



CENTER FOR TRADE UNION & WORKERS SERVICES

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EGYPT REPORT

RAISED TO

INTERNATIONAL LABOUR OFFICE

COMMITTEE OF EXPERTS ON APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

CEACR

Report for the period from 1/4/2022 to 31/8/2023

On the

**FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (No. 87)**

**EGYPT**

**(Ratification; 1957)**

**Article 2 of the Convention. Right of workers to establish and join organizations of their own choosing. Application in law and in practice.**

The CSA in the International Labour Conference no. 108 expressed in the final conclusions of the session in which the case of Egypt was discussed “its concern of the existence of restrictions on the right of workers to form unions and federations and freely join them; and of the continuation of government interference in trade union elections and activities.” The government pledged to take required measures to guarantee that workers practice their right to form unions and remove restrictions and obstacles.”

Responding to the observations of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Committee on the Application of Standards (CSA) of the ILO, Law no. 142 for 2019 was issued on the 5<sup>th</sup> of August 2019 to amend some of the provisions of Law no. 213 for 2017.

However, these amendments are not sufficient to overcome the shortcomings of the Law no. 213 for 2017 because of the following;

The minimum numbers required to form trade union organizations at different level, especially general unions and federations are still too high and restrictive even after the last amendment, as long as we deal with free and optional membership of unions that workers may independently establish them after long years of living under a unitary government-affiliated union structure that workers automatically (and almost compulsorily) join.

The right to form unions is a right for every worker that should be guaranteed by law. The regulation of any right should not lead to its restriction. Putting a condition that a union should have a minimum number of members actually leads to depriving groups of workers who are less than that the stipulated number from their right to form trade unions. So, such conditions should be restricted.

However, the new amended law put a condition that in order to form a general union; it must include ten enterprise-level unions comprising at least 15,000 members, and in order to form a general confederation of unions, it must include at least seven sectoral federations comprising at least 150,000 members. These remain restrictive conditions that prevent many workers from practicing their right to form unions and federations.

Moreover, the number of 15,000 is not consistent with the reality of already existing general unions as the total number of workers in some of these sectors does not reach this number. This applies to the General Union of Workers in Public Transportation Agency, and the General Union of Workers in Mining and Quarries which affiliate to the ETUF itself.

The Law 213 /2017 contained several deficiencies negatively impacting the right of workers to freely establish their organizations and practice their activities, mainly:

Reproduction of some texts of the previous abolished Law that sought essentially to prevent the creation of trade unions and deprive workers from establish their organizations independently from the “governmental” Egyptian Trade Union Federation

The Law imposes again the governmental Federation model of organization with its strictly pyramidal structure of three levels while the actual reality is full of valuable initiatives that do not request affiliation of trade union committees to general trade unions as well as cases of general trade unions refusing to becoming affiliated to any federation. In addition, the imposed structure ignores the rights of geographic federations that have been established some years before the Law, some of which representing a valuable experience.

Many of the law articles erode the powers of general assemblies and the right of their members to develop their own by-laws and regulations. It is the Law that decides the duration of the trade union cycle, the number of members in the executive bodies and their prerogatives using the same jargon and methodology of work, conditions of membership and candidacy to the board, reasons of membership termination, suspension or expulsion of a member, the rules of running elections during a single day simultaneously in all work settings with a monitoring mandate granted to the Labor Ministry and the presence of a judge in each general committee of ballots similarly to what happened with the "governmental" Egyptian Trade Unions Federation that won the privilege to be treated as a governmental body. How is it possible under these circumstances to pretend that there is a serious will to have trade unions freely created on the base of workers initiatives and efforts.

In this context, the system proposed by Law 213/2017 is quite confusing and inexplicable as new trade unions are supposed to be established all over every year: therefore, how will be accounted their cycle? In addition, we note the suspension of internal elections for the year 2022 in many trade unions due to the confusion in the Law implementation. Although an agreement was concluded with the Labour Ministry of about the possibility of allowing general assemblies to elect a temporary board with full powers; however, this solution remains hampered.

Article 41 of the Law imposes seven conditions for those applying to membership of the board; this represents an intrusion in the legitimate right of general assemblies to develop their own rules and select their representatives as well as a violation of the right of candidacy and voting supposed to be accessible to all members.

It is weird and regrettable that among the conditions imposed by the Law, the candidate to the board should not be a temporary or delegated worker; this clause is textually copied from the previous Law that was enacted forty years ago to suit a trade union organism closer to the ruling institutions.

### **Practical application of the Law**

According to the Law, the labor directorates are expected to be committed of receiving applications as long as the files are complete; they should at least stop to refrain the implementation of the Law. Nevertheless, this is not what happens in practice.

