



CENTER FOR TRADE UNION & WORKERS SERVICES  
(CTUWS)

Honored the French Republic's Human Rights Prize

**The absent voice of workers**  
**Report of violations against trade union**  
**freedoms in 2022**

**Prepared by**  
**the Center of Trade Union and Workers Services**  
**(CTUWS)**

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## Preamble

### The year of crises and exclusion of workers' voice

This is probably the most suitable title describing 2022 when we examine the concrete reality experienced by Egyptian workers. This year was marked by the unprecedented violations committed during the elections of workers' trade unions which witnessed the eviction of around two thousand candidates<sup>1</sup> who were deprived from the right of candidature.

The year began with the discussion of the Labor Law by the Senate followed by its discussion by the labor force committee of the Parliament; although independent trade unions and those concerned by workers' conditions have repeatedly presented their comments about this draft Law, and the draft on which the Council of Minister had introduced some amendments in November 2021, the governmental changes represented a regression in terms of workers' rights and ignored all the proposed amendments submitted by workers.

The year witnessed also a crushing economic crisis worldwide mainly resulting in the rise of fuel and foodstuff prices, Third World states and populations were particularly affected by this situation. In Egypt, the value of the local currency was depreciated in an unprecedented way, with ascending rates of inflation and rising cost of goods and services; this led to increase the burden on the shoulders of workers and many, if not the majority of low-income categories of the population became unable to secure the basic needs of their families.

In the context of economic policies that do not take into account workers' interests, the real value of their salaries is regressing while they lack strong and independent trade unions capable of defending and negotiating their rights.

Egypt has suffered a severe economic crisis, with the retraction of local and foreign investments, the regression of the foreign currency reserve accompanied by the imposition of some limitations on imports and the detention of several vital goods in the customs, the growing crises of foodstuff, and the resort of many companies and investors to the "easier" solution, namely either firing workers or abstaining from releasing totally or partly their financial dues.

### State property policy

In June 2022, the government published a policy about the State property in which it reformulates the type of its ownership of assets, switching from the management of State institutions to the management of State capital; the document defines the mechanisms adopted for the State withdrawal from the property of assets, and the whole issue looks like we are in front of a new phase of privatization.

Despite the fact that launching a new policy in this regard is a quite important and serious matter affecting the interests of the entire Egyptian population and deserving to be widely discussed at the social level before its final adoption, the new policy was firstly published, followed by just a discussion organized for businessmen and investors' associations; this practically meant limiting the approach to the structural economic crisis on the base of the critics expressed by local and foreign businessmen and investors about the State monopolistic attitude.

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<sup>1</sup> This estimate is based on the number of grievances registered according to the Ministry of Labor Force

The methodology adopted by the policy was summarized into defining withdrawal of the State from many assets' property in the sectors and industries whose markets are saturated and avoided to be involved in by the private sector; however, many economic experts consider that a comprehensive developmental plan should have been elaborated to define the role of the State, and enable the private sector to invest and participate according to the plan's priorities.

Despite the objectives mentioned in the policy document, these policies were drawn – as predicted – to comply with the directives of international financial institutions, mainly the International Monetary Fund with which negotiations were going on during this period to obtain a new loan that was approved by the end of the year; the new policies aimed also at securing some economic savings to confront the structural crisis affecting the Egyptian economy, filling the financing gap resulting from the uncaredful expansion of borrowings, as well as the state of unprecedented severe debts.

The document was limited to the State property policies, while comments of many stakeholders considered it should include the role of the State in providing to its citizens the basic services, specifically in the fields of health and education. While the document keeps the State investments in health and education, it is noted that it reduced investments in pre-school education (nurseries and kindergartens) although these services are essential regarding the needs and rights of women workers and children.

The State's intervention in the economic activities and sovereign institutions has created monopolizing conditions combined with a legal and institutional structure that led to the escape of investments; this requires the revision of the State direct contracts to increase transparency; while we approve the diverse forms of property, we consider the existence of the public sector and the economic institutions a valuable asset provided they will be restructured and workers become enabled to participate in their administration.

Another contradictory statement with the concrete reality in the document includes “the adoption of a monitoring and evaluation system comprising a series of indicators to measure the impact” as well as “revising the assets' portfolio and the local and international updated developments and their repercussions on the imperatives of State ownership or withdrawal”; the contradiction here is related to the number of important assets already sold this year. Many economic analysts expressed their fears and reservations about the speedy pace of selling that might refer to “selling at low price” in addition to not being included as priorities in a clear developmental plan.

Moreover, this document was preceded two years before by the liquidation of some important Companies (The Egyptian Iron and Steel Company, the National Company of Cement, followed by El Nasr Company for Coke and Essential Chemicals)<sup>2</sup> when the only criteria to select the alternative of liquidation was the profitability of these companies and a vague impression about the inability of the State to manage its assets efficiently in the absence of a clear strategic planning about the imperativeness of the State interventions in supporting transformative and exportation industries.

Several political and social actors have expressed their reservations about the State disengagement and reduction of investments in the public facilities that provide vital services such as potable water, sewages, and electricity; this retreat of the State would have a direct negative impact on the popular categories suffering from the lack of these services combined with their financial incapacity to obtain them. The State withdrawal and reduction of investments in the agricultural sector and foodstuff

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<sup>2</sup> By the beginning of 2023, the government announced its intention to get rid of thirty-two companies comprising among others three banks and two valuable insurance companies, either by selling them to a principal investor or by registering their shares in the stock market.

industries means the abandonment of its role in providing the basic needs of food to the population and intervening in the regulation of the price of these goods to become affordable for the majority.

