



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

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Workers in the Midst of Crisis

Report on the Violations of Freedoms of Association in 2024

By:
Center for Trade Union and Workers Services

**Egypt/Cairo El-Monira, 30 Elmobtdyan street, crossing El-Falaky street. Second floor,
apartment 21,25**

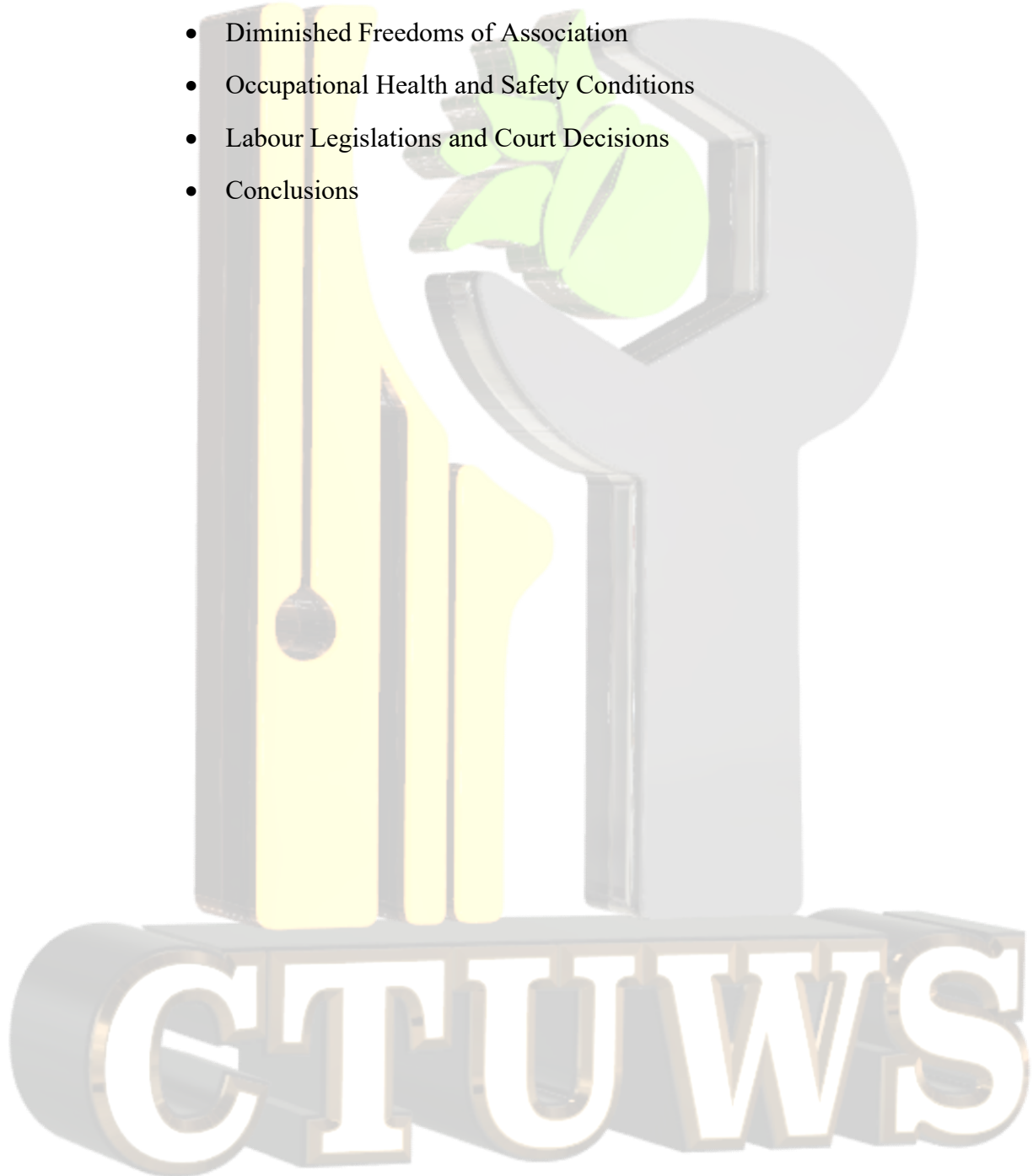
Tel: +20 27908785- Mobil: +20122 0532 488

E-mail: ctuws.ctuws@gmail.com,

Website: <http://www.ctuws.com>

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Introduction

The Egyptian government keeps repeating itself for years. It tries to solve the economic crisis using the same medications which proved to be failing in treating the main disease. Every time foreign currency shortage worsens, the state resorts to reducing exportation. So, a crisis of scarcity of goods and unjustifiable rise of prices takes place. Then, it decides to float the currency and engage in more borrowing leading inflation rates to rise to an even unprecedented rate. Although these policies fail to achieve desired effects, the government continues to adopt this approach and further get stuck in the mud of temporary solutions that further exacerbate the crisis.

In parallel, under the brunt of the economic crisis workers lead a deteriorating life. Wages are deteriorating. Egypt comes last among Arab countries, and occupies the 100th position globally in 2022 in terms of monthly salaries (with an average monthly salary of 219 US dollars). Such deterioration is expected to increase this year because of the continuous deterioration in the value of local currency.

In addition, there are flagrant contradictions in the priorities of government spending. While the state spends generously on unnecessary projects like Cairo Monorail or the New Administrative Capital, it insists on tightening spending in services like education and health and continues to reduce subsidies. It finally evades inflation by transforming the little remaining subsidy from in-kind to cash.

In the same context, the role of the state is clearly shrinking in the provision of basic services to citizens. This was clearly manifested recently in the enactment of the Law on the Regulation of Granting Public Facility Concessions to Establish, Operate and Develop Health Facilities which allows to rent public hospitals to private investors and gives them the right to lay off 75% of its personnel.

This takes place amid deteriorating spending on health and shortage in the number of hospital beds which is around 1.1 beds per 1000 persons (International standard ratio is 2.8 beds per 1000 persons). It also takes place within less than three months of the adoption of decision no. 75 for 2024 regarding the regulatory bylaws for public hospitals and healthcare units of local administrative units which increased the prices of services provided by public hospitals and health facilities of local units.

Moreover, in June 2024, the government decided to raise the price of subsidized bread -which is the main food of Egyptians- to 20 piasters. At the same time, it strives to reduce subsidies on electricity, petrol products, water and domestic gas. It also adopted a new calculation method that makes electricity consumption bills higher than what can be afforded by limited income people which actually leads to undermining any purchasing power of workers' wages.

So, the objective of "economic reform" adopted by the government actually led to additional increases in prices and deterioration in the value of the currency rather than improvement in people's conditions. Wages -which is already low- became unable to meet the basic needs of workers and their families. The lives of millions of workers have become very harsh as many of them can't escape the poverty line and endure severe hardships to meet their daily needs. Public discontent rises, especially under a repressive environment that closes the public sphere or prevents citizens from having an impact on the policies of the ruling regime.

At the same time, external and internal public debt amounted to 113% of GDP at the end of June 2023. The ratio of debt burden supposed to be paid to available revenue amounted to 113% in the financial year 2023/2024. Debt service indicators in the budget seem in a very critical situation when compared to exports and public reserves that determine the ability of the state to service the debt. The ratio of debt employed to finance the deficit is 90%. So, this is not a debt taken to finance investments that add productive capacities to society.

The private sector -Egyptian and foreign- refrains from investing because of monopolistic practices of some state institutions. Basic inflation rate reached a record high of more than 35% in March 2024 and didn't decrease since then. Moreover, prices of food and basic goods increased in an

unprecedented way because of the devaluation of the local currency (the Egyptian pound), shortage in foreign currency, shortage of raw material and continuous delays in the arrival of imports which are piling up in ports until customs fees are paid. Of course, some goods spoil, resulting in new crises.

When it comes to trade unions, the Ministry of Labour is still the main obstacle before the implementation of the Law on Trade Union Organizations and Protection of the Right to Organize no. 213 for 2017. This prevents the establishment of more trade union organizations and kills the hopes of workers to attain their rights via legitimate organizational channels.

On the other hand, the government re-proposes the new Draft Labour Law for discussion. However, it is a one-sided discussion led by the authorities which chose to invite certain parties to this discussion or dialogue and completely marginalized the true concerned parties. It completely ignored the rights of workers to present their demands and legalized the work of employment agencies (labour subcontractors) which turn labour relations into some form of slavery or forced labour. It also insists on provisions that criminalize the right to strike, and puts strict conditions thereto rendering it impossible to be used as a protest tool. It also punishes workers by dismissal if they don't follow its regulations and conditions.

Workers became like Sisyphus in the Greek myth. Their lives are wasted in arduous work without any hope in the improvement of their conditions. Their demands are not met and the laws put more restrictions on them making any attempts to protest this harsh situation very risky leading them to prison or dismissal from work. Although strike action is a constitutionally legitimate means of protest, laws (old ones or proposed ones) put highly restrictive conditions that make it an unattainable mirage.

This gloomy scene puts us in a defining moment. The current conditions necessitates that we reconsider social and economic policies in order to guarantee rights of workers and to improve their living conditions so that they become part of the solution rather than victims of poor economic choices that they didn't take part in the making thereof. Otherwise, we will continue walking into the unknown.

Center for Trade Unions and Workers Services

31December 2024

CTUWS

Report Plan

According to the methodology used by the Center for Trade Unions and Workers Services (CTUWS) in the preparation of monitoring reports and documentation of the state of freedoms of association, it adopted in the current Report the analytical descriptive methodology and used several tools and methods of monitoring and documenting, primarily live testimonies by workers who were subjected to violations and harm at the workplace.

We see that observation via direct personal interviews with workers expresses in a precise manner the suffering they endure. It also describes in detail the rights that workers are deprived of. Although case studies are indicative, they are not as strong as numbers and statistics relied upon in the Report to analyze the social and economic crisis and its different dimensions. So, we use numbers and statistics that confirm the validity of workers' testimonies in different labour sectors to analyze the economic and living conditions of workers in 2024. Moreover, the Report observes labour protests, state of freedoms of association and conditions of independent trade unions.

The Report covers the period from 1/1/2024 to 30/12/2024 in terms of monitoring, documenting and analyzing current social and economic conditions.

Employment Sectors Covered by the Report

Informal Sector - Private Sector - Public Sector

Violations are classified according to economic activity, employment sectors, nature of violations and legal action taken regarding each violation.

Accordingly, the violations we observed are classified as follows:

- Most important protests and general characteristics thereof in chronological order
- Presentation of violations according to their numbers.
- Presentation of violations according to type of violation.
- Presentation of violations according to type of economic activity.

Report Methodology

The researcher adopted the analytical descriptive methodology in the preparation of this Report. In this framework, she relied on a number of resources and information as follows:

- Cases of individual and collective violations that workers face in their workplaces that CTUWS followed up and organized campaigns about.
- Complaints and reports directly sent to CTUWS from affected people.
- Legal assistance requests received by the legal office of CTUWS.
- Following up important news and issues published by newspapers, websites and in articles and studies related to labour issues on social media.

