

LEGAL COMPLIANCE OF HUMAN RESOURCE MANAGEMENT PRACTICES AND LABOR CONFLICTS

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ABSTRACT

This study aims to assess the proportion of causes of labor conflicts that are linked to the legal non-compliance of Human Resource Management (HRM) practices in conflicts recorded within Moroccan companies. The primary objective of this research is to quantify the percentage of conflict causes associated with the legal non-compliance of HRM practices within these organizations. Quantitative results reveal a significant contribution of conflict causes linked to legal non-compliance, representing 48% of all observed cases of labor conflicts. These conclusions highlight an important avenue to consider in the development of proactive strategies for preventing labor conflicts within Moroccan enterprises. They also underscore the importance of promoting HRM practices that adhere to legal standards, emphasizing their crucial role in human resource management and the promotion of social stability within Moroccan businesses. These findings reinforce the necessity of developing strategic approaches centered on legal compliance to foster a harmonious and sustainable work environment.

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1. INTRODUCTION

One of the fundamental imperatives of Human Resource Management is to actively contribute to the achievement of the company's strategic objectives by establishing integrated policies aimed at realizing these goals, in strict compliance with an environment conducive to social peace and devoid of labor conflicts (Zhu, Zhang, & Zhang, 2012; Mijatović, 2020). According to the report from the Ministry of Economic Inclusion of Small Businesses, Employment, and Skills on the labor market in 2021, the number of individual conflicts occurring between employers and employees in Moroccan

companies has shown a sustained upward trend since 2014, with slight declines recorded only in 2018 and 2019. In 2021, these conflicts exceeded 50000, resulting in 125627 claims. The three main subjects of these claims recorded nationally are dismissal (45%), followed by delayed payment of wages (22%), and issues related to contracts and work organization (9%). As for collective labour conflicts, Morocco recorded 1,234 such cases without strikes in 2021, compared to 1,950 in 2020 (Ministry of Economic Inclusion, Small Business, Employment, and Skills, 2022).

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Labor conflicts are highly complex issues that arise between employers and employees, often due to the legal non-compliance of human resource management practices (Balogh & Mizik, 2021). These practices are deeply influenced by a complex array of parameters, including national, cultural, legal, and economic elements. In the field of Human Resource Management, this diversity of factors constitutes an inevitable framework that shapes the design and implementation of policies and procedures related to human capital within organizations. These parameters also impact the nature of the claims that characterize labor conflicts.

The causes of labor conflicts are highly varied and include inadequate working conditions and safety issues, which can contribute to conflicts if organizations do not comply with regulations. Additionally, wage and benefits disparities can lead to disputes when employees feel unfairly compensated (Xi et al., 2022; Zartman & Vuković, 2023). Wage and benefits disparities often stem from a lack of transparency and equity in the organization's compensation structure. It is crucial for organizations to conduct regular reviews of their compensation policies to ensure fairness. This may involve establishing clear criteria for determining wages and benefits, as well as providing opportunities for employees to express concerns regarding compensation (Obiad & Gherheș, 2018).

It should also be noted that the lack of effective communication, misunderstandings, misinformation, and lack of clarity in communication channels can lead to conflicts among employees (Zartman & Vuković, 2023). Furthermore, differences in work styles, personalities, and priorities can also trigger conflicts within the organization. Additionally, when individuals struggle to understand and respect each other's differences, it can create tension and impact the overall performance of the organization (Monyei et al., 2023).

To effectively manage labor conflicts, organizations must delve deeper to understand the underlying causes of these issues and ensure that their human resources practices are not only legally compliant but also perceived as fair and transparent by employees.

In the context of our research, the term 'legal non-compliance of HRM practices' specifically refers to deviation from the current labor legislation. More precisely, it encompasses situations where human resource management practices do not align with the standards, regulations, and legal provisions governing the professional environment and employment relationships. Thus, the legal non-compliance discussed in our study manifests as deviations from the legal requirements outlined in the labor legislative framework in Morocco.

The objective of our study is to comprehend the extent of the origins of labor conflicts within Moroccan companies, analyze the workers' demands, and assess the effectiveness of human resource management practices. It also aims to formulate recommendations for improving these practices, raise awareness among policymakers in Morocco regarding potential reforms to the legislative and regulatory framework of labor, with the goal of promoting more harmonious labor relations. Furthermore, this research aims to make a significant contribution to the academic literature in this field.

It is important to remain aware of the limitations of this research. These constraints include the multifactorial complexity of conflicts, the changing economic and political context, the evolving impact of labor legislation, the lack of transparency in companies, the inherent complexity of labor conflicts, and challenges related to accessing stakeholders.