While we agree with the concept of competitive neutrality including tax, organizational, and legislative neutrality, we strongly recommend to provide opportunities and empowerment for small and medium enterprises which are faced by a legislative context impeding the achievement of benefits and progress; we also ask ourselves to which extent the State institutions (and sovereign ones) are committed to these policies and could these institutions be dedicated to deal with transparency and good governance, and is it possible to achieve competitive neutrality outside the context of a democratic State and society where the tools of social monitoring should be available as well as the freedom of opinion and expression. Finally, the publication of this document raises the same question again: and what about workers?

The document addresses the State property policy, its withdrawal or reduction of investments in many industrial sectors (textiles, engineering and minerals, chemicals, medicines) without saying a word about the destiny and rights of workers in these industries.

If the document considers necessary to rectify the reluctance of investments towards the policies of competitive neutrality with the provision of an adequate legislative and organizational environment, it also necessary in our opinion to secure the commitment of local and foreign investors (especially those belonging to Arab Gulf countries) to assume their social responsibility on top of which are workers' rights.

We reconfirm our refusal of the fact that cheap labor force, unjust arbitrary work relations, deprivation from employment safety are considered as an incentive offered by the State to investors either locals or foreigners.

We also reiterate our conviction about the importance of workers right to establish their independent trade unions capable of representing their interests as well as the pressing need to activate the processes of collective bargaining in the context of the diversity of owners and investors.

### **Draft Law about the establishment of Suez Canal Company Fund**

Within the suffocating economic crisis and the talks circulated about the financial gap that deserves to be filled through raising resources, the Parliament discussed<sup>3</sup> a draft Law aiming at introducing amendments to Article 15/2 of Law 30/1975 about the Suez Canal Company; the proposed amendment was to establish a new Fund with a legal personality in order to contribute individually or with others in creating new companies, increasing the capital of the existing ones, investing in securities, buying, selling, renting and exploiting their fixed and transferred assets.

These news created a painful trauma at the level of the Egyptian society and furious reactions of refusal took place consecutively; actually, Suez Canal is not considered as a mere important water artery and a secure and vital resource for the Egyptian economy; it is also seen as a national symbol in the conscience of Egyptians.

Many people considered this Fund a threat to the Suez Canal, especially that some ambiguous declarations were propagated about the possibility of obtaining new loans with Suez Canal serving as warrant; others refused the Fund considering it was going to deprive the Public Budget from its revenues. On the other hand, the government defended the idea on the base that the Fund would allow the Suez Canal Company the possibility of achieving a comprehensive development.

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<sup>3</sup> On December 22 2022

Anyway, this draft Law appears as a flagrant defiance of the Egyptian people wishes reflected in the widespread hostile public opinion about this issue; accordingly, the Parliament adjourned the final voting related to this Law.

### Attempts to amend Social Security Law are bogging down

As already mentioned, 2022 begun with the discussion of the Labor Law amended by the government before the Senate and ended by a discussion in the Parliament labor force committee, while the attempts to amend Social Security Law 148/2022 faced some difficulties despite the state of anger prevailing among workers related to the difficulties of its application since the beginning of January 2020.

This Law is primarily addressed to pensioners and workers from all sectors representing an important portion of the Egyptians population and its implementation revealed many kinds of defected and contradictory clauses leading to negatively impacting some categories who called for the revision of these clauses; the mentioned problems are namely affecting the social protection of the non-organized labor as well as the incapacitating conditions to obtain early retirement, besides deprivation from the unemployment allowance that disadvantaged temporary and occasional workers from this allowance; all these facts are not compatible with the current reality indicating that important numbers of workers in the private sector are hired on the base of temporary work contracts; on the other hand, the unemployment allowance is quite low, and some retired workers from the governmental and public sectors have seen their end of service pension dilapidated after having paid their share of subscription fees for thirty six years.

Despite the submission of proposed amendments and their adoption by sixty parliamentarians, the draft Law is still pending at the Parliament labor force committee.

### Minimum scale of salaries

According to Article 34 of Labor Law 12/2003, the National Council of Wages is presided by the Minister of Planning who is responsible of setting the minimum scale of salaries at the national level taking in consideration the cost-of-living expenses, and finding the adequate ways to achieve a balance between salaries and prices. The Council was “theoretically” established by the Prime Minister decree 983/2003 under the presidency of the Minister of Planning and eight governmental executive members, in addition to four representatives of businessmen associations and four members representing the “governmental” General Federation of Workers’ Trade Unions.

However, the Council didn’t hold more than a quite limited number of meetings during the past two decades. First time the Council examined seriously the issue of minimum scale of salaries for the private sector happened in 2021 after the publication of the Prime Minister decree dated June 30 2021 about amending the value of the minimum scale of salaries for employees and workers in the State apparatus to be increased to 2400 Egyptian pounds. As usual, this minimum scale was not implemented for workers in the private sector; this raised a state of rebellion among these workers with the organization of several movements of protest requesting the application of the ministerial decree, especially with the high rates of inflation and the rising burdens of the cost-of-living expenses,

In front of this state of congestion, the government invited the National Council of Wages to convene reunions that witnessed a series of bargaining meetings and were subsequently followed by the decree of the Minister of Planning and Economic Development number 57/2021 dated September 13 2021 stating that the minimum scale of salaries for the private sector amounts to 2400 pounds beginning January 1<sup>st</sup> 2021. However, the decree mentioned in Article 2 that in case the institution was exposed to economic conditions preventing application of the decree, it was allowed to present a request of exemption through the federations it is affiliated to. This request should be backed by justifications

and proving documents before the deadline of October 31<sup>st</sup> 2021; third Article of the decree stated that the minimum value of yearly raise for the private sector beginning fiscal year 2021 should not be less than 3% of the salary indicated in the social security coverage.