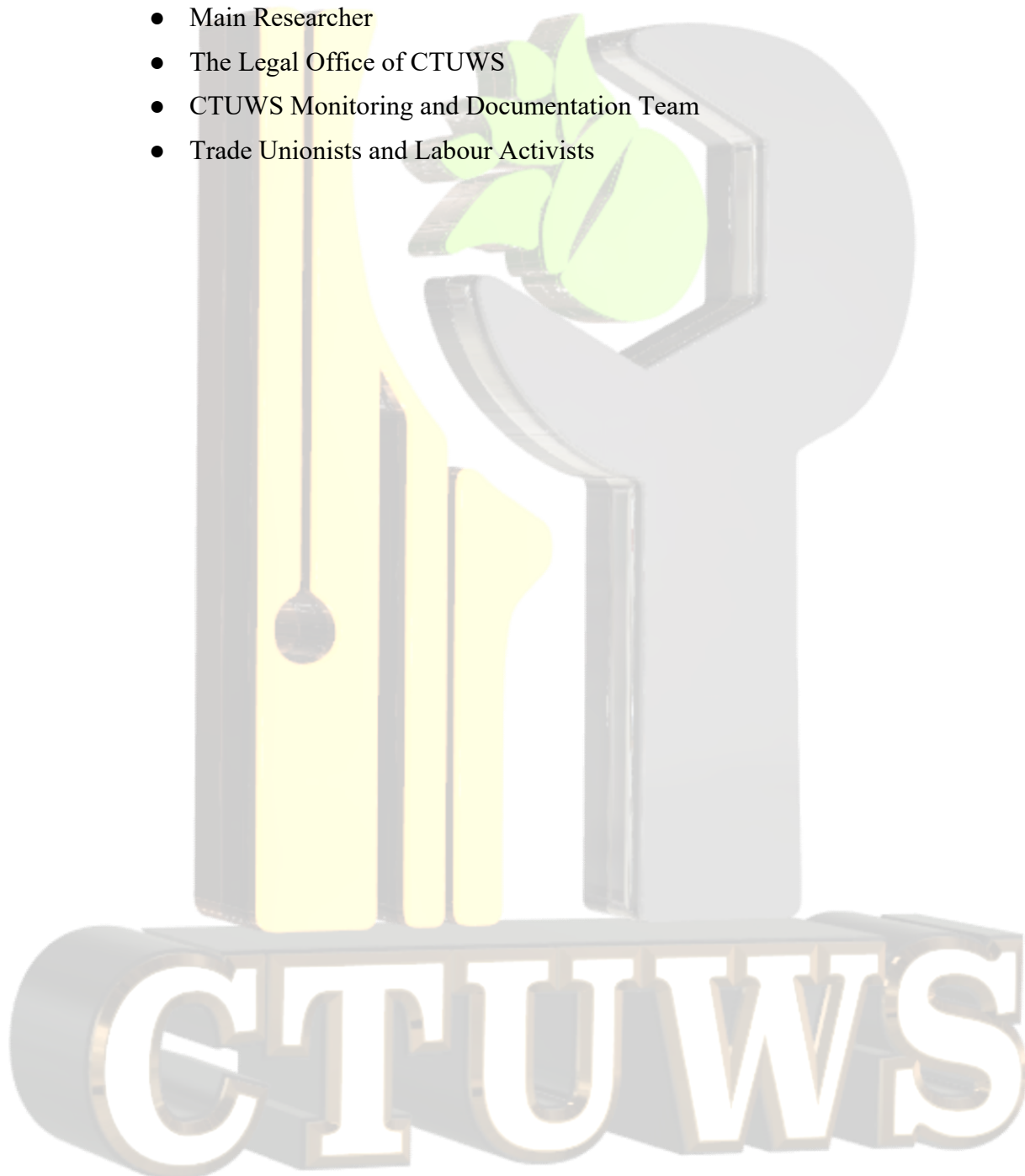
Criteria Adopted in Statistical Observation:

- “Collective Violation” is considered an individual violation for each worker alone.
- In case the worker is subjected to more than one violation, the violation is registered as one. Multiple violations that the individual worker endured are noted in detail in the descriptive presentation of violations at different workplaces.

- No case of death or injury is taken into account unless it resulted from violation of vocational health and safety rules.
- Cases of arrest and provisional detention are taken into account only if they are related to demanding workers' rights.

The Report's Team:

- Main Researcher
- The Legal Office of CTUWS
- CTUWS Monitoring and Documentation Team
- Trade Unionists and Labour Activists



Wages and Minimum wage

- Real Wage vs Nominal Wage
- The Trap of the Minimum Wage
- An Overview of Social Protection

➤ Real Wage vs Nominal Wage

Labour remains the source of wealth for the employer. But the situation is completely different for workers although they are the main contributors to the creation of this value. The wage that a worker receives does not reflect but a meager part of the value added through his/her work.

In Egypt, wages are merely a means for survival. They don't allow workers any luxuries or true wealth as they only suffice to meet basic needs. However, with the deepening economic crisis in recent years, the living standard of many workers is not above the poverty line. They strive to satisfy basic needs amid waves of souring inflation throughout the past ten years. It has to be noted that government spending priorities don't take into account the improvement of the lives of individuals, which is demonstrated in figures 1 and 2.

In order to provide a decent living standard to citizens, changes in wage levels and changes in inflation and price levels have to be correlated. Improvement in the living standard of workers is associated with improving the value of real wage or at least its stability.

Declaring the rise of nominal wages, and the accompanying political propaganda of such decisions, are accompanied with continuous increases in inflation rates that exceed the meager raises in wages. This actually leads to deteriorating real wages which are calculated based on purchasing power (quantity of goods and services that a wage can buy).

Real wage is the most expressive indicator of actual living conditions of workers. Individuals estimate their wages based on the goods and services they can get with them. The phenomenon of nominal illusion is widespread. It means the false belief that increases in nominal wage mean improvement in living standards. Disillusionment requires proper understanding of the exact relationship between nominal wage and inflation levels. If prices increase more than the increase of nominal wage, so real wage decreases. If price increases were lower than increases in nominal wages, real wages increase.

On the other hand, more than 60% of the labour force in this country are irregular workers. Majority of the remaining workers work in the private sector in which most companies are exempted from the implementation of the minimum wage. So, the private sector becomes like a "plantation" for businessmen in which they do whatever they want. Nominal increases that decision makers make propaganda about are impossible to implement on all workers.

Because there is no detailed data on the development of real wages especially for the working class, and there is deliberate delay of the enactment of the Law on Free Flow of Information, we have nothing to do but to use general indicators that give an approximate picture of wages' development, i.e. indicators of the development of the wages item in the general budget compared to the GDP and to changes in inflation levels.

First: Development of the Wages Item as a Ratio of the GDP

During the past five years (2020-2024) and according to the data in the general budget,¹ the wages' item in the budget of 2020/2021 was 4.6% of the GDP. In 2024/2025, it decreased to

¹ Analytical Statement of the Egyptian General Budget, 2024-2025

<https://mof.gov.eg/ar/posts/stateGeneralBudget/65911fe582bd240008c29151/%D9%85%D9%88%D8%A7%D8%B2%D9%86%D8%A9%20%D8%B9%D8%A7%D9%85%D8%A9%202024%2025>

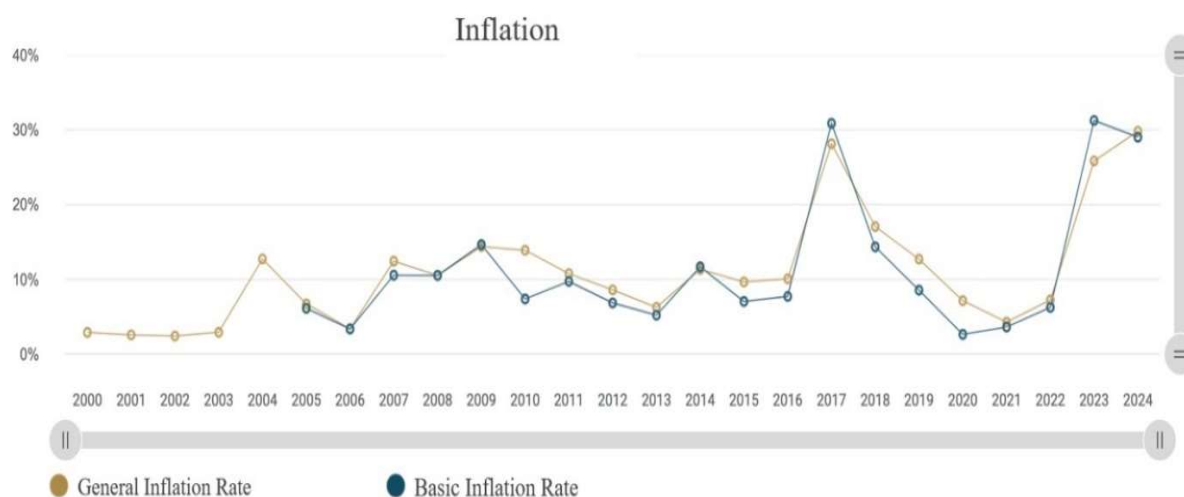
3.4%. Two points have to be highlighted here, the first point is that such a sharp decrease of 1.2% of the GDP took place in merely five years. The other point is that these data concern employees and workers in the public sector in which the development of wages is supposedly better than the development of wages in the private sector and the informal sector for several reasons including the implementation of the minimum wage.

Second: Development of the Wages' Item in the Budget Compared to the Development of the Levels of Prices

During the past five years (2020/2024), the value of the wages' item in the beginning of 2020 was around 318 billion Egyptian pounds, which is equivalent to 20.4 billion US dollars (based on the exchange rate at the time). This amount increased in the budget of 2024/2025 to 575 billion Egyptian pounds which is currently equivalent to 11.5 billion US dollars, i.e. an increase amounting to 80% in terms of the local currency and less than 43% in terms of the US dollar. This resulted from the sharp decline in the value of the local currency in the context of the rise in the index of consumer prices for the period from July 2020 to July 2024 amounting to around 106%.²

It is worth mentioning that the ratio of increase in the aforementioned wages' item in the general budget concerns the period from July 2020 to July 2025, while inflation data used in the previous paragraph is related to a period that is one year shorter as it starts from the same date but ends in July 2024. Nevertheless, inflation observed four years ago exceeds the rate of rise in the wages' item in five years.

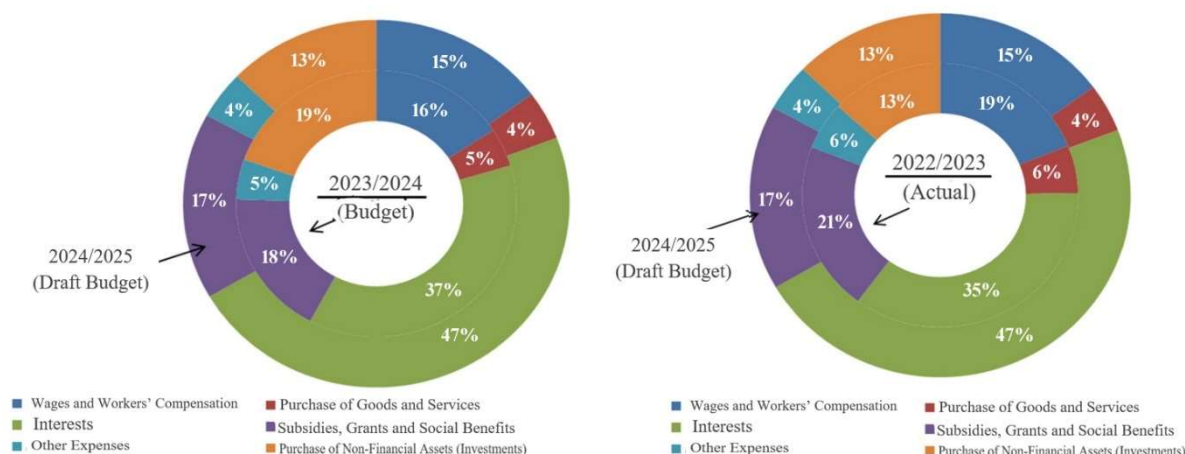
Figure 1
General and Basic Inflation Rate



Source: the Central Bank

² According to the reports of the Egyptian Central bank, the baseline year based on which inflation rate used to be calculated was 2018/2019. In order to change the baseline year to July 2020, the paper calculated the index number of consumer prices of July 2024 (which is 228) according to a downturn factor that represents the ratio between the index number of the official baseline year of 2019 and the baseline year of 2020 used in the paper which is 0.9285. This is how we arrived at the inflation rate of 106% in the previous paragraph or the index number of 206 for 2024 based on the baseline year of 2020.

Figure 2
Wages in the General Budget



-Source: the Ministry of Finance

➤ **The Trap of the Minimum Wage**

The erosion of the real value of wages is intensifying for lower income workers and those working in the informal sector and the private sector. There are indicators for this, including the dilemma of the minimum wage which is not effectively implemented or is not implemented in all sectors. It is like a trap decision that workers had to protest in some sectors in order to implement it, which in turn led to their imprisonment based on political charges like the cases of Samanoud Textile workers and El-Mahalla Textile workers. In the first case, the minimum wage decision was not implemented just like most private sector companies. However, we need in the beginning to clarify the scientific and agreed upon meaning of the minimum wage and the living wage.

First: the minimum wage is the minimum financial compensation that meets basic living needs of a newly hired worker who doesn't have any experience. In some literature, it is called the subsistence wage which is close to the poverty line. According to ILO, the minimum wage is the minimum amount of remuneration that workers may receive that law and practice may not go below. In this regard, we have to stress the following points:

- The minimum wage should cover all the basic needs of the family, which in average comprises five members. Moreover, we should not overlook the association of the wage with changes taking place in the prices of basic goods. The higher the prices, the higher the living costs and the needs of households. That is why we always demand that the minimum wage is linked to the declared inflation rates. Otherwise, it becomes merely a nominal wage that has no purchasing power.

Second: Fair wage and Living wage

Fair wage is higher than minimum wage. It is determined according to the capacities of industry to pay, and its impact depends on the profit level of the industry. The living wage is determined at a level that is higher than the fair wage. It means the wage that is sufficient for the provision of healthcare, welfare, education for children and protection from diseases. It enables a worker to provide basic social needs like marriage and death expenses and to provide funds for workers when they retire. So, the living wage enables the worker and his/her family not just to survive but to live in a decent and good way. It is the reasonable wage for a person who spent long years in service, and enjoys job security as expected.

