's will is directed toward fulfilling the obligation incumbent upon him namely, the payment of wages in exchange for the work rendered.

Accordingly, wages represent one of the most important rights granted to the worker under the employment contract, in consideration of the professional obligations stipulated therein, as well as those contained in collective labor agreements and legislative and regulatory texts.

Given the importance of wages and their social vitality, the legislator has established a legal framework governing them. Its dimensions may be clarified through an examination of the definition of wages in international and Arab conventions (Section One) and their definition in comparative labor legislations and Algerian legislation (Section Two).

Section One: Definition of Wages in International and Arab Conventions

Under this section, we address the definition of wages within the framework of international conventions issued by the International Labour Organization (ILO), as well as the definition of wages in Arab labor instruments.

Subsection One: Definition of Wages in International Conventions

The obligation to pay wages constitutes the fundamental obligation incumbent upon the employer. It is therefore incumbent upon both the International Labour Organization and the Arab Labour Organization to accord it particular importance and special care, through the issuance of various conventions and recommendations aimed at determining minimum wages and establishing rules for their protection. Indeed, the issue of wages occupies a prominent place in both international and Arab instruments.

The Preamble to the Constitution of the International Labour Organization explicitly affirms the necessity of ensuring wages that provide workers and their families with a reasonable standard of living. This principle was subsequently reaffirmed in the Universal Declaration of Human Rights of 1948

¹. Several international conventions have since been concluded on the subject of wages, among which we may cite the following by way of example.

The International Labour Organization Convention No. 95 of 1949 concerning the Protection of Wages defines wages in Article 1 as follows:

“The term ‘wages’ means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable by an employer to an employed person for work done or to be done or for services rendered or to be rendered under a contract of employment, whether written or oral.”²

It is evident from the wording of this provision that wages encompass all remuneration capable of monetary valuation, regardless of the designation or method of calculation, provided that such monetary value is determined either by agreement or by national legislation. The same provision further requires that wages be paid by an employer to a person in his employ, whether under a written or oral contract of employment.³

In the same context, the International Labour Organization issued Recommendation No. 85 of 1949 concerning the Protection of Wages⁴, which provided a comprehensive definition of wages in order to complement the aforementioned Convention. Unlike the Convention, the Recommendation does not confine the authority to determine wages to a specific source; rather, wages may be determined either by the will of the parties, through state intervention, or pursuant to workplace regulations within the employing entity.⁵ This understanding is derived from the text of the aforementioned provision in the Recommendation.

Similarly, International Labour Organization Convention No. 100 of 1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value defines wages in Article 1 thereof⁶, specifying the various denominations and components of wages, and considering wages to include any remuneration paid by the employer to the worker in return for employment.

Subsection Two: Definition of Wages in Arab Labour Conventions

Wages have also occupied a prominent position within the Arab Labour Organization and the labor standards it has adopted, which emphasize that labor is not a commodity and that the workforce in the Arab world is entitled to work under appropriate conditions and terms.

In this regard, the Arab Labour Organization defined wages in Arab Convention No. (15) of 1983 concerning the Protection and Determination of Wages⁷. Its provisions indicate that, as a general rule, wages must be paid in cash and subject to specific conditions, while in exceptional cases they may be paid in kind. The Convention further provides that wages comprise all that the worker receives in return for his work, which explains the possibility of wages being partially in kind. Accordingly, this definition is consistent with the international standards set forth in International Labour Organization Convention No. (95) of 1949 regarding the definition of wages⁸.

Section Two: Definition of Wages in Comparative Labor Legislations and Algerian Legislation

Labor legislations have accorded considerable attention to wages, given their vital role for the worker as the primary means of meeting life’s necessities for himself and the family he supports. Wages constitute the legal consideration for work performed. Accordingly, comparative labor legislations, as well as Algerian legislation, have undertaken to regulate wages and provide a legal definition thereof.

Subsection One: Definition of Wages in Comparative Labor Legislations

Comparative labor legislations have shown great concern for wages due to their effective role for the worker, as they represent the essential means through which he confronts the demands of life for himself and his dependents under the best possible conditions. Wages are thus regarded as the legal counterpart of work. Consequently, comparative labor laws have regulated wages and formulated definitions to clarify their scope.

The French legislator defined wages pursuant to Article 140-2 of the French Labour Code as follows:

“For the purposes of this chapter, ‘wages’ shall mean the ordinary basic or minimum salary or remuneration, and all bonuses and allowances paid directly or indirectly, in cash or in kind, by the employer to the worker by reason of the latter’s work.”⁹.