Apparently, representatives of businessmen associations agreed to comply with the clause about the minimum scale of salaries with the exception of some specific sectors and companies and the reduction of the yearly increment of salary which percentage was in fact already reduced this year while Labor Law 12/2003 which is still valid, refers to a 7% annual raise of salary!!

By January 2022 when the minimum scale of salaries amounting to 2400 pounds (corresponding to around 80 US dollars) was supposed to be implemented for workers in the private sector, it appeared that thousands of companies requested an exemption pretending their inability to cope with the new scale of salaries due to the increased number of workers and the rising costs of production in addition to the negative effects of Coronavirus. 3090 companies were thus exempted belonging to thirty sectors, especially in the fields of ready-made garments and textiles for exportation, tourism, fabrication of paper, retail industries, some private schools, and companies of securities.

After the increase of the minimum scale of salaries for workers in the governmental sector to 2700 pounds (90 US dollars), the government promised to align private sector workers with this decision and call the National Council of Wages to meet in order to adopt a decision in this regard; however, the mentioned meeting didn't take place until now as it appears that business owners refuse to comply with additional charges within the current deteriorated economic situation.

### Workers' movements of protest

In many companies, workers face arbitrariness from their employers who totally neglect the basic criteria of decent work including the provisions of the Egyptian Labor Law; meanwhile, the governmental bodies show lots of flexibility and even sometimes complicity in front of the violation of workers' rights and contravention of the Law.

A prominent example is that of workers at Universal Company for domestic and electric appliances where one of the workers attempted on February 22 2022 to suicide at the Company factory located in the 6<sup>th</sup> of October City; this exploded his colleagues' anger who demonstrated in protest and were dispersed with gas tears by security forces arresting three of them that were only released at night.

The events of Universal Company had already begun in September 2021 when workers went on strike because their salaries were not disbursed for over two consecutive months; four representatives of workers were arrested then under the "usual" accusation of being affiliated to a terrorist group and misusing the social media before their release four days later; following this, a collective agreement was concluded between the Company management and representatives of workers with the presence of the Ministry of Labor representative who intervened to convince workers stopping their strike against the commitment of the administration to fulfil its obligations and disburse salaries according to a schedule agreed upon; despite the publication of this agreement in the Official Journal, the Company failed from fulfilling its promises before two months and repeated the same monthly scenario about salaries that were sometimes paid in small installments preventing workers from fulfilling the needs of their families. This led one of the workers to commit suicide after leaving a letter of apology to his colleagues explaining he had become incapable to cope with life pressures.

Universal Company workers decided they were in need to have a trade union expressing their interests and defending their rights; consequently they prepared a complete file that they presented to the labor force directorate on November 17 2021; however, the directorate delayed the registration of their file for five months and they got their registration only on April 13 2022.



Following the establishment of the trade union committee, the Company administration fired over sixty workers including all the trade union founders, members of its executive board and signatories of the collective agreement mentioned earlier. Despite obtaining a court judgement to be reintegrated at work, this decision was not implemented until now!!

The case of El Nil Company for insulated material (Betonil) in Alexandria is also significant as workers there prepared a file to establish a trade union committee and deposited the documents on September 2021 at Alexandria labor force directorate that acknowledged receipt, but nothing was achieved until now.

Members of the organization's executive board attempted to negotiate with the Company administration about some requests of the workers; this was met by arbitrary reactions including termination of eight founders of the trade union, suspension of 32 ones and abstention from paying their salaries.

This is how the attempts of workers to establish independent trade unions are met by both the labor force directorates and the arbitrariness of employers. It is worth noting here that Articles (192-195) of the present Labor Law organizing strikes imposes incapacitating conditions preventing workers from practicing their right and then punishing them by exclusion from work while this is contradictory to the provisions of Article 60 of the same Law.

### The National Dialogue

Workers have welcomed the initiation of a national dialogue with the invitation of political bodies to participate; they expressed the deep need for such an initiative that they requested to bring together all political and social forces in order to contribute in the prevalence of social peace and security; they also requested that – in addition to political parties – workers and professional trade unions, civil society organizations, and all stakeholders in the society be invited as well. Accordingly, a document including the demands of workers on top of which comes the freedom of organizing, amendments to the Labor and Social Security Laws, and social protection for non-organized labor was developed.

However, the announced proceedings of the national dialogue have not actually begun until now.

### Release of seventeen workers

On July 7 2022, a decision was adopted to release fifteen workers that were under provisional detention; the initiative included twelve workers from Misr Insurance Company arrested under lawsuit 855/2020 for opposing the regulations of the sector of public works that was later on abolished due to the angry reactions in the workers' circles; other three workers at the Organism of Public Transports arrested on May 13 2021 for criticizing the status of workers and the performance of their general trade union were also released.