To conduct our study, we adopted a methodology based on a descriptive quantitative analysis to quantify the percentage of labor conflicts related to the legal non-compliance of human resource management practices in Moroccan companies. Data were obtained from key stakeholders, with a selection of companies proportional to the conflicts recorded in each sector of activity at the national level, and a qualitative and quantitative assessment of the causes of conflicts.

The research problem can be formulated as follows: 'What is the proportion of causes of labor conflicts that are related to the legal non-compliance of human resource management practices in Moroccan companies?' This problem indicates the extent to which legal causes and claims contribute to the initiation of labor conflicts compared to other varied and complicated causes within the specific context of Moroccan companies, characterized by its own economic, legal, cultural, and social specificities.

The objective of this research is to benefit three categories of stakeholders: HR practitioners in Morocco, by providing them with in-depth analyses and strategic advice to improve human resource management practices in understanding and resolving labor conflicts. Secondly, the study targets academic researchers, especially those engaged in human resource management, labor sociology, labor economics, and Moroccan studies. It enriches the academic corpus with data, analyses, and conclusions that take into account the specificities of the Moroccan context. Finally, the research extends to unions and workers, providing valuable insights into their demands, thus constituting a crucial informative resource for their negotiations with employers and relevant authorities.

2. METHODOLOGY

To achieve the objectives of our study, we have selected a methodological approach based on the positivist paradigm, emphasizing an empirical and objective investigation. The primary aim of this research is to quantify the percentage of labor conflict causes attributable to the legal non-compliance of Human Resource Management practices within Moroccan companies. This assessment will be based on data collected from key stakeholders in the employment relationship, including HR managers, employee representatives, and union delegates from the companies under study. The adopted methodology will adhere to appropriate scientific and statistical standards to ensure the reliability of the results. In the context of our study, we formulate the following hypotheses:

H0: The proportion of labor conflict causes related to the legal non-compliance of Human Resource Management practices is not statistically significant among the recorded conflicts.

H1: The hypothesis posits that the proportion of labor conflict causes related to the legal non-compliance of HRM practices is statistically significant among the recorded conflicts.

2.1 Study Description

Throughout the year 2023, we undertook a comprehensive analysis, taking into consideration the seasonal cycles specific to certain businesses that could influence the results. The sampling was conducted thoughtfully, targeting 120 companies representative of key sectors such as agriculture, industry, liberal professions, services, and commerce, totaling 6084 employees. The selection of companies in each sector was carried out proportionally to the recorded labor conflicts at the national level.

In the context of this study, we adopted a descriptive quantitative approach to document the nature of the causes of labor conflicts. The questionnaire was developed in the Arabic language to ensure optimal understanding, employing closed-ended multiple-choice questions to investigate causes related to the legal non-compliance of Human Resource Management practices. These questions were complemented by open-ended and multiple-choice questions, allowing exploration of other potential sources of conflicts to calculate the proportion of conflict causes related to legal non-compliance compared to the total of various types of labor conflict causes.

2.2 Collected data and Analysis

The data collection was conducted using survey tools among key stakeholders in the selected companies. To ensure the validity of the results, quantitative analysis was employed to quantify the number of conflict causes related to the legal non-compliance of Human Resource

Management practices. Meanwhile, qualitative analysis was used to identify conflict causes not related to legal non-compliance. The collected data will be processed using statistical tools such as SPSS, along with content analysis methods for the qualitative approach. The results will be presented graphically and tabularly, allowing for a comprehensive comparison with the initial hypotheses and a better understanding of conflict dynamics related to the legal non-compliance of HRM practices within Moroccan companies.

2.3 General Analysis

The examination of conflict distribution data across sectors reveals notable disparities, illustrated by the predominance of the service sector at 33.33%, followed by agriculture (28.33%), industry (25%), and finally, commerce (13%). This sectoral distribution, as presented in Figure 1, provides a crucial perspective on conflict dynamics and the nature of triggers within various professional spheres. The significance of this observation lies in recognizing the unique characteristics of each sector, emphasizing the imperative to tailor HRM policies in alignment with the inherent specifics of each field of activity. It underscores the necessity to guide companies towards personnel management practices that are more adaptive and resilient in the face of sector-specific challenges.

