



**CENTER FOR TRADE UNION & WORKERS SERVICES  
( CTUWS )**

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**Trade Union Freedoms between Diminished  
Rights and Deliberate Restrictions**

A Report about the Violations against Trade Unions during the Period Allocated for the Readjustment  
of Legal Status

## **Introduction**

The deadline of sixty days allocated by the executive regulation of Law 213/2017 published on March 14, 2017, for the readjustment of trade unions' legal status has come to an end on May 15, 2018, surrounded by repressive bureaucratic practices on behalf of the directorates of manpower; such measures sought to go round the few rights provided by the Law specifically targeting independent trade unions that are not affiliated to the "state-controlled" federation, Egyptian Trade Union Federation (ETUF); these measures ranged from unjustified and sometimes illogical requests, postponements in accepting applications, imposition of a model of By-Laws, and delays in delivering certificates of readjustment for several weeks; on the other hand, those affiliated with ETUF are registered within few minutes even when their files are full of mistakes or incompatible with the provisions of the Law. In addition, we witnessed the refusal of registering trade union committees when another committee (mostly member of ETUF) was already in place in the same enterprise despite the fact that the Law allows this under the condition that the two committees do not hold the same name; moreover, independent trade unions were pressured to join the ranks of ETUF, otherwise they won't be granted legal recognition.

The danger of these practices stems in their obvious contravention of the Law, the Constitution, and Egypt international commitments, specifically ILO Convention 87 as well as they go round the right of organizing seeking to limit the chances of independent trade unions in survival; this represents a backlash with regards the Ministry of Manpower commitment to deal equally with all trade unions and enable them to readjust their legal status according to the Law and its executive regulation by adopting a neutral unbiased attitude; in addition, the mentioned practices decrease any credibility for the whole process, a fact that could lead to tens of legal litigations.

Under this context, only 107 trade union committees were capable to gain a readjusted legal status while only one general trade union was officially established with important obstacles preventing trade unions including a significant membership such as the trade union of real estate taxes, workers in communications or workers in agriculture to establish their general trade unions.

Actually, the right of workers to freely organize should not be seen as a donation; it is rather a necessity imposed by the huge economic changes witnessed in Egypt; moreover, the activation of the mechanisms of collective bargaining and the commitment to the basic standards of work is the only way to secure an efficient environment for investments, reducing the rates of unemployment and guaranteeing fair work relations; therefore, the government should have better abided to the provisions of the Constitution and the Law instead of raising obstacles and violent bureaucratic measures to suppress the right of independent trade unions in pursuing their role and activities.

**The Center for Trade Union and Workers Services CTUWS**

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### **A Barely Accepted Law:**

Independent trade unions committed themselves to observe the measures included in the Law and its executive regulation despite their rejection of articles 3, 10, 11 and 12; actually, number of workers' leaders took legal procedures before the Administrative Court on February 15 2018 requesting the abolition of the presidential decree ratifying the Law on the base that the process of adopting and enacting the Law was contradictory to Article 121 of the Constitution stating that the laws complementing the Constitution should be issued with the approval of two thirds of the parliamentarians; these complementing laws include all laws regulating elections at the level of the presidency, the Parliament, local councils, political parties, the judiciary power, as well as those concerned with the rights and freedoms mentioned in the Constitution. Being a law falling under these categories, it was necessary that the Trade Union Law obtain two thirds of the Parliament votes; however, this did not happen as the members present during the voting session didn't reach the quorum mentioned in the Constitution and the process of voting happened in such a way excluding any possibility of verifying that there was really approval from the two thirds. The process violated also articles 317, 320, 324, 325 and 326 of Law 1/2006 about the internal chart of the Parliament.

Accusers requested that articles 3, 10, 11 and 12 of Law 213/2017 be submitted to the High Constitutional Court on the base that they are in contradiction with articles 9, 53, 76 and 93 of 2014 Constitution. On May 13, 2018, another request was deposited before the Administrative Court; their demand was a rapid judgment abolishing the Minister of Manpower' decree 35/2018 issuing the Law executive regulation.

### **Waste of time during the first week of the sixty days**

While many independent trade unions abided with the provisions of the Law and its executive regulation, presenting full applications since the first minute, governmental employees refused to deal with them before receiving clear directives from the Ministry regulating their work; actually the directives were received only on March 20 accompanied by ministerial decree 42/2018; this practically meant that the first week of the deadline was totally lost.