Two months later, Momtaz Fathi Abdel Wahab (cashier at the Real Estate Taxes Organism) was released after been arrested in October 2020 for cooperating with colleagues in order to re-establish the independent trade union committee of Giza Real Estate Taxes; Mohamed Mohamed El Sayed Mourad (worker at the Railways Organism) was released as well after being in provisional detention since September 21 2021.

In all cases, 2022 remains a year of crises and characterized by the exclusion of workers' voice.

### February 28 2023

### CTUWS



## First Axis

### Violations of workers' rights during 2022

The report divided these violations according to the economic activity, the various sectors to which they belong, the nature of violations, and the legal position adopted for each case; this will include:

- Violations according to the economic activity
- Violations according to the nature of employer
- According to the type of violations

**We note here that the methodology used in monitoring the violations was based on the following sources:**

- Grievances and complaints received by CTUWS directly from the victims
- Requests of legal aid received by CTUWS legal unit
- Follow-up of newspapers and electronic sites on the social media

#### **Criteria adopted in the statistical monitoring**

- Collective violations were considered as an individual violation for each worker
- If the worker was exposed to more than a violation it will be statistically accounted as one violation with a detailed description of multiple violations in the descriptive part of the report
- The cases of arrest and provisional detention are only taken into account if they are related to the requests for the benefit of workers' rights
- No case of death or work injury was accounted except if it resulted from a neglect of professional and health security rules

#### **Monitor violations**

The total number of violations incurred by women and men workers during 2022 amounted to 10,634 with a vast majority concentrated in the private sector (9722), followed by the public sector (900) and the governmental sector (12) while noting that violations affecting workers in <sup>4</sup>Maspero were not statistically accounted because of the difficulty of obtaining precise figures, but they will also be detailed in the descriptive part.

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<sup>4</sup> Maspero is the name of the national broadcasting and television building.

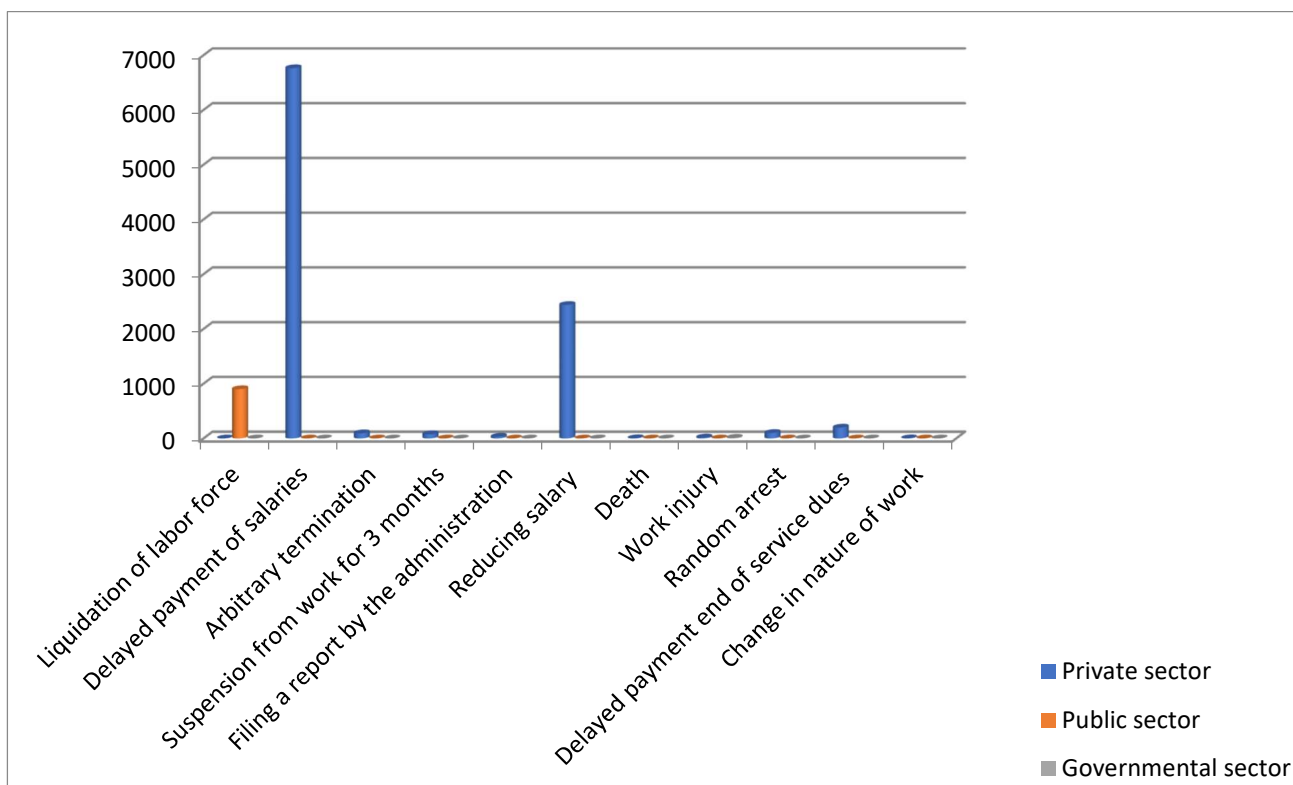
**Table 1: Census of all violations affecting workers during 2022**