French legal scholarship has also approached the concept of wages from both a narrow and a broad perspective. In the narrow sense, wages refer solely to the basic salary, that is, the remuneration attached to the position. In the broad sense, however, wages include not only the remuneration attached to the position but also all benefits and supplementary allowances¹⁰. The latter interpretation aligns with the legal concept of wages adopted by the French legislator.

It is clear from this provision that the French legislator adopted an expansive definition of wages. He did not confine wages to the remuneration paid strictly in exchange for the work performed, but extended the concept to include bonuses and allowances paid either directly or indirectly, whether in cash or in kind. In other words, the definition encompasses all constituent elements of wages.

As for the Egyptian legislator, wages were defined in Article 1 of the Egyptian Labour Law, which provides:

“For the purposes of applying the provisions of this Law, the following terms shall have the meanings assigned to each: (c) Wage: everything that the worker receives in return for his work, whether fixed or variable, in cash or in kind. Wages shall, in particular, include the following: (1) Commission: which falls within the framework of the employment relationship; (2) Percentage: which may be paid to the worker in return for what he produces, sells, or collects during the performance of the work assigned to him under this percentage; (3) Bonuses: regardless of the reason for entitlement or their type; (4) ...”¹¹.

It follows from this provision that the legislator adopted a general definition of wages, without distinguishing between basic and supplementary wages. Wages consist of any consideration received by the worker in exchange for the performance of work, regardless of its designation or type. It is immaterial whether payment is made directly by the employer or by a third party, such as the clients of a commercial establishment. Likewise, it makes no difference whether the wage remains fixed throughout the duration of employment or varies during that period, nor whether it is paid in cash or in kind.

Similarly, the Jordanian legislator defined wages in Article 2 of the Labour Law, which states:

“The following words and expressions, wherever mentioned in this Law, shall have the meanings assigned to them below, unless the context indicates otherwise: Wage means all that the worker is

entitled to receive in return for his work, in cash or in kind, together with all other entitlements of whatever type, if stipulated by law, the employment contract, the internal regulations, or established practice, excluding wages due for overtime work.”¹²

It is evident from this provision that wages encompass everything that accrues to the worker’s patrimony as a result of the work performed for the employer. They include any additional entitlements, whether provided by law such as end-of-service benefits stipulated in the employment contract, such as family allowances, or established through consistent practice¹³.

Subsection Two: Definition of Wages under Algerian Labour Legislation

The Algerian legislator has not followed the approach of comparative legislations in providing an explicit definition of wages. No definition of wages was included in Law No. 75-31 concerning the General Conditions of Employment in the Private Sector, nor in Law No. 78-12 containing the General Statute of the Worker, nor even in the currently applicable Law No. 90-11 relating to Labour Relations.

However, this does not imply that the legislator failed to recognize wages; rather, wages were acknowledged as one of the fundamental rights of the worker. To clarify this position, a comparison shall be drawn between repealed Law No. 78-12 and the current Law No. 90-11.

First: Under Law No. 78-12

Article 133 of the General Statute of the Worker provided as follows:

“The worker shall receive wages in return for the work performed, shall participate in the results of the enterprise, and shall benefit from social services and social protection.”¹⁴

It is evident from this provision that the legislator did not define wages, but merely affirmed the principle of wages as a right of the worker, considering them as consideration for the work performed. The provision further linked wages to participation in the enterprise’s results, that is, to the achievement of economic development plans. This approach was consistent with the socialist system prevailing during that period.

Second: Under the Current Law No. 90-11

Article 80 thereof provides:

“The worker shall have the right to wages as consideration for the work performed, which he receives in the form of a salary or income proportionate to the results of the work.”¹⁵

From this provision, it may be inferred that the Algerian legislator did not seize the opportunity presented by the enactment of a new law to provide a precise definition of wages. Rather, the legislator reaffirmed the worker’s right to wages upon the performance of work, while leaving the concept of wages sufficiently broad to encompass all financial elements whether monetary or in kind granted by the employer.

Thus, the absence of a precise and comprehensive legislative definition has opened the door for legal scholarship to formulate doctrinal definitions. Among these is the definition proposed by Professor Abdel Salam Deeb, who considers wages to be “a monetary amount founded upon a

periodic and due debt; in other words, the performance rendered by the employer in exchange for the work provided by the worker.”¹⁶

Similarly, Ahmia Suleiman defines wages as “the specified and determined monetary amount agreed upon in advance by the parties, paid in monetary form by the employer to the worker whenever the date or term of payment falls due, in return for the work performed.”¹⁷

It follows from these provisions that the Algerian legislator regards wages as a fundamental right of the worker, obtained in consideration of the work performed for the employer, and that such wages must be proportionate to the work accomplished. In light of the vital role wages play in the worker’s life, the legislator has undertaken to regulate and protect them.