In the case of Egypt, we only talk about the minimum wage which is not even close to the poverty line as it is supposed to be but actually below it.

In this regard, CAPMAS' consultant, [Heba Al-Lithy](#), had anticipated that poverty level in 2022/2023 would reach 35.7% while poverty line would increase to 1478 Egyptian pounds a month and abject poverty line to 1069 Egyptian pounds a month.

This clearly means that the poverty line for a family of five members last year only amounted to 7390 Egyptian pounds, according to Al-Litty. Moreover, there are estimates that consider that the amount of 10,000 Egyptian pounds is the reasonable amount in view of catastrophic inflation waves.

So:

6000 Egyptian pounds -which is equivalent to USD 110- is the minimum wage determined by the President. This is closer to the abject poverty line. Nevertheless, it is not applied to everyone. This makes us wonder how the government calculated it. It will still have, if applied, several defects **including**:

- The minimum wage includes insurance shares and burdens, including the share of the employer, which is contradictory to international labour standards and principles of social justice. The worker should not bear the duties of the employer. This actually makes the wage received by the workers less than the declared amount, i.e. between 4400 and 4500 Egyptian pounds (which is less than 90 S dollars) a month.
- Incentives and bonuses are usually calculated as part of the wage. The basic wage remains very meager resulting in very poor pension compensations.
- Job Hierarchy: It does not take job hierarchy into consideration, which deepens inequality and devalues human skills.

The situation is even worse in the private sector in which many companies avoid the implementation of the minimum wage by exploiting the option to request exemption provided by the government. There are more than 3095 companies that currently submitted such a request.

In the face of the state of tension in this regard, the government called for the convening of the National Council for Wages in August 2021 which witnessed a series of negotiations that resulted in the issuance of the decision of the Minister of Planning and Economic Development (who is also the President of the National Council for Wages) no. 57 for 2021 on the 13th of September 2021. This decision stipulated that the minimum wage in the private sector was 2400 Egyptian pounds starting from the 1st of January 2022. However, article 2 of the decision stated that in case the establishment faces economic conditions that make it hard for it to commit to the minimum wage, it may submit a request for exemption via the federation it is affiliated to. The request has to include reasons and it has to be supported by documents proving them before the 31st of October 2021. Article three of the decision stated that the minimum of the periodic annual raise in the private sector, starting from the financial year 2021 according to the accounting financial year of each establishment, may not be less than 3% of the wage of insurance subscription.

It became clear at the time that representatives of employers' organizations agreed on the adoption of the minimum wage on the condition that some companies and sectors are exempted, and that the annual periodic raise will be decreased. The raise was decreased although the current Labour Law no. 12 for 2003, which is still in effect, stipulates that the annual periodic raise is 7%.

The minimum wage of 2400 Egyptian pounds (80 US dollars) was supposed to be implemented by January 2022. However, it turned out that thousands of companies applied for exemption from the implementation of the minimum wage claiming that they may not bear wage increases because of their large number of workers and rising production costs, in addition to the adverse effects of the COVID-19 crisis on their work. 3090 companies in 30 sectors were exempted,

primarily in the sector of textile and garments, especially those that export their products abroad, as well as the sectors of tourism, paper manufacturing, retail industry, some private schools, stock companies and some retail shops.

When the minimum wage for government employees was raised to 2700 Egyptian pounds (90 US dollars), the government promised to work on the implementation of this minimum wage on private sector workers and to convene the Council again to take a decision on this matter. However, the Council didn't convene until now. It seems that employers refuse to be committed to any more obligations in view of current deteriorating conditions.

Until now, the minimum wage is still a merely governmental decision rather than a law that obliges all entities, or entails penalties for violators. At the same time, workers who demand its implementation fall in the traps of provisional detention.

Such injustice on the part of businessmen and their governments led to precarious labour relations. Given the limited role of trade unions which are subjected to continuous attacks, most protests and strike actions in 2024 were concerned with the implementation of the minimum wage and low -or sometimes decreasing- wages in general, in addition to delays in the payment of wages.

The story of the minimum wage reflects the realities of the Egyptian worker who may face imprisonment or dismissal even if/she served the employer for 20 or 30 years if s/he demands the implementation of a decision that was issued by the President who is the head of the executive authority.

➤ **- An Overview of Social Protection**

Citizens bear the burden of the public debt which amounted to 88.2% of the country's GDP and undermined its capacity to social spending on several areas like education, health, investment spending, and of course social protection programs.

The general direction of the state favors creditors at the expense of the majority of Egyptians, especially those of lower income. This explains the series of decisions taken by the government which violated economic and social rights of citizens to food, medication, energy and health care. Last June, just one month before the end of financial year 2023/2024, the government took decisions to increase the price of subsidized bread and prices of medications, privatization of health services in governmental hospitals, as well as raising prices of fuel in 2024 alone for three times which affected the prices of all goods.

The Committee for Pricing of Petroleum Products decided in March 2024 to raise the price of Octane 80, 92 and 95 by one pound. On the 25th of June of the same year, it was raised by 1.25 pounds. Then, for the third time, the price was raised in October by 1.5 to 2 pounds. So, the increase amounted to 35% in just one year.

Simultaneously, repeated increases in bills of basic services like electricity, water, and gas increased to more than 40%. In the case of communications, especially the internet, cost increases exceeded 80%. Moreover, the cost of housing and rent in particular at least tri-folded in less than two years. All these increases are burdens on wages that don't increase as much. Even if the minimum wage is implemented, it won't even make it equal to the poverty line.

The Unified Social Solidarity Law makes it even worse.

The aforementioned unfair measures were accompanied with repeated deterioration in the value of the national currency as a result of agreements made between Egypt and the IMF. The government's endeavor to adopt the Unified Social Solidarity Law and its insistence on turning in-kind subsidy to cash subsidy made it worse for limited and weak income people.

Ironically, this Law is considered by the government as its biggest achievement for the sake of the poor. Article 13 of this Law states that if large numbers of citizens applied for receiving support and all of them meet eligibility criteria, priorities are decided based on available resources. The Law also states that eligible people are determined based on the national poverty line which was not updated for four years. The latest assessment of the poverty line was conducted in the Income and Spending Survey of March 2020, and it was equal to 857 Egyptian pounds per person per month. This value now, after taking the inflation of these years into consideration, amounts to around 1780 Egyptian pounds.

It has to be noted that the amount of cash subsidy provided via the biggest program for cash transfer for the poor in Egypt (Takaful and Karama) was on average 500 Egyptian pounds, which is clearly a very meager amount.

According to the World Bank, the Takaful and Karama program -which the government has been claiming for years that it is a solution to the recent crisis- includes around five million families and 15 million persons. However, the number of poor in Egypt exceeds 35 million people according to the study of CAPMAS's consultant, Heba Al-Lithy, referred to above.

Cash support is not sufficient both in terms of coverage (It does not cover half of the poor in Egypt,) and in terms of its financial value (It does not make a difference in view of soaring inflation rates). Nevertheless, the authorities strive to get rid of in-kind support and supply cards which are the last defence line for the poor in the face of rising inflation in prices of food products. This policy put the poor, including workers, and their families in direct risk of hunger and malnutrition. This was confirmed by recent studies which highlight the emergence of the phenomenon of dwarfism among school children as stark evidence of this tragic situation.

CAPMAS issued a study in November 2022 that revealed that 74% of households reduced their consumption of food products. 90% of families reduced the consumption of protein, while 74.7% reduced the consumption of rice, and 70% reduced their purchase of eggs, oil and fruit. All this is primarily due to rising prices of consumer goods.

When it comes to health, statistics point out that 23% of Egypt's poor people spend more than 10% of their income on health. According to WHO standards, the ratio of 10% or more indicates the deterioration of living conditions in a way that does not allow enjoying health insurance.

Low income is also mainly associated with education levels. Statistics show that only 9.4% of people with university education are poor, while the ratio of poor among the illiterate amounts to 35%.

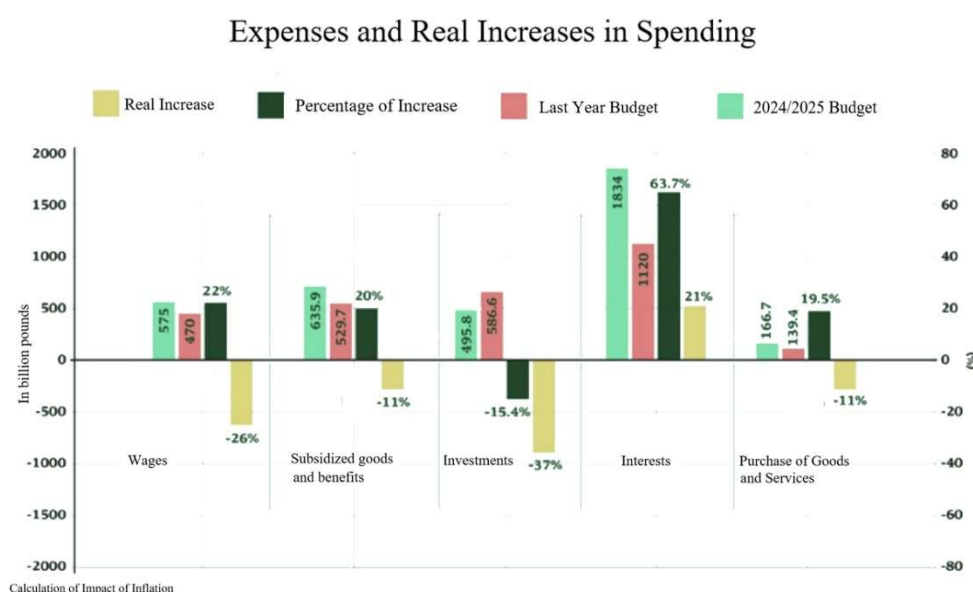
The government not only fully removed in-kind support and refrained from covering it with its cash equivalent for everyone, it also increased the tax exemption threshold to merely 60,000 Egyptian pounds per year (the equivalent of 5000 Egyptian pounds a month), which is actually less than the minimum that should be exempted from taxes or fees especially that it is already less than the poverty line. This practically means that a sector of workers who are very poor contribute to the tax revenues of the state in return for their poverty.

Moreover, rising ratios of poverty among Egyptian workers in different sectors coincides with rising ratios of hunger. Hunger is the monster that everyone is denying, and some specialists evade it by calling it "malnutrition," while it became the most appalling characteristic. It is feared to rise in an unprecedented manner especially in view of the absence of local data on poverty in general, and hunger in particular. Nevertheless, international reports show considerable change in its ratios including a FAO report referring to the situation of food in Egypt.

The Report shows gradually rising ratios of hunger over the years from 4.8% in 2002 to 5.2% in 2011. However, with the beginning of cooperation with the IMF in 2016 the ratio jumped to 6.3% to 8.5% in 2023, i.e. more than nine million people.

Nevertheless, the state is doing all the preparations to abandon citizens. The already-weak support package was never the reason behind deterioration of economic conditions. This situation is due to debt policies and shrinking of agricultural and industrial sectors in favor of real estate and finance sectors and the service sector.

Figure 3:
Share of Interests in the Domestic Product is Bigger than Wages, Subsidy, Education and Health Together.



Source: The Financial Statement and the Egyptian Initiative for Personal Rights (EIPR)

The next table shows prices of food products in November to show the rate of inflation in food prices compared to level of wages:

Good	Approximate Price/2022	Approximate Price/2023	Approximate Price/2024
Egg pack (30 eggs)	EGP 85	EGP 150	EGP 180
one kilogram of packed rice	EGP 18	EGP 32	EGP 37
One kilogram of beans	EGP 30	EGP 41	EGP 59
One kilogram of flour	EGP 20	EGP 21	EGP 26.44
One liter of oil	EGP 50	EGP 63	EGP 105.75
One kilogram of tomato	EGP 5	EGP 12	EGP 30
One kilogram of Lentils	EGP 45	EGP 55	EGP 66.3
One kilogram of okra	EGP 22	EGP 35	EGP 100
One kilogram of red meat	EGP 150	EGP 317	EGP 400
One kilogram of chicken	EGP 48	EGP 94	EGP 98

Note: Prices May Increase or Decrease by the Time of Publication.

Diminished Freedoms of Association

- Trade unions are allowed by law but not allowed by the Ministry of Labour.
- Examples of violations of freedoms of association.
- Provisional Detention and Undermining Workers' Rights
- Labour Protests in Time of Crises and Oppression

It is well known that freedoms of association are not merely theoretical rights. But they are the foundation and the guarantor of the stability of the labour environment. However, it seems that one decade was not enough for decision makers to realize that oppression is not a solution and that the liberation of trade union activities pursuant to national and international laws and instruments is not frivolous. Preventing workers from organizing exposes societies to risks of social and economic instability.