Name of Institution	Type of Activity	Sector	Type of violation	Number Of violations
Maspero	Media Services	Governmental	Delayed promotions and raise of salaries; discrepancy of remuneration for same work; suspension from work for three to six months, arbitrary termination of a female worker and arrest of 2	Non specified
Coke Company	Mineral industry	Public	Liquidation of the Company as well as discharging the labor force	900
Bishay Company for Steel	Mineral industry	Private	Delayed disbursement of salaries, filing a police report against eleven workers and preventing 62 from entering in the factory for three months	3500
Universal Company	Electric appliances	Private	Delayed disbursement of salaries, filing a report against twenty workers and dismissing 65	2500
Ice Man Company	Foodstuff industry	Private	Delayed disbursement of salaries, allowances and increments	520
Betonil Company	Mineral industry	Private	Arbitrary termination of 8 members of the trade union board, suspending from work 14 workers for three months and arbitrary termination of 21 without paying their salaries	43
Sammanoud Factory	Textile sheets	Private	Delayed payment of end of service due to 198 workers, deduction from salary for 30 and transfer from production unit to cleaning tasks	230 (women)
Apic Global	Mineral industry	Private	Delayed disbursement of salaries	400
Nile Linen Group	Textile sheets	Private	Decreased value of the allowance of the Feast and annulation of the cost-of-living allowance	2100
Kom Hamada for spinning	Weaving and spinning	Private	Manipulation of salaries	308
Abu Nabhan Bricks Factory	Production of bricks	Private	Four cases of death and 6 work injury	10
Fishermen	Fishing	Private	Random arrest of 100 under the pretext of contravention to the fishing Law	100
Needle Craft for Garments	Production of garments	Private	Eleven cases of suffocation resulting from the emanation of gases from a nearby factory	11
Qwesna Public Hospital	Health services	Governmental	Beating assault of four nurses, four women workers and one security man	9
Itay El Baroud Public Hospital	Health services	Governmental	Beating a physician, a nurse and a security man	3

\*Note: Violations against Maspero workers were not taken into account

**Table 2: Violations of workers' rights by sector of employer**

Type of violation	Private sector	Public sector	Governmental sector	Total
Liquidation of labor force	-	900	-	900
Delayed payment of salaries	6762	-	-	6762
Arbitrary termination	94	-	-	94
Suspension from work for 3 months	76	-	-	76
Filing a report against workers by the administration	31	-	-	31
Reducing salary and the Feast allowance, annulation of the cost-of-living allowance	2438	-	-	2438
Death	4	-	-	4
Work injury	17	-	12	29
Arrest and detention	100	-	-	100
Delayed disbursement of end of service dues	198	-	-	198
Change in the nature of work	2	-	-	2
<b>Total</b>	<b>9722</b>	<b>900</b>	<b>12</b>	<b>10634</b>