Chapter Two: Criteria for Determining Wages as a Worker’s Right

The issue of wages essentially lies in identifying the optimal method for technically assessing the value of work in a fair manner that satisfies both parties. In this way, the worker gains reassurance that his efforts yield direct benefits namely, an increase in wages corresponding to increased effort while the employer is likewise assured that any increase in wages paid to the worker will also generate benefits for the enterprise. To achieve this balance, emphasis has been placed on devising wage-payment methods that take this reality into account¹⁸.

Accordingly, there exist multiple criteria for determining wages, which vary depending on the basis adopted in the process of determination. In principle, it is the contracting parties who determine, within the employment contract, the method upon which wages are to be calculated an approach confirmed by Article 14 of International Labour Organization Convention No. 95¹⁹.

The criteria differ according to the perspective from which wages are examined. Among these criteria are:

Section One: Determination of Wages According to the Time and Production Criteria

Wages may be determined either according to the time criterion or according to the production (output) criterion. What is meant by each of these approaches, and how are they applied?

Subsection One: Determination of Wages According to the Time Criterion

This method entails adopting time as the basis for determining the worker’s wage. The temporal duration constitutes the foundation and primary rule for wage calculation. Accordingly, wages are determined based on a specified period of time, which may be short such as an hour or a day moderate, such as a week or a fortnight, or relatively long, such as a month. This approach does not take into account the worker’s level of productivity or interruptions in work due to holidays or rest days. So long as the interruption is not attributable to the worker, he remains entitled to receive his full wage upon the due date, regardless of any decrease in productivity or working hours²⁰.

Thus, wages are determined solely on the basis of the time spent performing the work, irrespective of the final output, without consideration of the quantity of production or the amount of work accomplished by the worker during the selected unit of time used for wage calculation.

It is important here to avoid confusion between the method of calculating wages on a time basis, as explained above, and the timing of wage payment. Wages may, for instance, be paid weekly while

being calculated on an hourly or piece-rate basis. Likewise, one must not confuse the method of wage calculation with the duration of the employment contract. A contract may be concluded for a fixed term of two months, six months, or a year, while the wage itself is determined on an hourly, daily, or monthly basis²¹.

Subsection Two: Determination of Wages According to the Production Criterion

Under this method, wages are calculated on the basis of the number of units or pieces produced, irrespective of the time taken to produce them. According to this criterion, the worker's remuneration must correspond to the number of productive units achieved. The worker's wage increases or decreases in proportion to his level of activity and output. For example, in a textile factory, workers may be remunerated according to a fixed amount for each meter of fabric produced; similarly, in a shoe factory, workers may be paid a specified amount for each pair of shoes manufactured²².

There is no doubt that this method yields advantages for both parties the worker and the employer. From the employer's perspective, wages are paid in return for work that has actually been completed and for a quantity of production proportionate to the remuneration received by the worker. Consequently, productivity increases, generating profits for the employer, which is ultimately his objective²³.

From the worker's perspective, this method enables the more active worker to earn wages exceeding those of a less productive counterpart. The desire to increase earnings motivates the diligent worker to intensify efforts and enhance productivity within the enterprise²⁴.

However, this method may also encourage a focus on quantity at the expense of quality, leading to less rigorous standards of production. Moreover, it may result in worker fatigue and adverse health consequences, as workers strive to maximize their income by increasing output²⁵.

For this reason, even under this method, the worker must be guaranteed at least the minimum wage, even if his productivity does not reach a level equivalent to that amount. Legal provisions concerning minimum wages do not distinguish between workers paid on a time basis and those remunerated according to productivity. This reflects the principle of equality in wage determination, which is affirmed by the majority of legislations and international instruments aimed at worker protection²⁶.

Section Two: Determination of Wages According to the Dual Criterion and the Position of the Algerian Legislator

Under this section, we address the determination of wages according to the dual criterion (Subsection One) and the position of the Algerian legislator regarding the criteria for wage determination (Subsection Two).