Freedoms of association keep deteriorating in parallel with the suffocating economic crisis. Time is running up, as well as workers' patience. The use of oppressive means, including arrest, no longer hides workers' indignation or prevents them from protesting, especially that oppression does not stop at the right to organize. Even registered trade unions are subjected to prohibition and sudden freezing like the cases of The Union of Al-Shorgabie Workers and the Union of Workers in the Clubs of Suez Canal Authority.

As stated earlier, there are continuous attempts to silence the voices demanding workers' rights by pushing workers to prison based on terrorism charges or abusing vague charges like disruption of public peace and dissemination of false news which are newly invented tools that became widespread since 2013.

In other cases, managements commit violations against trade unionists especially in government institutions. For example, unionist Ahmed Abdel-Mordie (member of the Union of Workers in the Adult Education Authority) was fired because of practicing his union activities.

In spite of cabinet change and the appointment of a new Minister of Labour, the establishment of new independent trade unions is still prevented by state authorities although it is legal.

Moreover, the Complaints Committee is still inoperative. It stopped reviewing complaints submitted from trade unions that completed its documents but the registration thereof was suspended by the Ministry.

➤ **Trade unions are allowed by law but not allowed by the Ministry of Labour.**

Over the years, the Egyptian government didn't fulfill the international pledges it made to guarantee that workers enjoy their right to form trade unions and to remove any obstacles or restrictions that hinder this right. This commitment was a response to the observations and recommendations of the ILO's Committee of Experts on the Application of Conventions and Recommendations and the Committee on the Application of standards.

Since the enactment of the Trade Unions Law, the government has invented many ways to escape from these rights. What legislation allowed was prevented by administrative bodies of the state on purpose. Many trade unions were not permitted to be born. Independent trade unions whose activities were suspended couldn't submit their documents to the Ministry of Labour and complete their legal requirements.

The government had promised to solve suspended issues. The Minister of Labour issued decision no. 162 for 2020 to form a committee to review all conditions and complaints of trade unions. However, a very small number of unions were registered.

When the new cabinet was formed, the former president of the Egyptian Trade Union Federation (ETUF) was appointed as the new Minister of Labour, the Ministerial Committee was frozen and all negotiations to solve the problems of registration of unions stopped. Several setbacks took place concerning the freedom to form trade unions.

Labour Directorates insist on receiving foundation documents of trade unions without providing any confirmation of receipt. This actually contravenes the Law on Trade Union Organizations and Protection of the Right to Strike no. 213 for 2017 and its Executive Regulations. They justify this behavior by waiting for instructions from the Ministry which may take months or even years. During the waiting period, several attempts took place to force independent trade unions to join the government-affiliated ETUF.

This does not only deprive workers from their right to form trade unions, but completely violates this right. Workers are discouraged from establishing their own unions because they know that their efforts will probably end up in failure.

The following unions couldn't be registered although they completed their documents and procedures:

- 1- The Federation of Unions of Workers in the Real Estate Taxation Authority
- 2- The Federation of Unions of Workers in the Education Department of East Mansoura
- 3- The Union of Workers in Real Estate Taxation Authority in Assiut
- 4- The Union of Workers in Real Estate Taxation Authority in Beheira
- 5- The Union of Workers in Real Estate Taxation Authority in Dakahlia
- 6- The Union of Workers in Real Estate Taxation Authority in Gharbia
- 7- The Union of Workers in Real Estate Taxation Authority in Giza
- 8- The Union of Workers in Real Estate Taxation Authority in Port Said
- 9- The Union of Workers in the National Authority for Quality Assurance and Accreditation in Cairo
- 10- The Union of Workers in the National Authority for Quality Assurance and Accreditation in Ismailia
- 11- The Union of Workers in Courts and Prosecution Offices in New Cairo
- 12- The Professional Union of Drivers in Gharbia.

➤ **Examples of Violations of Freedoms of Association**

In spite of all the above, some trade unions managed to be registered with great difficulty. However, this didn't prevent state officials from placing obstacles to make it difficult for them to perform their activities as Labour Directorates refuse to give trade unions the documents they need. This took place for example with the Union of Workers in Drivers' Services in Qalyubia, the Union of Workers in Education in Qena, and the Union of Workers in Education in Qous.

Although the general assemblies of trade unions have an absolute right to freely choose their representatives and manage their internal affairs, many unions find themselves in a hard situation. They didn't conduct the elections of their executive boards in the timeline determined by the Ministry of Labour, which led to the suspension of their status. This took place with the Union of Workers in the Real Estate Taxation Authority in Qena, and the Union of Workers in the Real Estate Taxation Authority in Qalyubia.

Moreover, administrative authorities don't acknowledge the decisions of general assemblies of unions to choose steering boards until the next elections are held although the Minister of Labour issues a periodic book for Labour Directorates so that they accept the steering boards chosen by the general assemblies of unions which didn't manage to hold elections.

In the following, we list some flagrant examples that reveal the extent of violations of the right to form independent trade unions:

1- The Union of workers in the Clubs of the Suez Canal Authority and its President are subjected to flagrant violations (Case Study)

What happened with the Union of Workers in the Clubs of the Suez Canal Authority is a flagrant example of the violation of the right of general assemblies of unions to choose their own representatives. The violations that were committed against this union include the following:

The Union of Workers in the Clubs of the Suez Canal Authority was established in February 2012 following the issuance of the Freedoms of Association Declaration by the Minister of Labour on the 12th of March 2011. In spite of many obstacles, the Union continued its activity. After the issuance of the Trade Unions Law no. 213 for 2017, the legal situation of the Union was formalized in March 2018 and it was granted legal personality.

In 2022, the Ministry of Labour issued a Ministerial Decision to call for conducting trade union elections at the national level. However, members of the Union of Workers in the Clubs of the Suez Canal Authority who wanted to run for the elections of the positions of the President and board members of the Union were threatened by security apparatuses which refused their nomination. This intimidation led to the withdrawal of potential candidates. So, elections of the board of the union were not conducted at the time determined by the Ministry.

Several trade unions reported that they faced many obstacles that prevented them from conducting elections including interventions from administrative and security apparatuses. In response, the Minister of Labour issued Ministerial Decision no. 1061 which allowed trade unions to appoint temporary boards for steering their activities. So, the Union of Workers in the Clubs of the Suez Canal Authority held a general assembly meeting on the 10th of August 2022 in which it unanimously decided to renew confidence in the current administrative board.

The Union submitted the minutes of the meeting of its general assembly and its decisions to the Directorate of Labour, but the officials of the Directorate refused to receive them. Then, the Union sent a memo to the Ministry of Labour attached thereto the minutes and the attendance list of the general assembly signed by the members. However, it didn't receive any response.

On the 5th of March 2024, the Union was surprised that the directorate of labour force submitted a report to the management of the Clubs of the Suez Canal Authority (the employer) stating that there is no recognized administrative board of the union. The President of the Union received a warning stating the Union is non-existent because it has no recognized administrative board. So, the employer stopped all communications with the Union effectively leading to freezing its activities. The President of the Union, Karam Abdel-Halim, was subjected to disciplinary investigation on the basis that he unlawfully claims that he is the president of a non-existent union.

The Union of Workers in Al-Nasr Company for Weaving and Spinning (Al-Shorbagie)

On the 22nd of June 2021, the general assembly of the company of Misr Helwan for Weaving and Textile decided to merge three of its companies (Misr for Equipments of Weaving and Spinning, the Egyptian Company for the Spinning of Wool and Cotton and Al-Nasr Company for Weaving and Spinning (Al-Shorbagie)). The merging process was confined to administrative positions, while the workers of the three companies continued to work at their original companies.

On the 6th of April 2022, the Ministerial Decision no. 45 for 2022 was issued which set the dates and the timeline for the elections of trade unions. Pursuant to this timeline, on Monday the 16th

of May 2022 the elections of the Union of Workers of Al-Nasr Company for Weaving and Spinning (Al-Shorbagie) -which is affiliated to the “governmental” ETUF- was conducted. Workers elected an administrative board which started its activities immediately. However, workers were later surprised to know that the Federation of Unions of Workers in Weaving and Spinning Industries decided to dissolve their union and notified the management of the company of Misr Helwan which decided to transfer the members from the union of Al-Shorbagie to the Union of Workers of Misr Helwan for Weaving and Spinning.

The Federation of Unions of Workers in Weaving and Spinning Industries, which is affiliated to the ETUF, justified its decision based on article 23 of the Trade Union Organizations Law no. 213 for 2017. Paragraph two of this article stipulates that in case the establishment in which the union exists is merged into another establishment, the membership of the worker in the union is transferred to the union of the establishment his original establishment was merged into. In that case, the worker enjoys the same benefits and services available in the union s/he was transferred to starting from the date of the transfer. However, there are several important notes on this issue:

- Article 23 of Trade Unions Law no. 213 for 2017 is a defective provision that we call for its amendment because it stipulates that workers are automatically transferred from one union to the other without their informed free consent, which constitutes a violation of the basic freedom to join trade unions or withdraw from them.
- The decision of the Federation to dissolve the Union of Workers of Al-Shorbagie Company and transfer its members to another union is a flagrant violation of article three of the Executive Regulations of the Trade Unions Law. Article three gives workers -without discrimination- the right to freely form trade unions, join them or withdraw from them according to rules explained in these regulations and the internal constitutions of these organizations. Article four stipulates that every trade union organization has a legal personality that is independent from other unions, and that unions at the lower level have the right to join a union in the higher level, withdraw therefrom or practice its activities alone without joining any other union. So, the Union of Workers in Al- Shorbagie has a legal personality that is independent from the Federation of Unions of Workers in Weaving and Textile Industry and no one can dissolve it except its general assembly.
- In spite of the critique to article 23 of the Law, its purpose was to guarantee the rights of workers who were unionized in an establishment that no longer exists rather than to force them to move their membership into another one. This article is to be put into effect only in the case in which the establishment in which the union exists merges into another establishment. However, in the case of the Union of Workers in Al-Shorbagie the establishment still exists and workers still work in its factories. Administrative merging does not deprive those workers from their right to keep their own organization that is independent from the Union of Workers in the Company of Misr Helwan for Weaving and Textile in which their company was administratively merged.
- What is particularly alarming in this context is that the Federation of Unions of Workers in Weaving and Spinning Industries addressed the management of the company of Misr Helwan for Weaving and Spinning and that the management issued a decision to move the membership of the workers of Al-Shorbagie to the Union of Workers of Misr Helwan. In order to continue its violations, the management of the company seized the office of the Union and all its assets and refused to grant it a letter to renew its bank account. The closure of the bank account of the Union causes serious damage to the financial rights of the workers of the Union.

The Union of Workers in Alexandria Library

The Union of Workers in Alexandria Library was registered but it is still unable to conduct its activities as the management of the library still refuses to deal with it.

On the 30th of April 2018, the Union of Workers in Alexandria Library submitted a request of legalization of conditions to the directorate of labour force in Alexandria and attached thereto all legally required documents.

However, the Directorate of Labour refused to receive the request of legalization of status and attached documents claiming that the decision is to be taken by the Ministry of Labour. The Union had to make a police report no. 5593 for 2018 (administrative cases - Sidi Gaber Department) against the Directorate of Labour of Alexandria for refusing to receive the request of legalization of status and obstructing the implementation of the Law. The Union also exerted great efforts to make “the competent administrative body” receive the request to legalize the status of the Union including official delivery of the request and the documents via a process server, and making two complaints to the Ministry of Labour attached thereto all supporting documents.

Then, upon the request of the Ministerial Committee, the Union repeated all the procedures and documents in order to be registered as a newly formed union. Documents included the membership form of each member of the Union signed by him/her affirming that s/he is not a member in any other union and that any other membership list in any other union including his/her name should be disregarded.

The Union was registered in September 2021 and completed its legal conditions. However, it was surprising that a *fatwa* (legal opinion) was issued by the *Fatwa* Department of the Ministry of Education which is part of the State Council stating that its foundation is invalid because there is another union in the establishment. Consequently, the management of Alexandria Library refused to recognize it or deal with it. The union is still inoperative and unable to perform its activities.

The Professional Union of Drivers' Services in Qalyubia

Government bodies refuse to let the Union of Drivers' Services conduct its elections. A recent agreement was reached to let the general assembly elect a temporary administrative board and to enable the union to work.

Although the union took these measures, it couldn't register these steps for any good reason. The Directorate of Labour keeps postponing.

Within the legally determined period, the Professional Union of Drivers' Services in Qalyubia submitted a request to legalize its status to the Labour Directorate of Qalyubia along with all required documents. It managed to legalize its status and the administrative entity gave it an accredited certificate to confirm this.