### **Requests unsubstantiated in the Law**

The majority of manpower directorates requested more documents than those stipulated by the Law and its executive regulation or in the directives issued by the Ministry. The requested documents mentioned in the Law and the executive regulation were considered insufficient for the employees in these directorates:

- Cairo directorate of manpower refused to readjust the status of the trade union committee of workers in Cairo pharmacies and did not accept the application presented by its president Mr. Mohamed Hassanein. In the beginning, the directorate pretended that the members of this committee should be affiliated to a professional trade union, i.e. the syndicate of pharmacists. The committee representative argued that their members are working in pharmacies as assistant pharmacists and therefore the requested affiliation did not apply; however, more requests were formulated by the directorate that asked for the social security number of each member knowing well that most of them are not under the umbrella of social security;
- The Giza directorate of manpower refused to accept the application of the trade union committee of workers in free-lance professions and daily waged workers presented by its president and legal representative Ashraf El Deeb; the liaison officer at the directorate justified this refusal by the fact that the ID of some members hold the mention "jobless"; it is important to note that this mention is applied in the case of workers paid on a daily base and represents a well-known fact by everyone; the man refused also to accredit the statement provided by the office of social security about the data regarding the members of the general assembly despite the fact that Article 43 of the Law's executive regulation exempts explicitly the trade union committees of irregular or seasonal labor force from presenting such document;

## **Compulsory By-Laws**

The Ministry of Manpower and affiliated directorates did not accept any By-Laws different from the governmental model; this was contrary to the terms of the Law, the executive regulation as well as the ministerial decree 36/2018 that included this model and stated it was not compulsory but rather a tool aiming at helping trade unions to develop their own. The pretext used was that variations in the By-Laws would represent a hassle for the employees responsible of reviewing the files and that there are no general assemblies in trade unions to adopt these By-Laws jumping thus on the mandate of general assemblies and taking decisions on their behalf.

## **Refusals and stubbornness by other parties**

It was also noticed that the directorates of manpower deferred on purpose trade unions intending to readjust their status to other administrative bodies, mainly the real estate authority and the offices of the national authority of social security; when trade unions resorted to the real estate offices, employees there pretended having not received any directives related to documenting trade unions' papers, this indicates implicitly that they had received orders to abstain from registering these documents; in the case of the social security offices, they claimed that they didn't have the right to stamp any kind of paper; this manoeuvre of the directorates of manpower might indicate that instead of refusing directly to readjust the status of applicant trade unions, they were transferring this task to other governmental bodies:

- The trade union committee of workers in Nile Linen Group located in the free zone of Alexandria met several obstacles in their attempts to regulate their status; this included the refusal of accepting their postal account number considered invalid as not being a bank account; another form of obstinate attitude was to insist on having the list of members in the general assembly stamped by the Authority of Social Security while the latter abstain from delivering this stamp unless all due fees are paid; the fees amounting to five pounds with a membership reaching 700 workers were fully paid; however, the Authority of Social Security delivered the document only one week later leading again to a waste of time; the same applied to the trade union committee of workers in Faragallah Company;
- When Yasser Fouad Mohamad Ibrahim, president of the trade union of workers in Minya quarries, requested from the real estate office to validate the date of the headquarters renting contract, an employee informed him that he received directives to abstain from delivering this proof to independent trade unions.

In addition, several companies in the private sector refused to stamp the list of members in the trade unions' general assembly; as a consequence, the right to freely organize became under the control of businessmen. This happened with workers in Faragallah company; workers in educational services in Alexandria met the same attitude from the department of education for the benefit of the general trade union of scientific research affiliated to the "state-controlled" Federation.

## **Approval from the security services first**

Some independent trade unions that had fulfilled all the requirements failed from receiving a certificate of readjustment; employees in the manpower directorates delivered them a receipt and asked them to wait until their papers would be reviewed by the National Security:

- After a series of frictions between the manpower directorate in the governorate of Qena and the trade union committees of workers in education from the cities of Qena and Quss, the directorate received their papers on April 23, 2018, and delivered them the receipt mentioned above instead of the certificate proving the deposit of their file; the representative of the Ministry of Manpower in Qena justified this by the need to submit firstly the application for approval by the National Security. The directorate of manpower in Qena had practiced all forms of administrative obstinacy

with the two organizations while the head of the directorate informed them that he had received directives to deal only with trade union members of ETUF;