Subsection One: Determination of Wages According to the Dual Criterion

This method has been referred to by various denominations²⁷. It combines the two previously discussed methods in order to reconcile and integrate the advantages of each. Under this approach, the worker's wage is determined on the basis of a time unit, supplemented by an additional amount received according to the quantity of production achieved, or in the event that a specified production threshold is exceeded²⁸.

Pursuant to this method, the worker may receive a fixed portion of wages calculated on a time basis, after which the wage increases in proportion to the rise in productivity. Alternatively, wages may be determined according to a minimum level of production within a specified period, and then increased in accordance with any additional units produced during the same period²⁹.

One criticism directed at this method is that it may undermine wage stability, as the amount earned becomes affected by factors such as age or the worker's physical capacity to perform work.

In light of the foregoing, the majority of legal scholarship tends to favor the time-based method of wage determination, given the stability it affords to the worker's income and its independence from legislative adjustments to working hours.

Where the parties agree upon a specific method for calculating wages, neither party may unilaterally alter it, for the contract constitutes the law of the parties³⁰. Accordingly, the worker may not independently change the agreed method of wage calculation, nor may the employer do so. If it has been agreed in the contract that wages are to be calculated on a time basis, one party alone cannot substitute it with a production-based method, and vice versa³¹.

Although the employer may not unilaterally amend the wage calculation method, such modification becomes valid where the worker consents. This consent may be either express or implied, inferred from the surrounding circumstances³².

Subsection Two: The Position of the Algerian Legislator Regarding the Criteria for Wage Determination

An examination of the provisions regulating labor relations in Algerian legislation reveals that the Algerian legislator has adopted two methods for calculating wages: wage calculation on a time basis and wage calculation based on production or output.

The legislator's reliance on the time criterion is reflected in his attention to duration, even if implicitly. Article 88 of the currently applicable Labour Relations Law provides that the employer must pay wages to each worker regularly upon their due date. This suggests a linkage between work and a defined temporal period. Furthermore, Article 120 of the same law, which addresses the content of collective agreements, expressly mentions working hours and their distribution among the matters to be regulated³³.

Additionally, Executive Decree No. 96-98, which determines the list of special registers and documents required of employers and their contents, stipulates that the wage register must include several particulars, among which is the "period of work." This constitutes an indication albeit indirect of the association between the concept of work duration and wages³⁴.

Accordingly, the element of duration or time assumes paramount importance in determining the nature of the employment relationship. It is regarded as one of the rights for which labor unions strive and advocate, since knowledge of working hours makes it possible to assess the extent to which the duration of work corresponds to the wage received by the worker. The legislator has even established criminal sanctions in cases where the employer violates the legally prescribed maximum working hours. Given the importance attached to this duration, the legislator has intervened to regulate it through several legal provisions³⁵, the most recent being Ordinance No. 97-03, which fixed the

maximum working time at 40 hours per week, distributed over at least five days, and not exceeding 12 hours per day³⁶.

As for wage calculation on the basis of production units, the Algerian legislator has likewise adopted this criterion. This is clearly reflected in Article 139 of the repealed Law No. 78-12. The legislator reaffirmed this principle in the currently applicable law, pursuant to Article 82 of Law No. 90-11, which provides that production-based wages may be calculated on the basis of contractual task work, piecework, profit-sharing, or turnover-based remuneration³⁷. It may be observed from this provision that the legislator linked wages to proportionate income. However, in adopting the criterion of wage calculation based on production or productivity, the legislator did not clarify the precise meaning of the standards mentioned in the text.

The “profit-sharing” criterion refers to a system whereby wages, in whole or in part, take the form of a share in the profits achieved by the enterprise, without the worker thereby acquiring the status of a partner, since the element of subordination remains characteristic of the employment relationship. In other words, the worker does not share in the enterprise’s losses, nor does he have the authority to intervene in or participate in its management. As for remuneration based on turnover, it means that wages are calculated according to the worker’s sales, production output, orders secured, or amounts collected on behalf of the employer, without entitlement being contingent upon the realization of profit. It may also take the form of a percentage derived from the value of transactions concluded by the worker for the employer³⁸.

It may therefore be concluded that each of the aforementioned criteria presents advantages for both the worker and the employer. The adoption of the time-based criterion ensures wage stability, guaranteeing the worker a stable income unaffected by any reduction in daily, weekly, or monthly working hours. For this reason, some scholars have favored this criterion due to the benefits it confers upon the worker³⁹.

Conversely, others argue that this criterion does not serve only the worker’s interest but may benefit the employer even more. As Professor Ahmia Suleiman observes, the worker receives his wage upon the due date regardless of his productivity or the outcome of his work even where productivity is weak or below the required level for any reason, including reasons attributable to the worker himself and even in cases of interruption of work during various types of leave⁴⁰.