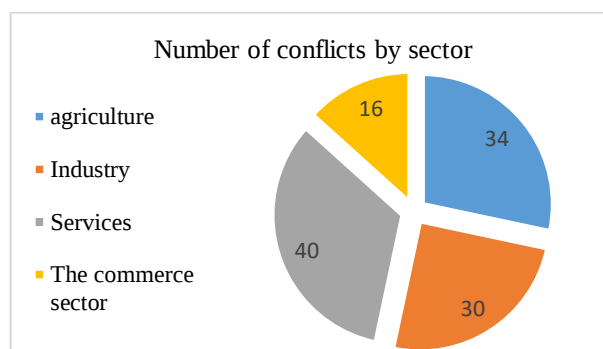


Figure 1. The number of recorded labor conflicts by sector of activity

The crucial element of our analysis lies in the finding that, in 93% of the studied conflicts, at least one claim is attributable to the legal non-compliance of Human Resource Management practices. It is noteworthy that each conflict may encompass multiple claims; thus, the presence of reasons related to legal non-compliance with labor legislation in nearly all analyzed conflicts holds significant importance. This observation emphatically underscores the necessity for companies to ensure strict compliance with labor regulations, not only for legal considerations but also as an effective means to significantly reduce the number of conflicts in the workplace.

A notable observation arises from the relative proportion of women, representing only 30% of individuals involved in the recorded conflicts. This indicator highlights a discernible imbalance in the expression of women's claims within these conflictual contexts. This disparity can be interpreted as a potential manifestation of gender inequalities in the conflict resolution process, emphasizing the need for a more in-depth exploration of gender dynamics within conflicts related to legal non-compliance in human resource management.

2.4 Analysis of conflict causes related to the legal non-compliance of Human Resource Management practices.

The analysis of conflict causes related to the legal non-compliance of human resource management practices reveals substantial findings supported by specific data. Among the 18 legal standards examined in our study, we identified 236 claims associated with legal non-compliance. As illustrated in Figure 2, The overall data analysis across all sectors indicates that the most frequent cause of conflict is employee termination. However, this general analysis of sectoral data provides an overview of the nature of claims without reflecting the sector-specific nuances of these demands.

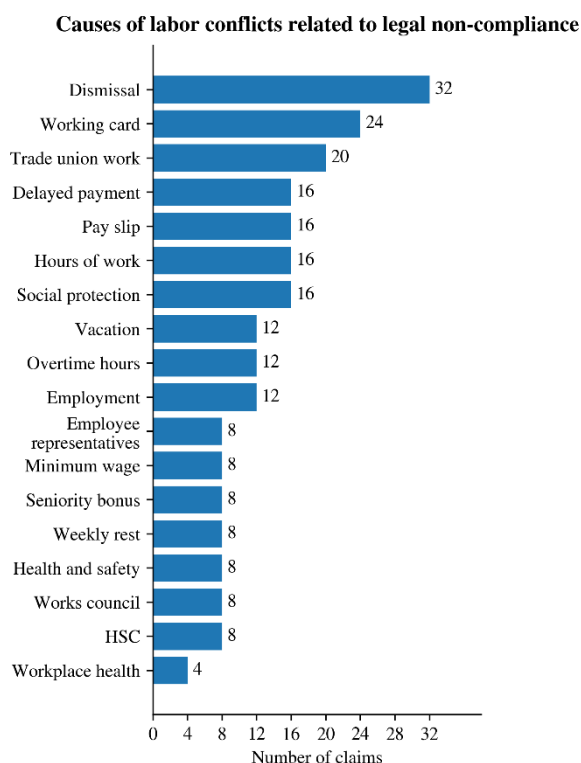


Figure 2. The distribution of conflict causes associated with legal non-compliance

Upon exploring the distribution of claims by sector of activity, significant disparities emerge. The service sector concentrates the majority of claims associated with legal non-compliance, representing 41.35% of all recorded

claims across sectors, totaling 98 claims. It is followed by the agriculture sector at 26.58% (63 claims), the industry sector at 24.47% (58 claims), and finally, the commerce sector at 7.59% (18 claims). This sectoral distribution imperatively underscores the need to consider the specificities of each domain when formulating HR strategies compliant with labor legislation.

An in-depth analysis of the agriculture sector reveals that the most frequent claims pertain to the work permit (32%) and social protection (19%). The necessity of the work permit can be explained by employees' need to obtain formal proof of their employment relationship. Furthermore, frequent claims related to social protection may be justified by the seasonal nature of the workforce, which is prone to escaping the administrative oversight of social protection due to its discontinuity.

In the services sector, the most frequent claims encompass termination, overtime, the works council, and the health and safety committee.

The analysis of recorded claims in the industry sector reveals the predominance of the following issues: working hours, union work, and the work permit. Finally, in the commerce sector, the most frequent claims relate to union work, delayed salary payments, and social protection.