- After presenting its file at Luxor directorate and waiting long for the Ministry's approval, MP Abdel Razeq Zant – member of the manpower committee in the Parliament – undertook some contacts that led the trade union committee of workers in the international hospital of Luxor to almost obtain their registration; however, a communication from some security service prevented this recognition. Mr. Ahmad Abdalla Madani, head of the directorate in Luxor, informed the representative of the trade union committee, Mr. Yasser El Noubi, that their file was correct, the Ministry gave its approval, and the certificate of recognition ready; however, a security service recommended to abstain from delivering the certificate; the reason for this is that workers in the institution went in a sit-in on 2012 requesting to be hired on a permanent basis;
- Ahmad Abdallah, president of the trade union committee of workers in east Mansoura department of education, had presented its file at the corresponding directorate; however, he was exposed to pressures in order to join the general trade union of scientific research that had not presented yet its application; when he refused the offer, delays were practiced under the pretext of inability to find the file. Moreover, he was informed that there was a duplication of membership then he was summoned for an interview with the National Security where he was asked to join ETUF; when he refused this offer too, the legal status was not granted to the trade union committee.

### **Secret directives and collusion**

It appeared clearly that there are obvious directives issued by the Ministry of Manpower on March 20, 2018, in parallel with anonymous hidden directives to obstruct the process to the maximum:

- When Ali Abdel Hamid Ali El Rehabi, president of Suhag city trade union committee of daily waged workers and technicians established on July 6 2014, headed to the directorate of manpower in the governorate in order to undertake the procedures mentioned in the Law, he was informed by Ahmad Rashad, liaison officer for trade unions at the directorate, that he has received directives to abstain from registering independent trade unions, i.e. those not affiliated to the “state-controlled” federation. The head of the directorate as well as the under-secretary in the governorate repeated the same meaning and advised El Rehabi to join the general trade union of electrical, engineering, and metal workers member of ETUF.
- In Alexandria, the liaison officer for trade unions at the directorate declared that he had no directives about registering the professional trade unions either at the level of the city or the governorate (despite the clear provisions of the Law, the executive regulation and even the ministerial directives).

### **Collusion between the Ministry and ETUF**

It also appeared that there is a secret complicity between the Ministry of Manpower and the General Federation as this was quite apparent in the case of the trade union committee of drivers in Benha. After the trade union had succeeded to regulate its status: Gebali El Maraghi, ETUF president contacted the director and blamed the directorate for allowing the sustainability of independent trade unions that should disappear instead; the most surprising thing is that Fathi Dessouki, director of the directorate responded positively to this intervention and requested from Mohamed Abdel Ghafour, liaison officer at the directorate to take his time in registering this category of trade unions and postpone their applications. This led the liaison officer to express openly his displeasure, wondering from whom the directorate is taking orders and declaring that he intends to head directly to the Ministry in order to obtain clarifications!! The directorate returned back the file to Bassem Abou Raya, treasurer of the trade union committee of drivers in Banha, informing him that the By-Laws presented were in contravention with the model By-Laws and requesting additional documents such as a valid driving license as well as a printed receipt from the social security for each member.

Meanwhile, Mohamed Issa, director of the central administration at the Ministry of Manpower had substantively modified his attitude during the past weeks: while he used to positively intervene when representatives of trade unions resorted to him to resolve their conflicts with the employees at the

directorates of manpower, he began to recently close his door in front of complainers following a meeting held few days before at the Ministry headquarters with the purpose of reaching a decision approving the unjustified requirements of the administrative employees that go against the provisions of the Law, its executive regulation and the ministerial directives; this led many trade unions to think that the pressures exerted by ETUF have succeeded to achieve some results beside the interventions of some other bodies determined to reduce the opportunities of acquiring a legal status for independent trade unions;

### **A shadow ministerial committee**

While the announced directives state that the directorates of manpower should deliver a free of charge stamped certificate upon ensuring that all the requested papers are included with the application, obtaining such certificate on the spot seemed to be an impossible dream; actually the role of the directorates was reduced to receive the files and transmit them to the Ministry to decide whom would be granted a legal status and whose papers would be scrutinized by a ministerial committee working in the shadow.