Conclusion

Wages constitute the most sensitive element of the employment contract, as they play a decisive role in the contract’s existence and legal characterization. Moreover, their determination represents a priority within the contractual framework, notwithstanding the presence of both legal and conventional constraints.

The Algerian legislator has progressively distanced himself from the purely economic conception of wages once regarded merely as a component of production costs and moved closer to a more human-centered vision, whereby each worker is entitled to a fair share of the nation’s wealth. In doing so, the legislator has primarily relied on the time-based criterion, as clearly reflected in labor legislation provisions, given that knowledge of working hours enables an assessment of the proportionality between the duration of work and the wages received by the worker.

In light of the foregoing, the following recommendations are proposed:

Efforts should be made to eliminate the gap between theoretical legal provisions and practical implementation in the field. This gap is primarily attributable to employers who fail to comply with the relevant legal texts particularly certain foreign companies that exploit labor market conditions, high unemployment rates, workers' lack of awareness of their rights, or their fear of employer retaliation when claiming those rights.

It is necessary to raise workers' awareness regarding wage-related provisions, so that they may fully understand their rights and obligations in this respect.

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² Article 1 of International Labour Organization Convention No. (95) of 1949 concerning the Protection of Wages, adopted by the International Labour Conference at its Thirty-Second Session, Geneva, 8 June 1949.

³ Brahimi, Nassima, The Legal Protection of Wages in Algerian Legislation, Doctoral Thesis in Social and Enterprise Law, Faculty of Law and Political Science, University of Mostaganem, Algeria, 2016–2017, p. 16.

⁴ International Labour Organization Recommendation No. (85) of 1949 concerning the Protection of Wages, adopted by the International Labour Conference at its Thirty-Second Session, Geneva, 8 June 1949.

⁵ Brahimi, Nassima, *ibid.*, p. 16.

⁶ Article 1 of International Labour Organization Convention No. (100) of 1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, adopted by the International Labour Conference at its Thirty-Fourth Session, Geneva, 6 June 1951:

"In the meaning of this Convention:

- a) The term 'remuneration' includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker arising out of the worker's employment;
- b) The term 'equal remuneration for men and women workers for work of equal value' refers to rates of remuneration established without discrimination based on sex."

⁷ Article 1 of Arab Convention No. (15) of 1983 concerning the Determination and Protection of Wages, adopted by the Arab Labour Conference at its Eleventh Session, Amman, March 1983: "Wage means everything that the worker receives in return for his work, including allowances, bonuses, grants, benefits, and other wage supplements."

⁸ Salah Ali Ali Hassan, Protection of Labour Rights: The Role of Labour Inspection and Its Impact on Improving Working Conditions, Dar Al-Jami'a Al-Jadida, Egypt, 2013, p. 27.

⁹ Article L. 140-2 of the French Labour Code: “By remuneration... is meant the ordinary basic or minimum wage or salary and all other benefits and accessories paid, directly or indirectly, in cash or in kind, by the employer to the worker by reason of the latter’s employment.”

¹⁰ Péliquier, Jean; Supiot, Alain; Jeammaud, Antoine, *Droit du Travail*, 20th ed., Dalloz, 2000, p. 1000.

¹¹ Article 1 of Egyptian Labour Law No. 12 of 2003.

¹² Article 2 of Jordanian Labour Law No. 8 of 1996, as amended and supplemented, published in Official Gazette No. 4113, p. 1173, dated 16 April 1996.

¹³ Brahimi, Nassima, *op. cit.*, p. 18.

¹⁴ Article 133 of Law No. 78-12 containing the General Statute of the Worker, O.G. No. 32, issued on 8 August 1978, repealed by Law No. 90-11.

¹⁵ Article 80 of Law No. 90-11 of 21 April 1990 relating to Labour Relations, O.G. No. 17, issued on 25 April 1990, as amended and supplemented (subsequent amendments listed therein).

¹⁶ Abdel Salam Deeb, *Algerian Labour Law and Economic Transformations*, Dar El-Kasbah Publishing, 2003, p. 273.

¹⁷ Ahmia, Suleiman, *The Legal Regulation of Labour Relations in Algerian Legislation*, Vol. 2, 2002 ed., National Office of University Publications, p. 143.

¹⁸ Abdel Salam Habib, *Labour and Workers’ Issues*, Egyptian Renaissance Library, 1951, p. 56.