The diversity of claims across sectors underscores the influence of sector-specific characteristics on the nature of conflicts related to legal non-compliance in HRM. These findings, rooted in a thorough analysis of quantitative data, provide valuable insights for tailoring HRM practices to the specific needs and challenges of each sector.

2.5 Analysis of the causes of labor conflicts unrelated to the legal non-compliance of HRM practices

The in-depth analysis of the causes of labor conflicts unrelated to legal non-compliance reveals considerable diversity and complexity in the nature of these conflicts. Based on the data from our survey, we have identified 19 distinct causes, which were the subject of 256 claims, highlighting the multiplicity of factors contributing to these conflict situations within companies. The overall distribution of these causes is presented in Figure 3.

The analysis of the data in Fig. 3 reveals three predominant factors across all sectors of activity. Firstly, the communication issue represents 21% of all claims. Ineffective or deficient communication can lead to misunderstandings, frustrations, and potentially conflicts within the organization.

Furthermore, external factors such as drought, inflation, climate change, and the economic context contribute to

19% of the claims. These external elements outside the company can exert significant pressures on employees, thereby influencing the organizational climate.

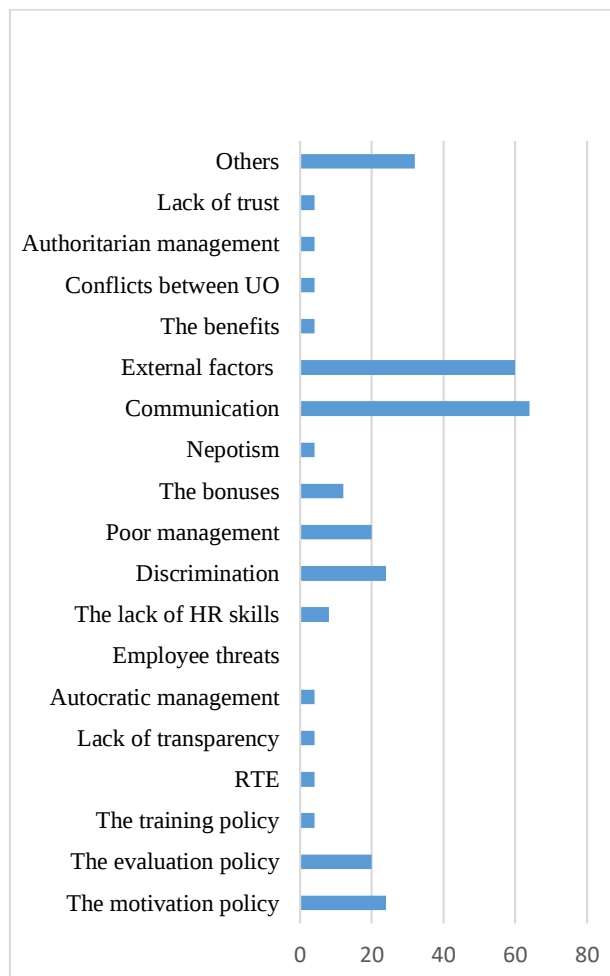


Figure 3. The distribution of causes of labor conflicts unrelated to legal non-compliance.

Finally, among the most prevalent HRM policies, three specific policies account for 15% of the total claims. These policies are related to performance evaluation, employee motivation, and training. Issues or dissatisfaction related to these policies can be the cause of conflicts, highlighting the importance of internal human resource management in preventing tensions.

This in-depth analysis highlights the complexity of relationships within organizations, emphasizing the significant impact of communication, external factors, and internal HRM policies on the emergence of labor conflicts. These findings provide valuable insights to guide management efforts in improving internal communication, proactively managing external factors, and optimizing HRM policies to reduce tensions within the professional environment.

3. RESULTS

The primary objective of this study is to assess the significance of labor conflict causes associated with legal non-compliance by examining their contribution to conflict initiation within the context of Moroccan enterprises. We formulated hypothesis H1, postulating that the proportion of labor conflict causes linked to legal non-compliance in HRM practices is statistically significant among the registered conflicts.

The results of our survey confirmed our hypothesis. Out of a total of 492 analyzed claims, we observed that 236 claims, representing 48% of the total, were directly linked to the legal non-compliance of HRM practices with respect to labor regulations. These results, summarised in Table 1, highlights the significant importance of legal non-compliance as a trigger for labor conflicts within the Moroccan companies included in our sample.

Table 1. Percentage of Conflict Causes Based on Their Nature.