Then, those wanting to run for the elections of the administrative board of the Professional Union of Drivers' Services in Qalyubia submitted their nomination documents within the legally required period. However, they were surprised to find out that their union was excluded from the electoral process. The Union also couldn't receive the letters necessary for performing its work for no serious reason.

➤ Provisional Detention and Undermining Workers' Rights

Provisional detention of workers is one of the most serious challenges that face the leaders of independent trade unions and labour activism in Egypt. It has been used against workers for long years in a way that is undermining their basic rights and freedoms of association. In this context, we

should not ignore the adverse impacts it has on the future of freedoms of association. provisional detention is not merely a punishment for the person in jail, but its impact extends to the worker's family and the unionist movement as a whole.

Imprisonment leads to adverse economic impacts on the worker and his/her family, as well as psychological and physical impacts. The worker in prison not only loses his/her freedom, but also incurs considerable cost for living expenses inside prison and for the visitations that consume the financial resources of the family. So, it actually further deteriorates the economic situation of workers and their family. This deteriorating situation directly undermines the ability of the workers to conduct union activities or freely express opinions.

Regarding the legal aspect, provisional detention is just another obstacle that restricts the freedom of the worker. According to the Civil Service Law no. 81 for 2016, a government employee is subjected to harsh measures if s/he went to prison including suspension from work, payment of only half of the basic salary (if in remand detention) and all of the salary if a final judgement was issued against him/her. These measures lead to the complete dysfunction of the worker's life rendering him/her in a state of occupational paralysis and reducing their chances of going back to normal life or resuming unionist activities.

Moreover, the "politicization" of labour cases is a serious issue that further complicates the situation. Political charges are usually used as a pretext for putting workers into prison, including joining a terrorist organization. What is even more dangerous is that the politicization of labour cases turn workers into hostages in conflicts that are not related to their occupational demands and deprive them of their rights to work on the improvement of their working conditions and attain their socioeconomic rights.

The matter is not confined to this. The continuous escalation embodied in the use of provisional detention against workers this year points out that the situation is worsening and becoming more dangerous. We witnessed a remarkable increase in the number of workers who were put into prison as a result of protests or strike action. This took place with the workers of Samanoud Textile and the workers of El-Mahalla in addition to other cases in which workers were arrested for lawful activities. In most of these cases, bizarre and vague charges are pressed against workers putting them in an arbitrary confrontation with the judicial system.

In respect to the huge sacrifices that many workers made, we should not ignore the role of those who are still behind bars because of their honourable stances in the defence of their rights and the rights of their coworkers.

Remembering these workers is not just to honour them but also to call upon everyone in society to stand up for issues of social justice and workers' rights and to continue to struggle for the rights of workers whatever the challenges.

Workers in Prison:-

- Sameh Zakareya (a worker in the Public Ambulance Authority)

Sameh Zakareya, a worker in the Ambulance Authority, was arrested by security forces for more than two years in an abuse of provisional detention. Moreover, the State Security Prosecution recently referred him to the State Security Felonies Court in case no. 2412 for 2022 (State Security Cases).

Sameh Zakareya remained behind bars on "provisional" detention for more than two years although the maximum legal period for provisional detention is two years. Instead of responding to the demands of releasing him, his defence was surprised that his case was referred for trial before the court.

The Criminal Procedure Code stipulates in article 143 thereof that the maximum period for provisional detention is two years. So, renewing periods of provisional detention by decisions of the Public Prosecution or Court should not exceed this period.

Sameh is a diligent worker and that is why he was chosen in the focal teams of the Ambulance Authority. These teams are assigned with the task of attending international conferences and safeguarding senior officials in the State. Of course, no one is chosen in these teams unless a careful security check is conducted to make sure that he has no illegal activities or dissident activities against the ruling regime.

Sameh was not a renowned politician or activist. He is an Egyptian man who works hard to support his family that fully depends on him. His family consists of his wife, three children (oldest is eight and youngest is two), and his 80 years old mother.

His family was shocked when he was arrested from home on the 22nd of August of 2022. He disappeared and remained incommunicado for four months. He appeared for the first time on the 21st of December 2022 before the Public Prosecution which decided to put him in remand detention pending investigations in case no. 2412 for 2022 (State Security Cases). He was charged with joining and funding a banned organization. Since that date, his remand detention was being renewed. His health condition, which was already complicated, worsened in prison.

Sameh's health condition reached a dangerous state that required urgent care. He has had a rare disease since childhood that requires ongoing medical care, which is called Mastoiditis (infection of the mastoid bone of the skull). If not controlled, this disease may lead to facial paralysis. Because of this disease, the tympanic membrane (eardrum) was completely torn. Before he was imprisoned, he had three operations to curette the ear bones and perform tympanoplasty. There was discharge from the left ear and a ventilation tube was implanted to prevent infection. However, the prison's doctor affirmed that the tube was dislocated causing a tear in the left eardrum.

Sameh used to visit an otolaryngologist on a monthly basis before imprisonment. However, this stopped in prison and the disease reappeared and even worsened leading to loss of hearing in his right ear and threatening to complete loss of the sense of hearing. Before he was imprisoned, his balance was disturbed which made him fall and endure partial rupture in the cartilage of the knee. Such partial rupture developed into full rupture because of the conditions of his imprisonment.

- Shady Mohamed and Continuous Provisional Detention

On the 29th of April 2024, security forces arrested labour activist Shady Mohamed in front of his home, when he was coming back from work, and kept him incommunicado in an unknown location for days. Shady used to be one of the leaders of the independent union of the workers of the Nile Linen group for textiles in the free zone of Al-Amreya city in Alexandria, but he was arbitrarily dismissed in 2019 because of taking part in labour protests in the Company demanding the improvement of wages.

His wife stated to the press that he called her on his way back home from work in a textile company in Alexandria but his phone was turned off later. Then, one of the neighbors told her that he saw a police force arrest him in front of the house.

Shady later appeared before the Public Prosecution and was charged with accusations of establishing a terrorist organization, leading instigators, calling for assemblies, and disseminating false news with the purpose of disruption of public peace in order to dismantle the regime. These are the typical and repeated charges pressed against most activists detained in recent years. Until the writing of these pages, Shady is still in jail on remand detention without trial.

This was not the first time that Shady was arrested as he was previously arrested for his unionist activities. On the 3rd of October 2022, he was imprisoned in case no. 10233 for 2022 on repeated charges of joining a terrorist organization and dissemination of false news. He

was put in the Borg Al-Arab prison before he was released on the 24th of October 2022 by a decision from the General Attorney of West Alexandria.

- Ahmed Abdel-Fataah (Unionist in East Delta Company)

On the 4th of April 2024, a security force arrested trade unionist in the Company of East Delta for Transportation and Tourism, Ahmed Abdel-Fattah, from his house in the neighborhood of Hadayeq Al-Qobba along with other four persons because they issued proxy documents for the founding of the party of Tayar Al-Amal. At the time, the Prosecution decided to imprison them for 15 years pending investigations in charges of joining a terrorist organization, abusing social media, and dissemination of false news in case no. 2124 for 2023 (State Security Cases).

The reason behind such accusations is that Abdel-Fattah had issued a proxy statement for founding the party of Tayar Al-Amal who is headed by previous presidential candidate Ahmed Tantawy who is also in prison.

Like most imprisoned workers, the family of Abdel-Fattah suffers harsh economic conditions in the absence of the family's only breadwinner. During the interrogation sessions, he talked to the Public Prosecution about this stating that he is in jail for no fault and that his family is suffering. The maximum amount of his salary the Company may pay to his family while he is in prison is 2000 Egyptian pounds which is not enough. His full salary was not enough for the family needs in the first place.

- Prisoners of Law no. 73 and stigmatizing employees to get rid of them.

On the 13th of October 2024, security forces arrested six employees on the background of them taking part in a conference at the Conservatives Party to support employees dismissed pursuant to Law no. 73 for 2021. One day after the arrests, one of them (Mohamed Youssef from the Governorate of Suez) was released. The other five are still arrested based on common charges of dissemination of false news and the like.

Employees who forcibly disappeared are Bayoumy Hassan Mostafa, Wael Ismail Zaki, Sayed Gharbeeb Mostafa, Sameh Abdel-Aleem Adel-Hafiz, and Hesham Shawqy Abdel-Mohsen.

These employees had their service terminated based on drug test reports pursuant to Law no. 73. That is why they took part in the conference organized in the said party to support those dismissed pursuant to this Law and demand the amendment of the Law.

This bizarre Law was enacted in 2021. It stipulates in article three thereof that in order to hold jobs in entities regulated by the provisions of the law whether by appointment, contract, promotion, secondment, relocation, or else it has to be proven that the person does not consume drugs by a sudden indicative test conducted by the employing entities via any of the entities of the Ministry of Health or the ministry of Higher Education and Scientific Research.

Article 12 of this Law stipulates penalties decided in case the test is positive: all measures taken for holding the job are stopped, and a decision is taken to suspend the employee from work for a period that does not exceed three months or until a confirmation of the test results or a report from the forensics is received. Article 15 stipulates that if the sample test is confirmed positive, the worker's service is terminated by force of law.

This law destroys the future of thousands of families so simply. These families lose their source of living as dismissed workers don't receive any financial compensation or dues from their employers. They only retain their right to a pension when reaching the legal retirement required age. It has negative social repercussions including stigma for those workers and their families.

Drug tests were conducted for 16 female school teachers from Beni Suef who were mostly from the countryside. The test results were positive which resulted in getting divorced by their husbands, becoming socially outcast and losing their jobs, although they confirmed that they take medications approved by the Ministry of Health but make the test results positive.

In many cases, dismissed employees ran the test on the next day to the issuance of the Committee's report or a few days later and they got negative results. This raises doubts that the results were random.

Press reports also documented the death of two of the dismissed employees. One of them had a cardiac arrest following the issuance of the dismissal decision, and the other one committed suicide as soon as he knew that he was dismissed from his job.

➤ **Labour Protests in Time of Crises and Oppression**

During times of crisis, workers and limited income people bear the biggest brunt and suffer the repercussions of deteriorating economic conditions. The government took some measures to mitigate the impact of these crises (like raising the minimum wage for workers in the government sector and public sector companies to 6000 Egyptian pounds, and making the payment of increases in pensions due in March rather than July, in addition to pumping some additional benefits). However, these measures were not sufficient in the face of large increases in the prices of basic goods which led to disturbing deterioration in the living standard of many families especially those that have no cheaper alternatives.

As mentioned earlier, the minimum wage is not attainable by a large percentage of workers which increases their anger. At the same time, skilled and competent labourers are decreasing because temporary labour relations between workers and the employer are dominant now.

Since the beginning of 2024, labour protests and strike actions in different sectors have increased. This revealed again the impact of the absence of effective trade union organizations which can represent the interests of workers and defend them in a genuine manner. Existing trade union bodies, like the ETUF, are still dominated by government bodies making them distant from the realities and aspirations of workers. Moreover, most workers in the private sector miss having trade union representation at all. Likewise, temporary workers in government bodies are still deprived of any voice inside trade union organizations.

With the escalation of these protests, it is important to affirm that every protest action in such a period should not be underestimated. Rising oppression and tightening of the grip of security forces mean that the cost of any protests is very high. Every protest represents a strong cry against hard socioeconomic conditions and is an indicator of deep suffering rather than a mere number of industrial actions. In view of the absence of effective negotiation mechanisms, the number of protests is less significant than their occurrence which reflects the truth of ongoing social conflict and challenges faced by workers.

In the same context, we will present just two examples of labour protests which took place this year in order to highlight their main problems, things in common, and reasons and motives behind them. We then conclude by some statistics which are closer to reality but unfortunately may not be precise because there is no transparency and available data regarding workplaces because of restrictions on free media specialized in labour affairs.

1- The Events of El-Mahalla Textile

When the decision to raise the minimum wage for workers in government bodies to 6000 Egyptian pounds was taken, the media and the press welcomed this decision and praised the political leadership for being responsive to the suffering of the people. So, it was logical that

workers in public sector companies -including EL-Mahalla workers- and workers of the private sector will consider that it is their right to have the minimum wage decided by the government for its employees be applied to them too. The minimum wage decided by the government for people working in its bodies was definitely considered the minimum necessary for a worker, or actually a human, to meet his/her necessary needs and his family's needs; and that it was a right for all workers in Egypt.

Events escalated in Misr Company for Weaving and Spinning in El-Mahalla Al-Kobra on the 22nd of February 2024 when around 3700 female workers gathered in the textile factories protesting their low wages. Then, male workers gathered in Talaat Harb square on Saturday the 24th of February 2024 to demand the implementation of the minimum wage decided by the government for its workers, and to declare their strike action which continued for a week. Striking workers declared their commitment to peaceful expression of their demands, and excluded export departments from the strike action. When members of the Union affiliated to the ETUF intervened trying to make workers stop their assembly and strike, they were met with rejection and denunciation on the part of workers.