¹⁹ Ben Azzouz Ben Saber, *Collective Agreements between Legal Framework and Practical Reality*, Doctoral Thesis, Faculty of Law, University of Oran, 2007–2008, p. 134; see also Abdel Salam Habib, *op. cit.*, p. 56.

²⁰ Bachir Hedfi, *A Concise Guide to the Explanation of Labour Law*, Dar Joussour, 3rd ed., 2015, p. 143.

²¹ Hemam Mohamed Mahmoud Zahran, *Labour Law: The Individual Employment Contract under Law No. 137 of 1981*, Dar Al-Matbou‘at Al-Jami‘iya, Egypt, 1997–1998, p. 661.

²² Khaled El-Sayed Mohamed Moussa, *Recent Developments in the Explanation of the Labour System in the Kingdom of Saudi Arabia*, 1st ed., 2019, p. 167.

²³ Atef Abdel Hamid Hassan, *The Legal System of Workers’ Wages in the Individual Employment Contract*, Dar Al-Nahda Al-Arabiya, Cairo, 2007, p. 77.

²⁴ Atef Abdel Hamid Hassan, *ibid.*, same page.

²⁵ Manal Salem Shawq Al-Rashidi, *The Legal Protection of Wages in Jordanian and Kuwaiti Labour Law (A Comparative Study)*, Master’s Thesis, Middle East University, 2010, p. 77.

²⁶ Ismail Abdul Balhoush & Zayed Ali Zayed, “Protection of Workers’ Wages under the UAE Federal Labour Law,” *University of Sharjah Journal of Legal Sciences*, Vol. 17, No. 1, 2020, p. 228.

²⁷ This dual method has been designated by various terms in different legislations, including “mixed wage” systems; despite variations in terminology, they share the same substantive meaning.

²⁸ Bilal Ali Habib Shaito, *Wages in Labour Law: A Comparative Study*, 1st ed., 2015, p. 70.

²⁹ Mohamed Hassan Mansour, *Labour Law in Egypt and Lebanon*, Dar Al-Nahda Al-Arabiya, Beirut, p. 180.

³⁰ Article 106 of Ordinance No. 75-58 of 26 September 1975 containing the Civil Code, O.G. No. 78, issued on 30 September 1975, as amended and supplemented: “The contract constitutes the law of the parties; it may not be revoked or amended except by mutual agreement or for reasons provided by law.”

³¹ Brahim, Nassima, op. cit., p. 168.

³² El-Sayed Eid Nayel, Labour Law, Dar Al-Nahda Al-Arabiya, Cairo University, 1997–1998, p. 153.

³³ Bouguerine, Abed, Controls Governing the Determination of Workers' Wages in the Context of Economic Globalization, Master's Thesis, University of Mostaganem, 2010–2011, p. 21; see also Articles 88 and 120 of Law No. 90-11, as amended and supplemented.

³⁴ Article 3 of Executive Decree No. 96-98 of 1996 determining the list of special registers and documents required of employers and their contents, O.G. No. 17, issued on 13 March 1996: "The wage register shall include the following elements: ... work period ..."; see also Bouguerine, Abed, *ibid.*, p. 21.

³⁵ The first law determining the legal duration of work was Ordinance No. 75-30 of 29 April 1975 concerning the legal weekly duration of work, O.G. No. 39, issued on 16 May 1975, which set the duration at 44 hours per week applicable to all administrative and economic sectors. This was followed by Law No. 81-03 of 2 February 1981 concerning the legal duration of work, O.G. No. 08 (1981), which maintained the same duration.

³⁶ Ordinance No. 97-03 of 11 January 1997 determining the legal duration of work, O.G. No. 03, issued on 12 January 1997; and Presidential Decree No. 11-407 of 29 November 2011 determining the National Guaranteed Minimum Wage, O.G. No. 66, issued on 4 December 2011, Article 1: "The national guaranteed minimum wage corresponding to a legal weekly working duration of forty (40) hours is hereby fixed..."

³⁷ Article 82 of Law No. 90-11 relating to Labour Relations, as amended and supplemented: "The expression 'income proportionate to the results of work' shall be understood as remuneration based on productivity, in particular task work, piecework, profit-sharing, or remuneration based on turnover."

³⁸ Bouguerine, Abed, op. cit., pp. 24–25.

³⁹ Mohamed Hassan Mansour, op. cit., p. 178.

⁴⁰ Ahmia, Suleiman, op. cit., p. 215.