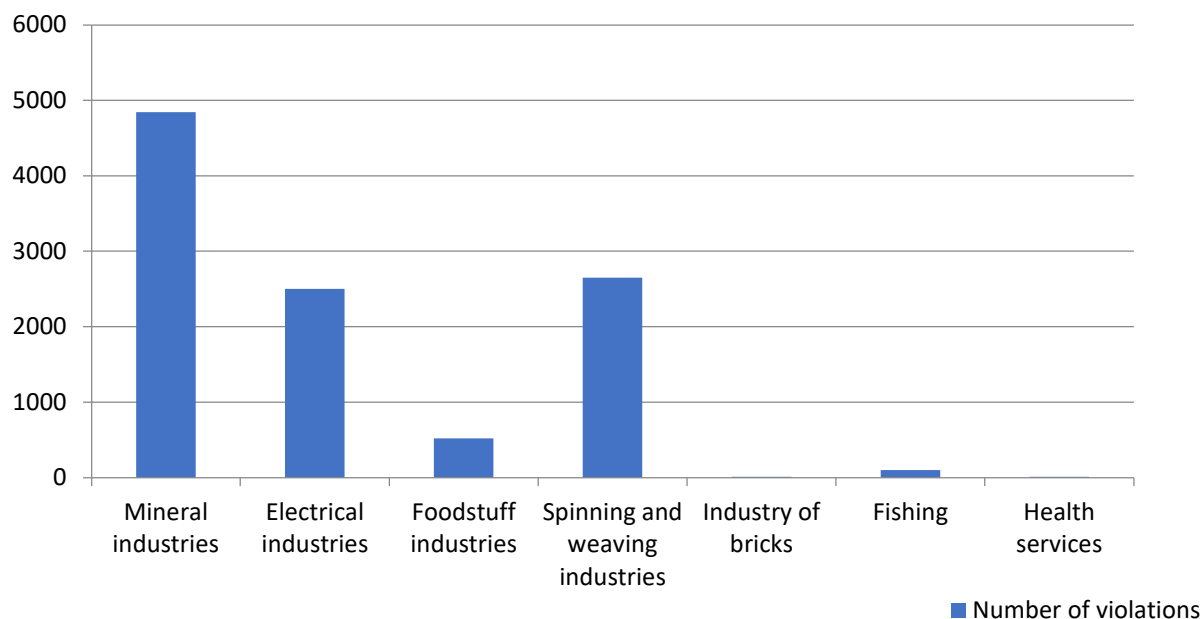


**Table 3: Distribution of violations according to the nature of economic activity**

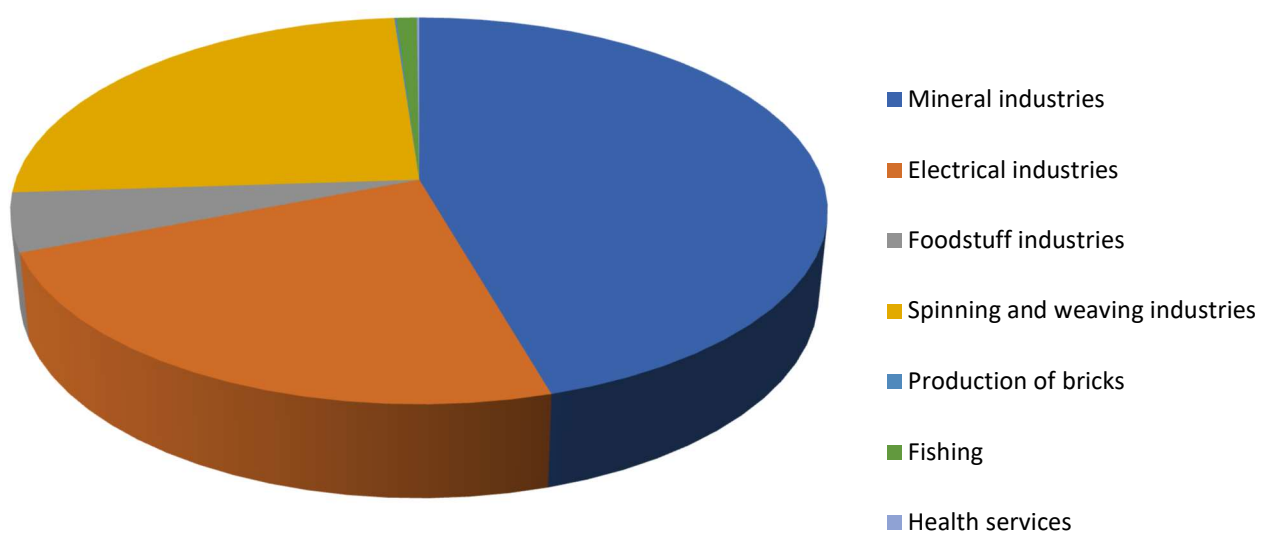
Nature of activity	Number of violations
Mineral industries	4843
Electrical industries	2500
Foodstuff industries	520
Spinning and weaving, textile sheets and garments	2649
Industry of bricks	10
Fishing	100
Health services	12
Total	10634

Violations according to the nature of economic activity were mainly concentrated in industrial activities, especially mineral ones (4843) followed by weaving, spinning, textiles and garments (2649), electric appliances came in the third rank (2500), then violations against fishermen (100), health services (12) and finally production of bricks (10).