Founders of trade unions are confronted by an endless vicious circle. While Article 18 of Law 213/2017 indicates clearly the steps to be undertaken by the administrative body, i.e., receiving the

applications an delivering an acknowledgment of receipt; nonetheless, the directorates refuse to receive the files of trade union committees under the pretext they are waiting directives from the Ministry.

Although the Egyptian government expressed its willingness to work on the resolution of all suspended issues, and a Committee has been formed by the Minister of Manpower pursuant to decision no. 162 for 2020 in order to review the conditions and complaints of trade union organizations whose conditions are suspended, only few of trade unions were registered.

Throughout the past year. It seemed as if we stand still, and even take many steps back. Many obstacles were revealed, and a huge problems ensued which was not justifiable. Moreover, some negative messages were received as following;

- ▶ New independent unions established by the workers can't be registered as the Labour Directorates refrain from receiving documents. The Ministry continued to justify these practices and claim to be incapable of changing them. This does not only deprive workers who establish these unions from their right to form unions, but also leads to total violation of this right which was guaranteed by law . How workers may dare to establish trade unions, if they already know that they will end in deadlock?
- ▶ Leaving the conditions of a number of trade unions suspended in order to refuse to enable general assemblies to convene waiting for elections that are postponed indefinitely.
- ▶ In spite of the genuine right of the general assembly of the trade union to decide its own affairs and freely choose its representatives, Many unions have found themselves in an absurd situation caused by the fact that the administrative boards of some unions were not elected on time determined by the ministerial decision no. 37 for 2018. This led to suspending the status of these unions until now.
- ▶ According to the third paragraph of article 18 of the Law mentioned above, the administrative authority is supposed to write a report of the depositing of the foundation documents. A copy of this report should be given to the representative of the trade union, along with official letters needed to run the work of the trade union. The administrative authority may not refuse to receive documents; or refrain from handing the report of depositing and required letters. Otherwise, this would be a violation of rights guaranteed by law, however, labour directorates refuse to hand letters mentioned above to representatives of trade unions, although some of them were established and had their documents deposited several years ago. Some directorates even deliberately obstruct the activities of some independent trade unions in order to force them to join the government-affiliated ETUF.

#### **The next organizations haven't registered yet so that they aren't able to exercise their activities**

1. Real Estate Tax Authority General Union.
2. The Union of Workers in Alexandria Company for Ready-made Garment
3. General Union of Workers in Tourism and Touristic Transportation
4. Trade Union Committee for Workers in Educational East Mansoura Administration.
5. The Occupational Union for Workers in Cement Services in Helwan.
6. Trade Union Committee of Workers in Real Estate Tax in Asuot.
7. Trade Union Committee of Workers in Real Estate Tax in Beheira.
8. Trade Union Committee of Workers in Real Estate Tax in Daqahlia.
9. Trade Union Committee of Workers in Real Estate Tax in Gharbya.
10. Trade Union Committee of Workers in Real Estate Tax in Giza.

11. Trade Union Committee of Workers in Real Estate Tax in Port Said.

12. Trade Union Committee of Workers in Real Estate Tax in Qena.

More trade union organizations *had Established and adjusted their legal status but denied by the administrative bodies the receipt of necessary letters enabling them to play their role and run their activities, they are,*

1. Trade Union Committee for Transportation Services in Qaluobia.
2. Trade Union Committee for Workers in Education in Qena.
3. Trade Union Committee for Workers in Educational Kooss Administration.
4. Trade Union Committee of Workers in Real Estate Tax in Fayoum.
5. Trade Union Committee of Workers in Real Estate Tax in Ismailia.
6. Trade Union Committee of Workers in Real Estate Tax in Qaluobia.

- There are trade unions that were formally established or succeeded to regulate their legal status but remain unable to get the necessary letters in order to begin activities. The labor directorates abstain from delivering these letters and some directorates resort even to delay the provision of these vital documents as a means of pressuring independent trade unions to join the "governmental" ITUF. The committee of drivers in the province of Qalioubia is one of the flagrant examples illustrating this situation.
- Moreover, trade unions that hardly succeeded to obtain a legal status are confronted by several obstacles such as the case of workers in Bibliotheca Alexandrina that as soon as they finalized the measures of their registration in September 2022, were challenged by a "Fatwa" (advisory opinion) from the State Council about the illegality of their organization on the base that it exists in parallel with the trade union affiliated to the "official" ITUF. this legal opinion resulted in the refusal of the Bibliotheca administration to recognize or deal with the independent trade union.