- The independent trade union committee of workers in the Egyptian Company of Communications had tried to readjust its status a month earlier; however, their efforts were met with obstinate practices that culminated during the last week of the deadline when they went on a Saturday to present finally their file and found no employees at the directorate despite the fact that the directorates were requested to remain opened everyday even during official holidays until the end of the deadline; a delegation of the trade union committee returned back the following Monday at 4:00 PM (directives saying that working hours during this period would last until 7:00 PM) and found nobody either. The directorate also asked the trade union to provide a bank statement holding the new name of the organization without delivering them any proof about the change of name. Finally, after having met all the requirements, the trade union committee was refused registration; it was also subject to pressures from some people at the Ministry to join ETUF temporarily and quit after the elections; these attempts were refused and the trade union committee filed a complaint with the emergency rescue police in order to document the stubbornness of the directorate. Another complaint was presented to the Ministry and the file of application sent through an official usher to the directorate that refused to receive it;
- Mounira Kamal Eddine, head of the trade union committee of Cairo workers in the Ministry of Supply, presented the application file on April 15, 2018, and should have received the certification of readjustment on April 19; however, the directorate delayed the delivery of the certificate and practiced every means to postpone the process; in the meantime, she noticed during her repeated visits to the directorate that other trade union committees affiliated to ETUF obtained their certificate within few minutes;
- Hisham Ismail Mohamed, the representative of the trade union committee of workers at Ain Shams University Faculty of Law, deposited the organization application at Cairo directorate on May 3, 2018, and received the certificate only ten days later after the file was revised at the Ministry.

In front of all these practices and bureaucratic obstacles, some trade unions deposit their files at the Court to be officially delivered to the corresponding directorate.

- Mohamed Mahmoud Mohamed Soliman, president of the trade union committee of the workers in building, wood industries and daily waged workers, filed a complaint on May 12, 2018, at the General Prosecutor office in Alexandria against Alexandria directorate for abstaining from receiving their application.

### **By coercion: a single trade union committee**

Anonymous hidden directives forbid the registration of any independent trade union committee if it was located in the neighborhood of a committee affiliated to ETUF; when such cases happened, the directorate would send the file to the Ministry that tended to procrastinate under any pretext in order to refuse to grant the legal status.

- The trade union committee of workers in Bibliotheca Alexandrina was faced with various types of constraints beginning with the refusal of the institution's administration to stamp the list of members in the general assembly while it did so for the committee affiliated to ETUF. Other forms of coercion were met between the offices of social security and the directorate of manpower that refused the readjustment of legal status by virtue of an official letter. MP Haitham El Hariri had presented a request to the president of the Parliament in order to question the Minister of Manpower about the coercive measures applied to a number of trade union committees in Alexandria;
- The trade union committee of airline stewards was also faced with constraints with the various governmental bodies and specifically the employees at Cairo directorate within a total neglect on behalf of the Ministry. Accordingly, the committee resorted to sending a warning to the Ministry through an official usher and is about taking legal procedures to regain the right and freedom of organizing;
- Hanan Mansour, secretary general of the trade union committee of workers in broadcasting engineering, experienced the same types of postponement and coercive stands in line with other independent trade union committees; this reached the point that the liaison officer at Cairo directorate acknowledged the validity of all documents presented, however he was authorized to readjust the legal status only for committees duly mentioned by the Ministry; when she resorted to Mr. Mohamed Issa, director of the central administration at the Ministry of Manpower, he replied that there was already a committee affiliated to ETUF and he advised her to join this committee.

During the process, trade union committees affiliated to ETUF used to present lists of members issued by the administration of their institutions including names of members enrolled compulsorily in the committee and even sometimes names of members in independent trade unions which was found as an adequate pretext of duplicate membership for refusal by the Ministry. In such case, the burden of proving the contrary fell on the shoulders of independent trade unions.

#### **Only General Trade Unions Affiliated to the “State-Controlled” Federation are Accepted**

It has become clear that the Ministry of Manpower and its directorates are putting obstacles in front of independent trade unions whose membership exceeds twenty thousand members and seeking to establish a general trade union; this was the case of the Real Estate trade union as well as workers in rapid relief services from various governorates; the purpose was to prevent these from establishing a general trade union. The only exception that succeeded to obtain a legal status is the general trade union of workers in health sciences; however, its leadership remains subject to pressures in order to join the “state-controlled” federation.

Moreover, the directorates of Qena, Minya, Daqahlia, and Kafr El Sheikh abstained from receiving the files of the trade unions of small farmers and workers in agriculture despite the important number of their members representing the weakest and most exploited category of the population■