### Number of violations



### Distribution of violations according to the nature of economic activity

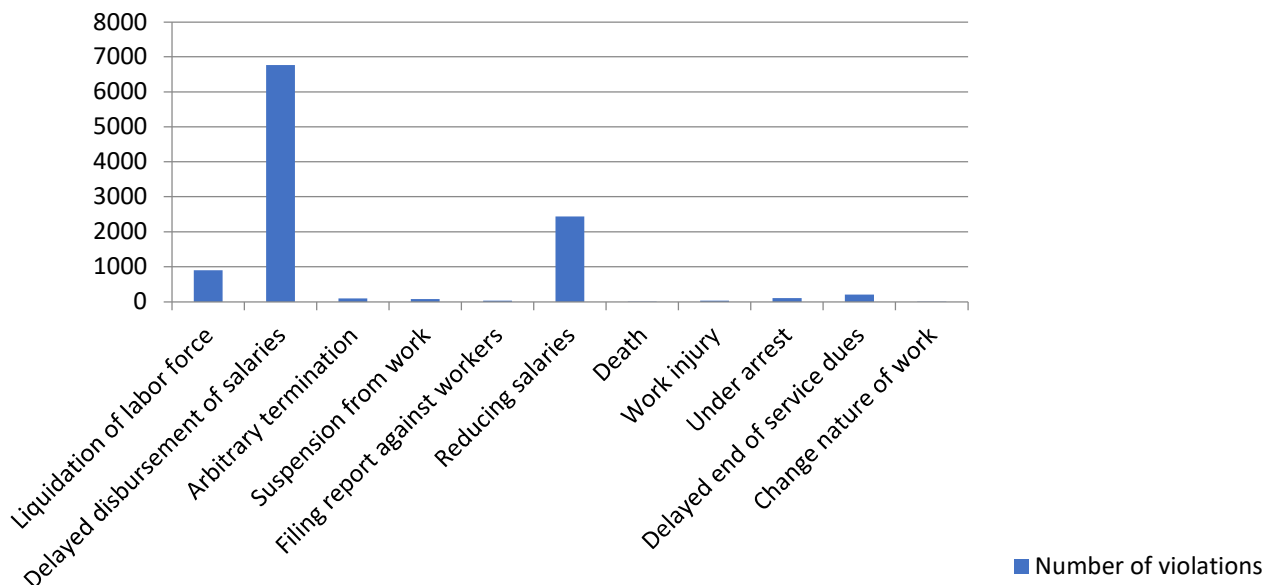


**Table 4: Distribution according to the nature of violation**

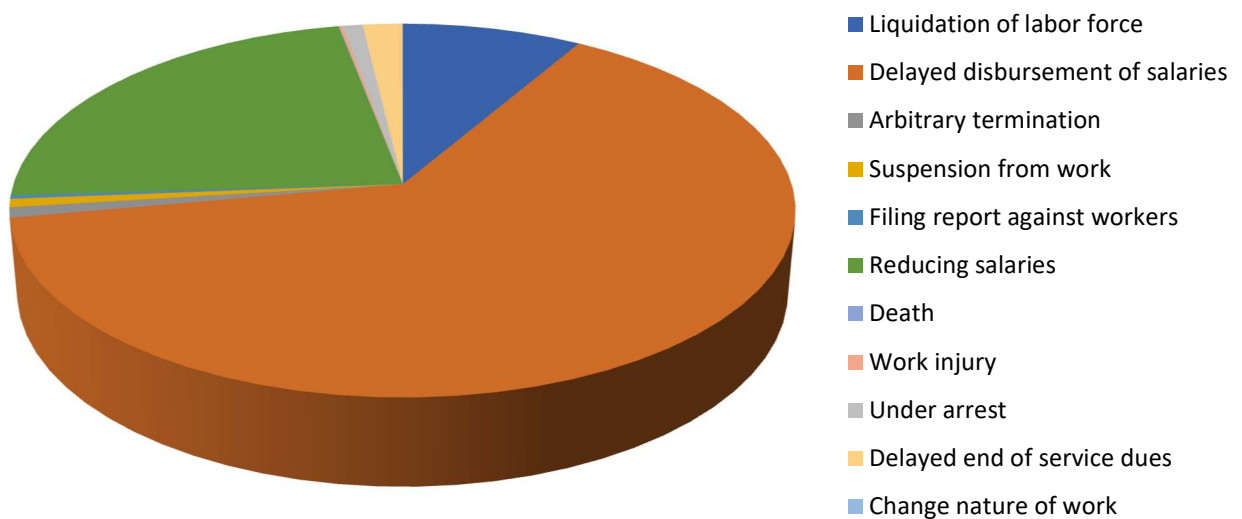
<b>Nature of violation</b>	<b>Number of violations</b>
Liquidation of labor force	900
Delayed disbursement of salaries	6762
Arbitrary dismissal	94
Suspension from work for three months	76
Filing a complaint against workers by the administration	31
Reducing salaries and religious Feast allowance and annulling the cost-of-living allowance	2438
Death	4
Work injury	29
Under arrest	100
Delayed payment end of service dues	198
Change in the nature of work	2
<b>Grand total</b>	<b>10634</b>



### Distribution according to the nature of violation



### Distribution according to the nature of violation



### ***Delayed disbursement of salaries***

“The repeated manipulation of workers’ salaries requires the application of deterrent punishments in the new Law” is the title of a statement launched by the Campaign for the Defense of Trade Union Freedoms and Workers’ Rights after the wide multiplication of cases; therefore, the results of the present monitoring indicate that the vast majority of violations can be classified under “manipulation of salaries” as the number of these violations amounted to 6762 followed by reduction of salaries and bonuses as well as annulling some allowances (2439).

### ***Liquidation of company and discharging the labor force***

The violations were not limited to the manipulation of salaries but extended to the deprivation of workers from the opportunity of work; this is what happened with the Coke Company affiliated to the public sector resulting in the deprivation of 900 workers from their jobs; in addition, we note the delayed end of service dues in some work settings as it happened with Sammanoud women workers amounting to 198 who were obliged to sign an anticipated resignation without obtaining anything in return.

### ***Random arrest and arbitrary termination***

One hundred fishermen from Manzala lake were randomly arrested under the pretext of contravention to the fishing Law while 94 workers were exposed to arbitrary termination because of their trade unionist activities and request of their legitimate rights; besides the arbitrary dismissal of workers, private sector companies filed reports against them under the accusation of incitation other workers to strike; workers exposed to this violation amounted to 31.

### ***Suspension from work***

Administration of companies resorted to suspend 76 workers from work for three months.

### ***Work injuries resulting from the lack of applying professional security and health safety rules***

Twenty-nine workers were exposed to injuries at work due to the deficiency or lack of application safety measures and precautions at the workplace.

### ***Cases of death and suicide due to the incapacity of obtaining salaries***

Cases of decease amounted to four besides the attempts of suicide that occurred at the workplace as an expression of anger from all the violations they were exposed to incapacitating them to meet their financial commitments towards their families.

## **Descriptive report**

### **Arbitrary practices against workers and their leaders**

#### ***The strike of Maspero workers***

Early in 2022, Maspero workers announced during the month of January their decision of organizing a sit-in inside the Maspero building in protest of all the prevailing applied policies leading to reduce the rights of their majority.

The crisis escalated when the “National Media Organism” declared having commissioned the “Unified Company of Mediatic Services” the responsibility of restructuring and developing the building; many workers considered the decision to commission a private sector company as a backlash and an intended process of liquidation the national channels for the benefit of the channels affiliated to this company comprising DMC, BBC, ON TV, and El Hayat.

On the other side, the “Unified Company for Mediatic Services” took measures in transforming many satellite channels belonging to the State into land broadcasting; this raised the opposition of workers considering this as an act of destruction rather than a real reform.

Stress escalated between the two parties: the “National Media Organism” and “Media workers and employees” from the various sectors on the other hand; consecutive waves of protest took place against the prevailing practices with request of obtaining the retarded raises of salaries, new professional grades and disbursement of allowances as well as the financial dues for the retired.