This was not the only "Fatwa" issued by the departments of advisory opinions when the

Ministry of Education department issued a similar "Fatwa" leading to the termination of trade unionist Ahmed Abdel Mordi It is worrying to think that additional fatwas might appear along the way destructing the rights

approved by the Law!!

Besides the persisting pending status of many trade unions, several other trade unions are exposed to various forms of arbitrariness and violations, especially for trade unions in governmental bodies.

### **Article 3.**

*1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.*

- *2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.*

### **Trade union elections**

On April 24 2022, ministerial decree number 61 was issued about the composition of the high committee for the follow-up and monitoring the workers trade union elections at the national level; the committee was presided by the Minister of Labor Force, with the participation of representatives of the ministries of Justice, Finance, and Local Development as well as a representative of the administrative prosecution, a representative of trade unions elected by the General Federation

of Workers Trade Unions, and the legal advisor of the Minister of Labor Force represented the Ministry in the capacity of rapporteur of the Committee.

This composition is quite evidently aiming at facilitating the governmental intrusion in the electoral process.

It is possible to firmly assert that the main flagrant violations consisted in depriving those aspiring for candidacy from this right and consequently deprive workers from freely selecting their representatives. The number of evicted was not less than 1500 candidates under unexplained pretexts between presumptions of concerns related to the security bodies or for the benefit of ITUF candidates, sometimes even based on personal cases of revenge; anyway, the real reasons of evictions remained unknown for the majority of these candidates who attempted in vain for days to meet the judge presiding the electoral general committee seeking to find an answer to the reason of their rejection; moreover, some of these were threatened either by security bodies or by their employers leading some of them to renounce applying for candidacy; this happened with the entire

- trade union committees of Real Estate Taxes in Ismailia and Kafr El Sheikh, and with the trade union
- committees of workers in the clubs of Suez Canal Company, and in Fayoum organism of ambulances.
- this was not restricted to this renunciation but pushed many workers in independent trade unions to abstain from applying to avoid having to pay at the end an extremely high price.
- For more examples; Tarek Koeib who nominated to the position of President of the Union Committee in Real Estate Authority in Qalyobia was excluded, and Mostafa El-Sayed Abou Sabei who nominated to the position of President and Magdy Mohamed Ali who nominated for the board membership in the Union Committee in Real Estate Authority in Central Office were excluded, moreover, All candidates were excluded in the Union Committee of Workers in Real Estate In Qena All candidates were excluded and notified that no elections will be conducted in this Union. Also , Abdel-Aziz Soliman the President of the independent Union Committee in Nile Lenin Group for Textiles
- In addition, the general committee of elections decided under no legal base or reasonable justification to abolish the elections for some independent trade unions that included among others the trade unions of workers in Qena organism of potable water and sewages, and in Qalioubia and Qena Real Estate Taxes.

### **Labour Code.**

The draft law hasn't complied yet either with the comments of CEACR, this is reflected in the following :

- its report, the CEACR expresses "the firm expectation that the Government will ensure that the Labour Code, once adopted, fully assures respect for the right to strike and recalls that restrictions to this right should be limited to public servants exercising authority in the name of the State, essential services in the strict sense of the term and situations of acute national crisis", nevertheless. Article 203 of the draft stating "the prohibition of industrial action in vital or strategic enterprises where stoppage of work would compromise the national security or basic services provided to citizens to be designated by the Prime Minister".

As regards the Government's indication that prohibition of industrial action in vital or strategic enterprises where stoppage of work would compromise national security or basic services to be designated in a decree by the Prime Minister (section 203),it is worth mentioning here that the Prime Minister decree 1185/2003 issued in application to Article 194 of the present Labor Code 12/2003 and identical to the first paragraph of the new proposed Article enumerates these enterprises as those related to national security and military production, hospitals, health centers and pharmacies, bakeries, public and collective transports, transportation of goods, civil defense,

water, electricity, natural gas and sewage, communications, ports lighthouses and airports, in addition to workers in educational enterprises!!

- Articles 121 and 201 of the draft law obligate for workers' organizations to specify in advance the duration of a strike, an infringement of which is considered to be serious misconduct liable to dismissal. Again, these requirements are illogical as workers do not enter in a strike for the purpose of show or advertisement but rather to see their demands fulfilled; therefore, one cannot expect that they could be aware in advance what will be the duration of the strike.
- Because of the current labour law provisions , many workers have subjected to violations last two years because of organizing strikes; those are;
  - 12 workers [5 out of them are trade unionists ]in Delta for Fertilizers Company were arrested for 15 days.
  - Ten workers in Lord International Company were dismissed.
  - 8 workers in Semnoud Company for Towels were forced to stop working.
- Section 78 of the draft still names the Egyptian Trade Union Federation [ETUF] as the representative of workers on the wages commissions, instead of representation of the most representative workers' organizations.
- As regards the work on a Law regulating domestic work, the Government hasn't provided it or transmitted to the parliament yet.