Although workers were ready to negotiate their demands, the management of the Company and government officials refrained from negotiating with them. Whereas the Union affiliated to the ETUF has taken a stance against workers' action and strike, and although workers demanded the negotiation with their freely chosen representatives, no collective bargaining was held with workers.

Then, on Wednesday the 28th of February 2023, the Minister of Public Sector issued decision no. 16 for 2024 stipulating the increase of the minimum wage to workers in public sector companies to 6000 Egyptian pounds a month. Although their other demands were not responded to, the workers of El-Mahalla decided to end their strike action and go back to work as soon as they received a positive signal from the government.

Nevertheless, workers of El-Mahalla Textile were subjected to hard pressures and acts of threatening and intimidation throughout the period of their strike action. More than 70 male and female workers were summoned by the National Security Apparatus. Most of them were detained incommunicado for long hours. Then, on the 29th of February, the State Security Apparatus arrested 13 workers after workers went back to work. Two days later, some of them were released while Wael Mohamed Abou Zaid and Mohamed Mahmoud Tolba remained in forcible disappearance until their families and coworkers were surprised that they appeared before the Supreme State Security Prosecution which decided to imprison them for 15 days pending investigations in case no. 717 for 2023. They were charged with the two common accusations: joining an illegal group and dissemination of false news and information.

In spite of the end of the strike action of the workers of El-Mahalla textile, the imprisonment of Wael Mohamed Abou Zaid and Mohamed Mahmoud Tolba continued for three months for no reason until they were released on Sunday the 26th of May 2024. The only explanation is that someone had to bear the responsibility of the strike action other than the government. It may also be an unreasonable desire to take revenge from the workers of El-Mahalla Textile embodied in two workers.

2- Samanoud Textile Workers

"I have worked in the Company for 22 years. My salary reached 3500 Egyptian pounds. My husband died years ago and I don't get a pension. I have three children who are being educated. I spend 600 Egyptian pounds of my salary on transportation only. I never eat outside home so I don't spend much. My family didn't eat meat or any protein for months. I suffer from chest allergy because of the factory's dust. I am also diabetic and hypertensive. Nevertheless, I work on more than one machine but they keep telling us that the factory makes losses."

The above testimony is made by one Samanoud Textile women workers. We present it as an example of injustice taking place to workers, and their deteriorating living conditions which make them close to hunger not only poverty.

We start the story of these workers from the end. Workers heard that a new investor will acquire the company. At that time, the management was refusing to implement the President's decision to raise the minimum wage to 6000 Egyptian pounds. So, they feared for their future with the newcomer especially that the management didn't declare the nature of its agreement therewith.

After continuous refusal on the part of the management and complete rejection to get into any kind of negotiations regarding their rights, workers decided to go on strike on the 17th of August 2024. They demanded the implementation of the minimum wage before the alleged deal in order to guarantee their rights. But the management refused the request of workers on the pretext that the Company has been making losses for years. So, workers insisted on their rights and declared going on strike.

A new chapter of violations and restrictions on workers starting from cutting electricity from the factory in such hot weather, then threatening them with prison and trying to force them to go back to work.

Similarly to what happened with El-Mahalla workers and several other cases in recent years, security forces bared their teeth arresting nine male and female workers on the 25th of August. Arrested workers were Hamdy Shaboun, Hesham Al-Banna, Mohamed Al-Helw, Tamer Al-Degla, Mohamed Al-Khamry, Hanem Gohar, Samah Al-Masadi (who has rheumatoid and had a blood clotting after her arrest according to the testimonies of her coworkers. Security forces also denied her the medications), Hend Farouk and Soad Al-Erian.

Security forces had all of them forcibly disappeared and refused to declare their whereabouts until they suddenly appeared before the Prosecution of East Tanta. The Prosecution decided to put them in provisional detention for 15 days following the four days of incommunicado arrest in which their lawyers were searching for them in all detention places of the governorate.

Regarding conditions of arrest, eye witnesses (their identities will not be revealed for their safety) stated that they were full of flagrant violations that intimidated workers and frightened their families.

One of the workers said the following about the arrest of her coworkers: "We were surprised that security men attacked their homes at dawn. They arrested women workers in their home garments and didn't allow them to change. The child of one of them held onto his mother and a security man slapped him on the face forcing him to leave his mother. We felt we were reliving what used to happen in the past by dawn visitors."

Another woman worker added the following: "They went to the house of our colleague Hesham Al-Banna in a huge security force as if he is a terrorist. They kidnapped him from among his family members blindfolded and handcuffed from the back in spite of his poor health.

The Prosecution decided to continue their imprisonment and pressed against them charges of obstruction of work, calling for the obstruction of work, and dismantling of the ruling regime after they were interrogated. Then, lawyers submitted an appeal which was accepted and workers were released on a bail of 1000 Egyptian pounds for each worker on the first of September, except for Hesham Al-Banna whose appeal was refused until he was released later.

Workers went on strike until the 19th of September and insisted on their demands including the minimum wage, and reinstatement of their colleagues to work because the management suspended the released workers from their jobs.

However, on the 19th of September a number of workers in the weaving department were forced to resume working. This happened following threats and summons by the National Security Apparatus to 11 women workers and six department heads and deputies in order to pressure their coworkers to end the strike action. Summons also included the previous president of the Union, Hesham Al-Bana, as part of attempts to pressure and intimidate workers and force them to resume work. Workers also received promises on the same day that their recently released coworkers will be reinstated at their work except for unionist Hesham Al-Bana, which actually happened.

In the meantime, the management of the company terminated the contract of several temporary workers during the preceding days because these workers refused to work instead of their coworkers who were on strike. The police were supported by female thugs and intensified their presence in the yard of the Company in an attempt to intimidate workers. Workers eventually had to go back to work. In addition, their demands were not met and they got nothing except a 200 Egyptian pounds raise (i.e. four US dollars).

It has to be noted that Samanoud Textile is one of the Company in which there is no trade union that has the right to collective bargaining. The management of the Company had refused that the workers establish a trade union and strived to get rid of activist workers or those who have any experience in trade union work like Hesham Al-Banna the former unionist.

These two examples and other cases that we didn't include here show the following:

- **Workers of both factories went on strike hoping to implement the minimum wage which is actually the decision of the head of the executive authority in the country, i.e. the President. However, this decision is not applied in most cases, especially in the private sector. It was also not implemented in the sector of public sector companies until it was decided following the strike action of the workers of El-Mahalla Textile. However, it is still highly uncertain in the private sector because it is up to the whims of employers.**
- **Security intervention is always the first step to confront the demands of protesting workers. This policy has actually been adopted for years. With the absence of trade unions and workers' organizations, there is no negotiation at all. Sticks only but no carrots is how the authorities treat workers.**
- **The prosecution and punishment of activist workers or unionist leaders is a primary tool for the intimidation of workers. Imprisonment and dismissal are the two means used to suppress any attempt for organization or expression of demands. Via these coercive methods, the authorities strive to intimidate workers and subjugate them. This actually limits their ability to be active and demand their rights, and creates an atmosphere of fear and intimidation that obstructs any movement for change.**

Violations that Workers Were Subjected to During the Year

Type of violation	Number
Imprisonment	32
Dismissal	83
Threats of dismissal	10700
Threats by national security	7000
Calling the police or filing police report	500
Suspension from work	12
Kicking workers outside the workplace or preventing them from entering	5000
Verbal and physical violence by security forces	23
Interrogation of workers	59
Financial penalty for expressing opinion	1
Reduction of salaries	400
Delayed payment of salaries	950
Refusal to implement the minimum wage	32540
Refusal to increase salaries annually or in proportion to rising living expenses	2300
Forced holidays	8600
Canceling work allowances or delaying them	11956
Backing out from a labour agreement	3000
Forced resignation with the purpose of changing the contract in violation of the labour law	2500
Summoning by the national security and threats of arrest	50
Refraining from the implementation of a labour court decision	167
Lack of occupational security and health coverage	16200
Refusal to make the worker's employment fixed in spite of working for years	2800
Refraining from paying wages for years- women workers in the Ministry of Agriculture	2000
Refusal to pay profit shares or reducing them	13200
Prohibition of leaves	500
Preventing workers from leaving the factory	7000

Notes:

- Multiple violations to one worker is considered one violation.
- Violations against several individual workers are considered multiple violations even if they take place at the same workplace.
- All violations result from labour demands,

Occupational Health and Safety Conditions

It is true that there is flagrant negligence on the part of competent authorities to guarantee safety and health for workers. In many cases, workers are forced to work in polluted or unhealthy environments which exposes them to severe health hazards. Some of them find themselves forced to move on inter-governorate roads that are not suitable for human use which exacerbates their suffering and exposes their lives to danger.

Although labour laws state that a safe environment has to be provided to workers, these laws are mere ink on paper because of lack of effective and continuous supervision and control. The inevitable result is that workers are vulnerable to environmental and health catastrophes and deprived from safety they deserve at the workplace and on the way to and from work.

One of the major problems that exacerbate the gravity of the situation is the high ratio of informal or irregular workers which exceeds 60% of the labour force in some sectors. These workers don't enjoy legal protection, and that is why they work in unsafe conditions and lack any legal rights enjoyed by formal workers.

Class-based discrimination has been evident since 2013 even in the provision of services. Egypt spent huge budgets on roads and bridges projects. However, most of these projects concentrated on the improvement of roads serving the cities of the rich and the New Administrative Capital. On the other hand, vital roads for millions of people outside the Capital were neglected.

These roads are a matter of life and death for workers and people who live outside Cairo, and they witness continuous deterioration in their infrastructure which exposes workers to daily risks. While some areas benefit from megaprojects, the lives of these workers are left unprotected under ruthless negligence of their basic needs. Likewise, there is complete negligence of hundreds of ferry boats that should be replaced with fixed bridges or alternative roads. In any case, the government merely pays meager compensations for the families of victims. The drowning of tens of workers on their way to work became a common piece of news.

For example, last year -according to CAPMAS- the total number of work injuries was 8317 cases in 2023 (7264 males and 1053 females). 52% of injuries were in the private sector in 2023.

The biggest number of work injuries was among technicians and assistant specialists (2986 cases or 35.9%), followed by factory and machine operation workers (1946 cases or 23.4%). The lowest number of work injuries was among legislators, senior officials and managers (54 cases or 0.6% of the total number of injuries).³

The following pages present some -not all- accidents that explain this tragic reality lived by workers on daily basis:

The drowning of 10 workers from the Nahdet Misr Project

A tragic accident took place on the 25th of February 2024 leading to the drowning of ten workers and the injury of five others. Those workers were on their way in the morning to their work at Nahdet Misr Project at El-Dabaa Water Station in the New Delta Project and they had to ride a wooden ferry in Monshaat Al-Qanater in the manor of Rabee in the village of Niklaa, north of Giza governorate.

According to the Ministry of Labour, victims were workers at Hassan Allam construction company and their names were as follows: (Deaths: Ehab Mohamed Abdel-Naby, Abdel-Rahman Yasser Fathy, Samy Fouad Abdeen, Seif Ibrahim Hendawy, Mahmoud Ibrahim

³ Central Agency for Public Mobilization and Statistics

https://www.capmas.gov.eg/Pages/IndicatorsPage.aspx?page_id=6140&ind_id=2305

Mahmoud, Hamdy Ossama Hamdy, Ahmed Ezz El-Deen Yehya, Mahmoud Mohamed AL-Sayed, Ayman Eid Al-Sayed Salama, and Ayman Ahmed Mahmoud) - (Injured: Ossama Roshdy Mohammed, Ibrahim Sameer Abdel-Moneim, Ahmed Ismail Abdel-Hamied, Mohamed Mahmoud Abdel-Twab, and Mahmoud Abdel-Ghany Mahmoud).

Eyewitnesses stated that fishermen from Al-Qatta and the manor of Rabee rescued the surviving workers and got bodies out of the water while rescue teams arrived three hours later with poor equipment. This was not the first accident of this kind as eight workers had died (including children) in early 2022 when a truck drowned in the same area.

Abou Ghaleb ferry kills 15 girls on their way to work.

On the 21st of May 2024, a horrible accident took place. 16 girls died when they fell off a ferry that connects the two banks of the northern stream in the area of Abou Ghaleb in Monshaat Al-Qanater. These girls were on their way to work in a fruit exporting station when the accident happened.

At that time, investigations revealed that when the ferry reached its destination at the western bank of the stream, it was shaken when it hit the place it anchored in order to stop. The microbus was on top of the ferry and it fell in the water.