The Number of Various Causes of Labor Conflicts	The Number of Causes of Conflicts Associated with Legal Non-Compliance	Percent age of Causes of Conflicts Associated with Legal Non-Compliance	Number of Causes of Conflicts Unrelated to Legal Non-Compliance	Percentage of Conflicts Unrelated to Legal Non-Compliance
492	236	48%	256	52%

The analysis of the table above highlights a substantial proportion of claims related to legal non-compliance and underscores the need for companies to adhere rigorously to labor regulations to minimize tensions and conflicts with employees. This has significant implications for HRM, emphasizing the crucial importance of aligning HR practices with legal standards to foster a healthy work environment.

A more in-depth analysis of our sample of 120 companies, comprising 6082 employees across various sectors, has revealed significant sector-specific characteristics. Specifically, the agriculture sector has the highest rate of claims linked to legal non-compliance in relation to the total number of claims recorded in this sector, at 54.78%, followed by industry with 52%, services with 47.57%, and finally the commerce sector with 29%.

This sectoral diversity is also reflected in the nature of the most dominant claims. Agricultural companies have emphasized concerns such as the work permit and social

security, highlighting specific needs of this category of employees. In the industrial sector, issues related to working hours and trade union activities were more prevalent, underscoring the specific concerns of this sector.

These results underscore the imperative for Moroccan companies to prioritize legal compliance in their HR practices, especially in a diverse sectoral landscape. Proactively managing these issues can contribute to preventing labor conflicts and promoting more harmonious employer-employee relations.

4. DISCUSSIONS

The conducted study has unveiled the significant prevalence of labor conflict causes associated with the legal non-compliance of HR practices. The observation of a 48% rate of claims linked to this non-compliance underscores the considerable extent of these issues in national conflicts, highlighting the urgency of implementing corrective measures.

Determining and cataloging all the nature of labor conflict causes proves to be complex, given the diversity of variables and factors at play. Sector-specificities, management styles, human resources management, economic, social, cultural, legal contexts, as well as the impacts of climate change, can serve as examples of the complexity of the labor conflict landscape. The health crisis related to the COVID-19 pandemic has also introduced new dimensions, with claims related to health and safety at work gaining increasing importance.

The crucial importance of this study lies in its identification of the most frequent category of causes of labor conflicts, namely those associated with legal non-compliance, representing 48% nationally in Morocco. This in-depth understanding provides leaders and human resources managers with strategic insights to guide their management of social relations and develop strategies for preventing labor conflicts. It becomes essential to consider these results as priority areas in the decision-making process to optimize the organizational climate.

However, certain limitations must be considered in this research. The nature of the causes of labor conflicts expressed by respondents in the questionnaire may sometimes only represent the tip of the iceberg. Some conflicts may be motivated by personal or individual issues between the company's management and employee representatives. The latter may mobilize the entire workforce by formulating demands that do not necessarily reflect the real problem but rather aim to exert pressure on the administration. Similarly, decisions of dismissal, presented by the company as restructuring measures, may conceal underlying issues, such as dismissals motivated by employees' union membership. Thus, a thorough understanding of conflicts requires a

more detailed exploration of organizational and human dynamics.

5. CONCLUSION

In summary, this study has highlighted the crucial importance of labor conflict causes related to the legal non-compliance of HRM practices within Moroccan companies. With a significant rate of 48% of claims associated with this non-compliance, the scope of this issue has been clearly demonstrated, emphasizing the urgent need for increased attention in the management of social relations.

Sector-specific characteristics have been revealed as key elements, with claim rates varying significantly between industries. The findings of this study provide leaders and HR professionals with a deep understanding of conflict triggers, offering prioritized areas to guide their strategies for preventing and managing tensions within organizations.

However, it is essential to acknowledge the limitations of this survey, particularly the possibility that the expressed causes may only represent a fraction of the underlying issues. The complex nature of labor conflicts, influenced by personal and organizational dynamics, requires a more in-depth exploration.

This study makes a significant contribution to the field of Human Resource Management by highlighting the major impact of legal non-compliance on labor conflicts. The results provide valuable insights to guide decision-makers toward strategic interventions aimed at promoting harmonious relations within Moroccan companies.

This research suggests directions for future investigations, including an in-depth analysis of sector-specific factors, an evaluation of the pandemic's impact on the nature of labor conflicts, international comparisons, an exploration of communication dynamics, a study on the influence of legal compliance on organizational performance, an assessment of conflict resolution mechanisms, and longitudinal research aiming to understand the evolution of labor conflicts over time. These research initiatives could provide additional insights into human resource management and labor relations.

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