**On the**  
**RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION, 1949 (No. 98)**  
**EGYPT**  
**(Ratification; 1954)**

***Article 1***

- 1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
- 2. Such protection shall apply more particularly in respect of acts calculated to--
  - (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
  - (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

It is true that Article 120 of the labour code states that worker's affiliation to a union organization or his participation in a union activity shall not be considered as legitimate justifications for termination of his contract, and also the Article 52 of the law N. 213/2017 states that it is impermissible to impose the penalty of dismissal on a board member of the trade union organization, prior to the issuance of an order or a decision by the competent labour court

**Nevertheless, on the ground many cases have been addressed;**

- The workers in Alexandria Lord International Company for the production of razor blades had begun to establish an independent union. Then 14 workers of them were fired.
- In February 2022 the Administration of the Nile Company for Isolator Materials (Betonile) fired 8 trade unionists. The Company workers had established their independent union according to the Law N. 213/2017. They hold their General Assembly and elected its board. Then they submitted the union file to the Man Power decoration in Alexandria to be registered. Nevertheless, the Man Power Administration suspended their union organization without any reasonable reason. It was suspended five months until the Company Administration dismissed the board members !!(8 trade unionists).
- In the tenth of May 2022, the Administration of Universal Company fired 20 workers representatives amongst them the board of the Trade Union Organizations. It is worthy mentioned that the Union Committee was just registered in the beginning of last April after six months of suspending its file in the Man Power Decoration in Giza.
- Termination of Ahmed Abd Al Mordy; the president of a trade union from his work at the Authority of Adult Education

All of those trade unionists have filed their cases to courts, but to get a juridical sentence a trade unionist has to wait many years , sometimes it is not delivered or can't be implemented.

***Article 3***

*Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.*

***Article 4***

*Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements*

Again, we request that civil workers should be under the umbrella of the Labor Law regarding all matters related to collective labour relations (such as social dialogue, collective bargaining, strike, etc.) added to the provisions connected to Occupational safety and health and foreign workers, which are already implemented on civil services workers.

### **The Supreme Council for Social Dialogue**

The Prime Minister had issued decree 799/2018 for the creation of the High Council of Social Dialogue in Labor Affairs to be headed by the Minister of Labor, membership of 11 ministries' representatives, six representatives of business owners, and six board members and presidents of the concerned workers' federations while ignoring representatives of independent trade unions.

Although the decree of the Council establishment stated that it should meet at least every three months or whenever needed, there is no proof about the regularity of these meetings, no minutes or reports released, except a governmental mention that it sought the Council advice when issuing or discussing laws related to workers' conditions.

Unfortunately, the National Council of Wages followed the same path during the past years to wake up lately in an attempt to bargain the right of private sector workers in obtaining the minimum scale of wages against the reduction of the periodic annual increment from 7 to 3%. This Council rejects as well the independent trade unions and other categories of workers from participation except those affiliated to the General Federation of Workers' Trade Unions

It is true that it was agreed during a tripartite meeting on restructuring of the council to include equal numbers of workers' and employers' representatives, reducing the number of Government representatives, and to set a mechanism that ensures a variety of workers' representation. But this recommendation hasn't implemented yet. As the Council was established by prime minister's decree, it should be restructured by prime minister's decree which hasn't happened.

1. Trade Union in the Federation of Unions of Workers in the Ambulance Authority
2. Trade Union Committee for Damietta Fishers.
3. Trade Union in the Federation of Unions of Workers in Ezbet El Borj and Ras El Bar
4. The Professional Trade Union Committee of Fishermen in Gamaleya
5. The Union of Workers in External Trading and Commercial Agreements in the Ministry of Trade and Industry
6. Trade Union Committee of Workers in Real Estate Tax in Ismailia.
7. Trade Union Committee of Workers in Real Estate Tax in Kafr Al Sheikh.
8. The Union of Small Farmers in Samalut
9. The Union of Workers in the Hostels of Al-Azhar University
10. Trade Union Committee for Transportation Services in Qaluobia.
11. Trade Union Committee of Workers in Regionalism Development in Menof.
12. Trade Union Committee for Workers in Education
13. Trade Union Committee of Workers in Suez Canal Clubs.
14. The Professional Union of Tourism Professionals in Cairo
15. The Professional Union of Tourism Professionals in Port Said
16. The Professional Union of Tourism Professionals in Bani Sweif
17. Trade Union Committee of Workers in Cement in Helwan
18. The Center for Trade Union & Workers' Services (CTUWS)