Names of some of the deceased girls: Alaa Abdel-Magied, Wafaa Hany, Heba Mohamed, Salma Waheed, Kana Ehab, Tahany Al-Sayed, Kana Ahmed, Rawda Ahmed, Shahd Mohamed, Malak Adel, Youssra Mohamed, Hagar Ahmed, Rawan Ramadan, and Hossam Rashad.

As usual, those girls are irregular agricultural workers who have no rights according to the law. Some of them are below the age of 14, i.e. it is not allowed to employ them especially in strenuous work.

Port Said-Al-Matareya: Security forces confront people protesting the death of their family members with tear gas and imprisonment.

On the 13th of November, Egypt was shocked with a tragic accident. 13 persons died, and others were injured, in a sad traffic accident on the Port Said-Al-Matareya Road which acquired the title of “the Road of Death”. In spite of repeated catastrophes on this road, state officials did nothing. Innocent people lost their lives because of such negligence.

The accident took place when a truck hit a bus that carried workers from the H Garment factory in the south of the Industrial Zone. This road lacked the simplest safety standards since it was established including lack of lightning and reflections as well as its very small space which does not allow the safe passing of trucks.

Angry people went out protesting these repeated accidents that cost them their lives. However, security forces faced them with birdshot and tear gas leading to injuries to several persons. Eyewitnesses reported.

The demands of protestors were simply reform and maintenance of the road in order to save lives and prevent such repeated horrible accidents. However, security forces arrested some of them and accused them of disruption of peace and other common charges.

This tragic event manifests the philosophy of governance in Egypt since 2013. Basic rights of citizens to freely express their opinions and peacefully protests without any guarantees for their safety or protection. In this context, citizens are deprived of the right to express anger or grievance. This oppressive environment fosters the culture of fear and intimidation. Complaining or demanding one’s rights is not allowed. Every dissent is faced with violence and reprisal.

15 Egyptian drivers detained in Sudan

The crises of Egyptian drivers on the border with Sudan became a usual news item during the past years. This year, 15 Egyptian drivers continue to be trapped without food or drink or even clothes from September 2024 until now.

An Egyptian convoy moved to Kareema Customs Station in the Northern State of Sudan to complete required procedures and go through the inspections of the Sudanese Ministries of Health and Agriculture for the trucks on the 20th of September 2023.

Egyptian drivers moved from the customs station on the first of October accompanied by three security persons on the way to the customs point of "Arqeen" border crossing between Sudan and Egypt. However, on the way the trucks of Egyptian drivers were stopped by police forces affiliated with the Supplies Inspection Police and forces from the central inspection police of the Northern State on the pretext that there is a problem with custom clearance documents of these cargos. They took them to Dongola Police Station.

Drivers headed to the police station under the threat of guns and their passports were confiscated along with sesame purchase bills and the cars in the vicinity of the police station.

Egyptian drivers were arrested based on the charge of "wasting the country's wealth". The Egyptian government's intervention, via the consulate, merely resulted in making them detained outside the police station near their cars rather than inside the police station. However, with the coming of winter they lived in harsh physical and psychological conditions, in addition to their concerns about their families that lost their only supporter.

The Death of Four Workers and Injury of Two Inside a Sewage Cesspit

In a tragic incident, but repeated and actually typical of the absence of occupational health and safety measures in the work environment in Egypt, four workers died in a sewage cesspit in the district of Shebein Al-Koom in the Egyptian governorate of Menoufia on the 20th of December 2024.

Investigations revealed that a worker went down to the cesspit for cleaning it and then he went through a severe state of suffocation. Three of his coworkers went down successively for rescue, but all of them died because of inhalation of poisonous gasses inside the cesspit.

Media reported that an official source from the Sewage Company in Menoufia stated that what likely happened is that a worker went down into the sewage cesspit of the lifting station of the village of Mai but he was late coming out. So, five of his coworkers went successively down to search for him. However, they were suffocated because of the emissions of gases inside the cesspit resulting in the death of four and injury of two.

Sewage divers suffer a lot in the different governorates in Egypt because of negligence, feeling marginalized and not receiving their financial dues. They are also subjected to daily hazards at work, including the inhalation of poisonous gases like carbon monoxide, methane, hydrogen sulfide, and sulfur monoxide which emit as soon as the drain is opened. All this takes place amid lack of real social protection.

In spite of the repeated incidents of drowning and death of these workers, there is no database for these workers or any observation of their deteriorating living conditions. Lack of data is a general characteristic of the Egyptian state especially when it comes to workers and their conditions in general.

Labour Legislations and Court Decisions

- ❖ The Old/New Labour Law
- ❖ The Supreme Administrative Court repeals the forcing of drivers to join the union and affirms the freedom of drivers
- ❖ Discrimination between high state officials and ordinary employees in pensions is referred to the Constitutional Court

❖ The old/new Labour Law

During 2024, the draft Labour Law was brought up again. It was discussed in the House of Representatives and the Ministry of Labour, while the demand to hold hearing sessions and conduct social consultations about the provisions of the Law was disregarded. It is noteworthy that the draft Labour Law kept most of the old defective provisions in a way that favors the interests of employers at the expense of workers in a very unfair manner.

We will start from the end. Discussions of the new labour law started in the Labour Force Committee of the House of Representatives without holding hearing sessions for social partners to help lawmakers know the opinions and suggestions of concerned parties. The new draft does not evade the defects of the old Law. The whole matter is being rushed.

21 years have passed since the enactment of Labour law no. 12 for 2003. However, nothing changed on the part of decision makers although lots of things changed about labour relations including their forms, environment and even the ratio of people affected by the Law. Several protests point out the extent of injustice inflicted upon workers.

Nevertheless, we tried to take part in the discussions of the new Labour Law. Since last year, we submitted several requests to the Committee of Labour Force, Energy and Environment of the Senate to hold hearing sessions for different labour parties and those concerned with labour affairs, especially independent trade union organizations. The Committee ignored these requests and merely included the Ministry of Labour and the “governmental” ETUF in the discussions.

Even after the announcement of the foundation of the Higher Council for Consultation in the Field of Labour, that we welcomed, certain representatives of independent trade unions were chosen although the new labour law does not apply to them. The engagement of those actually addressed by the law (private sector workers and different categories of irregular workers) continues to be ignored.

The Labour Force Committee is repeating the same behavior. It continues to ignore holding hearing sessions in an unjustifiable insistence on the exclusion of workers’ voice.

The draft Labour Law was produced by the Labour Force Committee of the Parliament in 2017 after holding few hearing sessions that were attended by a limited number of attendants and resulted in the inclusion of few and limited amendments and ignoring several remarks made by unionists, labour activists and experts. It even ignored most remarks made by the Legislation Department of the State Council and by the National Council for Human Rights in addition to the criticisms of the ILO.

Then, the government made some amendments to the draft in November 2021, wrote some recommendations about it and referred the draft and the recommendations to the General Committee of the Senate which finalized its report and sent it to the Parliament.

The Right to Strike: Legally Forbidden though Constitutionally Legitimate

One of the greatest faults of this new Law is that it keeps the provisions that prohibit strike action or puts very strict and complicated procedural conditions in order to legally exercise it. This is actually a criminalization of a tool that is allowed by international instruments and the Constitution to express workers' protest and opposition to unjust labour conditions.

Continuous restrictions on the right to peaceful strike action enshrined in the Constitution of Egypt and international instruments render the right to strike meaningless, and expose workers to the highest penalties (dismissal) in case they contravene the conditions. This actually takes us back to square one as it deprives workers of a genuine right of theirs and violates the most important standards and principles of freedom of association.

The current Labour Law approves the right to strike to workers as a matter of principle. However, it includes complicated and unjust conditions that make it practically impossible. Such restrictions limit workers' ability to exercise this right rendering it void. The new draft Labour Law also ignores the same right in a seemingly purposeful manner and insists on the same defective conditions.

The Constitution of 2014 stipulates in article 15 that striking peacefully is a right which is organized by law. However, this article was not translated into reality. Legal provisions are still used as a tool for restricting rights of workers by imposing strict conditions that lead them to prison or arbitrary dismissal. Thus, the right of workers to strike is still restricted.

The new draft Labour Law also ignores international conventions and treaties. ILO convention no. 87 on protection of the right to organize, which was ratified by the government of Egypt in 1957, and convention no. 98 on the right to organize and collective bargaining ratified by the government of Egypt in 1954, which come first on the list of core labour standards, stipulate workers' right to strike and state that ILO member states are obliged to refrain from violating this right or taking measures that retract from it.

The International Covenant on Economic, Social and Cultural Rights stipulated in article eight that the right to strike is one of the rights that states parties undertake to ensure, and this is consistent with article 93 of the Constitution of Egypt of 2014.

The new draft Labour Law prohibits practicing the right to strike in establishments of strategic or vital nature in which the stoppage of work disrupts national security or essential services provided to citizens. The Prime Minister issues a decision to determine these establishments. Meanwhile, the ILO's Committee of Experts on the Application of Conventions and Recommendations made an observation on the case of Egypt that it restricts the right to strike in service establishments that are not considered essential in the strict sense of this term.

Moreover, the Legislation Department of the State Council stated that the definition of these establishments has to be determined and criteria have to be made rather than merely listing them in a decision by the Prime Minister because this actually infringes upon the essence of the right.

On the other hand, article 205 requires that workers notify the employer and the competent administrative body at least ten days before the date set for the strike action by a registered mail with confirmation of receipt. This notification must include reasons for the strike action, and the date of start and end. This condition is actually unreasonable

because workers don't go on strike to make a statement but to push for a response to their demand. So, they should not be knowing in advance the period of the strike action.

Many incidents reveal that workers don't always have prior arrangements of the strike action. In many cases, the strike action is a reaction to the management's practices against workers including issuing unjust decisions or refusal to implement decisions that give them new benefits or rights.

The ICESCR states in article four that state parties to the Covenant recognize that, in the enjoyment of those rights provided by the state in conformity with the Covenant, the state may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society. Can it be considered consistent with the nature of the right to strike to restrict it by requiring prior notification of its start and end? Can this be considered in consistency with the international covenant or flagrant violation thereof?

Moreover, article 121 of the draft Labour Law, paragraph eight, states that a worker may be dismissed if s/he didn't follow the requirements stated in articles 204-207 related to strike action. This actually means depriving workers from their means of living for violating the rules. This resulted in dismissal of hundreds of workers and unionists and depriving their families from their source of income.

Is the dismissal penalty to a worker who merely erred in the implementation or following of some procedures consistent with the right to strike being a right guaranteed by the law, the Constitution and international instruments?

These defective articles resulted throughout the years in the imprisonment and arrest of many workers. During 2024 alone, many workers went to prison like in the cases of the workers of El-Mahalla Textile and Samanoud Textile.

It is very sad that the new draft Labour Law, currently being discussed at the House of Representatives, does not include any substantial amendments regarding the right to strike. This actually shows that Egyptian authorities continue to ignore international labour standards. This situation has an adverse impact on the stability of labour relations in the country and strengthens workers' sense of insecurity.

CTUWS' Most Important Observation on the New Draft Labour Law Expressed by Unionists and Labour Leaders on a Number of Points (included in a paper we previously published):

The first of these observations is that the Law lacks job security which is one of the cornerstones of stable labour relations. The Law lacks any clear regulations related to the protection of the rights of workers under short-term employment contracts. The Law does not enable the worker to transform its employment contract from temporary to fixed one before the passage of four years.

The draft Law also didn't tackle enough the regulation of employment agencies, which may leave workers in the face of the exploitation of these agencies through unjust contracts and bad working conditions, in addition to the absence of meaningful mechanisms for oversight on the work of these agencies exposing workers' rights to danger.

Moreover, the draft law ignores work of an unsustainable nature which puts workers in precarious and difficult situations, especially that there are no adequate mechanisms for securing stable and permanent jobs.

Regarding wages, the draft law should have set a minimum wage that is obligatory for all sectors in order to guarantee workers' rights. When the minimum wage was issued in the form of an executive decision, rather than a legislation, its implementation witnessed several challenges especially in the private sector. there was no commitment to the minimum wages. Moreover, workers who demanded it were punished as explained earlier.

The draft labour law reduces the profit share from 7% to 3%. Thus, it will cause more deterioration in the economic conditions of workers and more infringement upon their rights. **The details of these observations are included in the following link:**

https://www.ctuws.com/content/%D9%85%D9%84%D8%A7%D8%AD%D8%B8%D8%A7%D8%AA-%D8%AF%D8%A7%D8%B1-%D8%A7%D9%84%D8%AE%D8%AF%D9%85%D8%A7%D8%AA-%D8%A7%D9%84%D9%86%D9%82%D8%A7%D8%A8%D9%8A%D8%A9-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%B5%D9%8A%D8%A7%D8%BA%D8%A9-%D8%A7%D9%84%D9%86%D9%87%D8%A7%D8%A6%D9%8A%D8%A9-%D8%B9%D9%84%D9%89-%D9%85%D8%B4%D8%B1%D9%88%D8%B9-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%B9%D9%85%D9%84-10-%D9%86%D9%88%D9%81%D9%85%D8%A8%D8%B1-2024?fbclid=IwY2xjawHJLrFleHRuA2FlbQlXMQABHRLZFP11Xbx4fGr8qr3RnrE-D1EXqtfQIUpl4NA53oZMnSBMYOIpf01syA_aem_lC9OZMWfs54A0KTX3j6dRQ

❖ **The Supreme Administrative Court repeals the forcing of drivers to join the union and affirms the freedom of drivers**

On the 16th of October 2024, the Supreme Administrative Court finally decided in the long-fought battle regarding the requirement that drivers have to join the Federation of Drivers' Unions or one of its affiliated unions. The Court approved the decision of the court of first instance, and dismissed the appeal made by the State Lawsuits Authority. This is actually a historic decision against forcing workers to join certain unions which is completely contradictory to the essence and standards of freedom of association.

The Court of Administrative Adjudication (the court of first instance in this case) had issued on the 26th of June 2024 a decision to repeal the requirement imposed by the Traffic Law on drivers to join the union in order to acquire a professional driving license. This is actually a u precedent.

CTUWS had filed on the 19th of November 2023 two separate lawsuits (no. 13205 and 12306 for the 78th judicial year) on behalf of Khalil Risk Khalil and Mostafa Salah Mohamed (both are drivers) against the Minister of Interior and the Director of the General Department of Traffic in their official capacities. The lawsuits demanded the repeal of the administrative decision issued on the basis of article 254 of the Executive Regulations no. 1613 for 2008 of the Traffic Law. According to this decision, the General Department of Traffic required that the driver (the plaintiff) has to join the ETUF-affiliated Federation of Unions of Drivers or one of its member unions so that he can renew his professional driving license, which legally means that a driver is forced to join the Union and to pay its subscription fee.

Then, trying to obstruct the implementation of the decision of the first court, the State Lawsuits Authority appealed the decision taken in favor of the two previously mentioned drivers before the Supreme Administrative Court. The appeals took the number of 58677 and 58681 for the 70th judicial year. Nevertheless, the Supreme Administrative Court dismissed the appeal and affirmed the previous judgement. thereby, and the decision became obligatory for all.

This final court decision ends a debate that the Federation and some of its member unions started after the first court decision was issued. They raised doubts in the decision in a post

on their social media accounts describing it as “ill purposed rumors” and also stated that they will appeal against it, although they were not party to the case which was filed against the Ministry of Interior.

The irony here is that the requirement to join a union used to extend to workers in some informal sectors although such obligatory membership does not give them any noteworthy benefits. Moreover, it prevents them from establishing other trade unions that work to defend their rights and improve their working conditions.

The Court of Administrative Adjudication had decided that forcing workers to join the union, pursuant to the Executive Regulations of the Traffic Law, is a new condition that was not included in Law no. 66 for 1973 and that contravenes article 170 of the Constitution which stipulates that issuing necessary regulations for the enforcement of laws should not involve any disruption, modification, or exemption from their enforcement.

The Court decision is consistent with article four of the Trade Union Organizations Law no. 213 for 2017 which stipulates those workers, without discrimination, have the right to form trade unions and to join or withdraw from them, according to the rules and regulations stipulated in this law and its executive regulations.

The decision is a reward for workers’ struggles to gain their freedoms of association after long years of ruling regimes managing to use unions affiliated to the ETUF to serve its agenda away from workers and their interests. These unions are usually silent when a violation takes place against members thereof. They merely collect subscription fees from workers making wealth at the expense of these subscribers.

❖ **Discrimination between High State Officials and Ordinary Employees in Pensions is Referred to the Constitutional Court**

In November 2024, the Appellate Court of Cairo, decided to allow us to contest the constitutionality of article 27 of the Social Insurance and Pensions Law no. 148 for 2019 which discriminates between different categories of insured civil servants in violation of the Egyptian Constitution.

Lawyers of CTUWS had filed a lawsuit on behalf of Shabaan Omar Morsy (the plaintiff) who is a retired worker in Cairo Airport. He asked for the calculation of his pension according to the actuarial ratio of 1/10 instead of 1/45 so that it is equal to the category of senior state officials that article 26 favored. He filed this lawsuit against the President of the Administrative Board of the National Authority for Social Insurance. Consequences of a decision in his favor would include:

- Payment of financial differences in retrospect since the date of his retirement.
- Referring article 27 of the Social Insurance Law to the Supreme Constitutional Court on the basis that it contravenes articles 9 and 53 of the Constitution of Egypt, or allowing the plaintiff to take measures to contest the constitutionality of article 27 before the Constitutional Court.
- Obliging the defendant to pay attorney fees and expenses.

The plaintiff was retired for reaching the legal retirement age in 2022. His pension was settled at 2800 Egyptian pounds a month although his monthly salary was around 11,000 Egyptian pounds before retirement, and he was in service for more than 35 years.

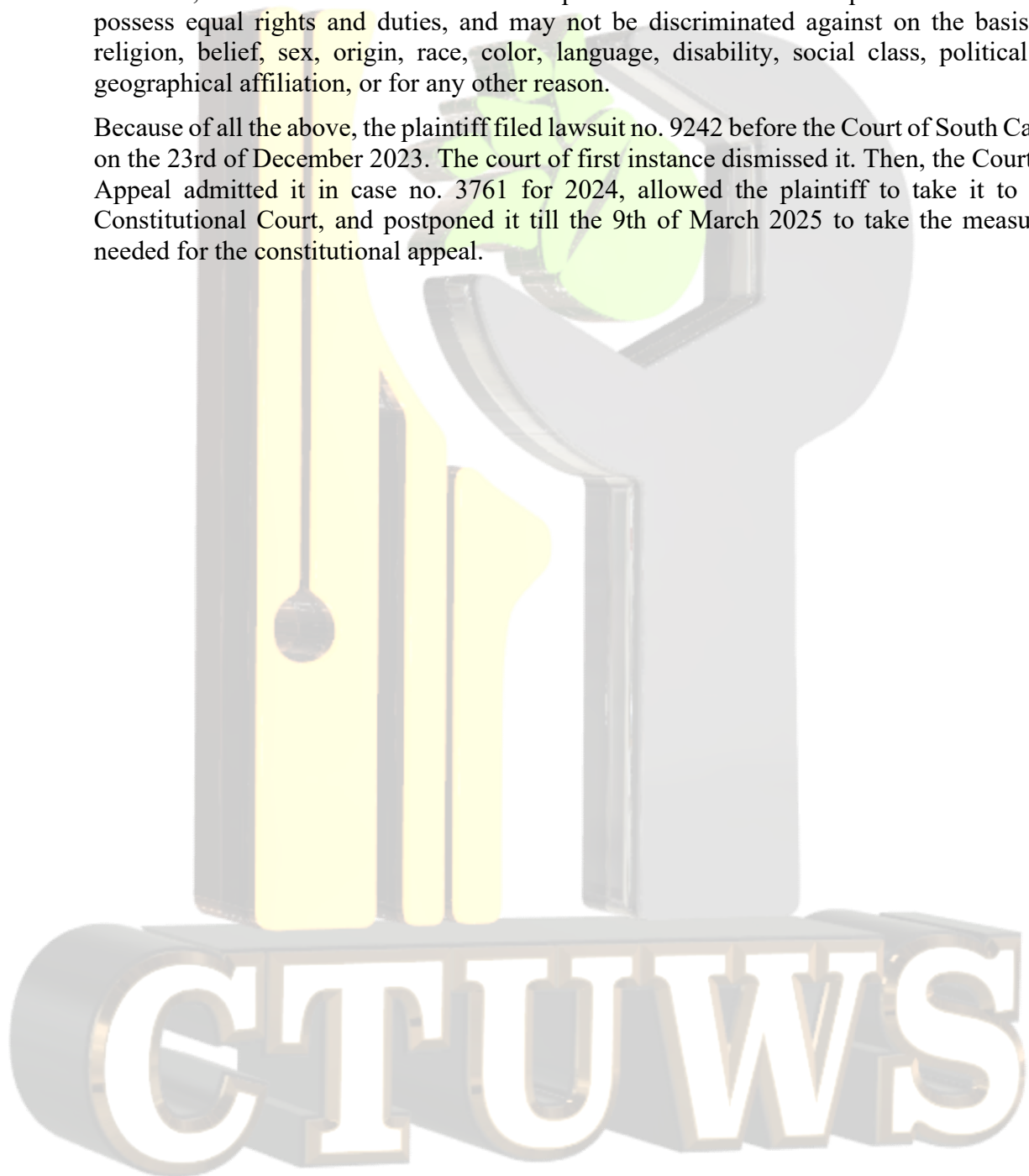
This disparity is more sharply manifested when it is compared to the pensions of senior civil servants like ministers and heads of parliaments who have disproportionately higher

pensions thanks to the actuarial ratio of 1/10, which actually reflects discrimination between citizens in the same state.

Article 27 of the Social Insurance Law no. 148 for 2019 stipulates that the pension of those who hold the positions of vice president, head of the house of representative or the senate, prime minister and his deputies, and governors and their deputies is to be calculated based on the ratio of 1/10 of the settlement wage for each year in service in this position.

However, article 53 of the Constitution stipulates that citizens are equal before the law, possess equal rights and duties, and may not be discriminated against on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason.

Because of all the above, the plaintiff filed lawsuit no. 9242 before the Court of South Cairo on the 23rd of December 2023. The court of first instance dismissed it. Then, the Court of Appeal admitted it in case no. 3761 for 2024, allowed the plaintiff to take it to the Constitutional Court, and postponed it till the 9th of March 2025 to take the measures needed for the constitutional appeal.



Conclusions

- The issue of wages is one of the fundamental issues of the protests of 2024. Nevertheless, low wages remain a complicated issue in Egypt that is hard to find a real solution for. Under political regimes that are biased to employers, and use their power and security apparatuses to protect them, promises to improve the conditions of workers -especially wages- remain meaningless. That is why it is important to insist on linking wages to inflation rates in order to make sure they meet the basic needs of workers.
- The minimum wage decision turned from a presidential decision to a trap. It became a door for imprisoning workers who demand it only to find that security forces intervene. All this is taking place amid several deformities in the wages system and harsh economic conditions that undermine the ability of wages to cover basic needs of workers. So, workers are trapped between poverty and want without any hope in the improvement of their conditions.
- Workers and their trade unions are still absent from the discussion of the new Labour Law at the Parliament. Workers' demands to hold hearing sessions for them as important stakeholders are still ignored. This is actually an example of government policies towards workers which insist on getting rid of workers' voice.
- During the past two years, freedoms of association didn't witness any progress. Suspended trade unions couldn't complete their documents and legal procedures. In spite of the government's pledge to solve the suspended situation of all unions, a very small number of these organizations managed to be registered. This year, just one union was registered. This problem is exacerbated by the position of most employers which is hostile to workers' right to form trade unions. The result is that most companies in the private sector don't have unions and it is not possible to conduct collective bargaining therein.
- The prosecution and punishment of activist workers or unionist leaders is a primary tool for the intimidation of workers. These policies are used to suppress any attempt for organizing or expression of demands, which effectively limits workers' ability to be active and demand their rights, and creates an atmosphere of fear and intimidation that obstructs any movement for change.
- All of the above show that the labour scene is witnessing continuous violations that include dismissal, imprisonment and refusal to pay wages for years. However, the ETUF is completely absent. It turned into a voice of the authorities rather than a representative of workers. This actually raises genuine questions about the feasibility of the existence of this entity and the importance of having a real representative that defends the rights of workers.

Finally

This Report reveals that there is a huge flaw in the relation between workers and employers who actually have all the powers.

The Labour Law gives employers the right to fire workers anytime according to the articles on termination of services. It gives employers the right to determine the wage of the workers, and opens thousands of loopholes for them to avoid implementation of the minimum wage.

Even when a deal is made between employers and workers, in most cases the employer is not committed to what has been agreed upon.

If workers need to go on strike, the Law puts restrictive conditions for legal strike action. So, the employer can easily and at any time suspend those deemed to be the leaders of the strike, suspend their wages and referring them to court to decide in their dismissal on charges of illegal strike. Even if the court decided in favor of workers, the law does not oblige the employer to reinstate workers. The employer merely has to pay a compensation that is not proportionate to the suffering of workers and their families during the years they remained without work. This actually happened with tens of workers in many companies.

Even though the Trade Unions Law came as a victory for workers, the Ministry of Labour obstructs the implementation of the Law before workers who want to establish their own unions independently from the “governmental” federation (the ETUF). So, workers are crushed between the economic crisis and the confiscation of their freedoms of association.