The “Organism” had initiated the restructuring of the six provincial channels by transforming them from satellite broadcasting to land channels; this meant for Maspero staff the transfer of many workers from this sector to the Ministries of Health and Education and was considered as a means to liquidate them; therefore, they had to resort to a sit-in inside the building where they were joined by big numbers from other sectors in solidarity with workers in the magazine titled “Radio and Television” as well as from public and specialized channels.

The discrepancies between salaries of workers from the same professional level and nomination was an essential factor in escalating the degree of congestion resulting in the organization of the sit-in; actually, when a film maker or a presenter of programs in public or specialized channels is granted between 100 to 200 thousand pounds per month, their counterparts in provincial channels receive three thousands pounds only according to the declarations of workers; this creates a pressing need for a unified scale of salaries for all the sectors; the “Organism” went around this demand for long until the administrative situation exploded in the building.

Despite the pretext of restructuration, the liquidation process took place by reducing the number of workers from 41,000 to 31,000 in addition from abstaining to grant any increments of salaries since 2015 and freeze the system of promotions since then, besides not disbursing end of service dues from 2018 to 10,000 workers that were referred to retirement.

In response to the protests, the “Organism” suspended six workers from work for three months under the accusation of inciting others to the sit-in: Nany Abdel Latif, Alaa El Lebeidi, Talal Mohamed Abdel Aal program presenter, Abeer Sayed news delegate, Hala Fahmy presenter, and Ibrahim Abu Zeina senior program presenter, who were paid half of salaries in the absence of any inquiry; journalist Safaa El Kourbegui was fired from the “Radio and Television” magazine then arrested and guided to an unknown place where she disappeared on April 20 2022 for 72 hours and charged of disseminating false news by the State Security prosecutor and being affiliated to a banned group (most probably the Muslim Brothers); Hala Fahmy presenter at the second channel was exposed to security pursuits for her participation in the sit-in; she was further arrested and detained under lawsuit 441/2022.

### ***Liquidation of “El Nasr Coke” Company after 62 years of production***

In September 2022, the General Assembly announced the decision of liquidating the Company which property is divided between the Holding Company of Mineral Industries from the public sector and owner of 98% of the shares while the “Public Organism of Industries” detained 2% of the shares; the Company had begun the manufacturing of products in 1964 mainly relying on the exportation of its products to the “Iron and Steel” Company which in turn relied on these products in running its blast furnaces. The “Coke” Company had initiated its production based on a single battery that included fifty furnaces with a capacity of production amounting to 328 thousand tons of coal from coke in 1974, the Company launched another battery with the same capacity before the number of batteries used amounted to four by the mid- nineties. This Company is considered as one of the main pillars of the industry in Egypt and the Middle East as it includes four factories: the coke factory and the chemical sections, the factory of nitrate, the multiple tasks unit, and the factory of citrine.

Responsible of this Company consider that its existence has become useless after the liquidation of the “Iron and Steel” Company that represented the only local beneficiary from its production; however, Sayed El Tayeb, president of the Company, confirms that the Company has several other marketing options either in the local or global markets and that it achieved substantial benefits exceeding forty million pounds during the fiscal year 2020-2021 and exported during 2022 over 70 thousand tons of products.

It is important to recall here that the ground was already prepared for the decision of liquidation according to one of the workers through the refusal of the Ministry of Environment a month before this decision to grant the Company an authorization of environmental compatibility; this refusal was justified by the vapors emanating from its activities exceeding the authorized limits in addition to the suspension of the renovation projects in the Company for more than ten years during which the Ministry was granting the Company temporary decisions of environmental compatibility until the Ministry begun to reduce the duration of these authorizations and decided to deprive the Company from the right of importing coal restricting its authorization to pursue the production until the end of stocks, This is what actually happened on August 4<sup>th</sup> 2021; since then work in the Company is limited to sell its reserve of products.

When the decision of liquidation was announced, the trade union committee in the Company declared that compensation of workers should not be under 300 thousand pounds for each one because their majority would not obtain a pension after retirement as not being eligible to that according to the new Social Security Law.

The problems resulting from the processes of liquidation are not limited to the loss of an important economic activity, it is rather related to the loss of a job for the labor force, especially that the end of service dues are usually quite low in these cases. The number of workers from the “Coke” Company who lost their means of living amounts to nine hundred.

### ***Workers at “Bishay for Steel” Company go on strike after the suicide of three colleagues***

By the end of August 2022, workers of the Company begun a strike after the consecutive cases of suicide by three colleagues becoming incapacitated to meet their financial commitments or the needs of their families.

With the beginning of the strike, the security forces surrounded the factory preventing the third shift comprising over one hundred workers from entering in addition to arresting some of them; under these circumstances, number of workers threatened to commit suicide if their claims were not positively addressed; workers’ demands included obtaining the totality of their financial dues, increment of salaries, annulment of the system of yearly contracts and stopping the practice of firing

workers for three days before renewing the new temporary work contract; instead, they reclaimed open ended contracts for those who exceeded three years of service, disbursement of the annual benefits for all workers accumulated since 2015, contracting an insurance for those who died inside the factory and increasing the risk allowance from 100 to 500 pounds; they also requested the finalization of preventive measures of industrial security for the protection of workers, health care coverage including family members of the married ones, and a restructuration of salaries to become compatible with those of other steel factories. Actually, number of workers in this factory were exposed to accidents resulting from the lack of industrial security measures.

The crisis of these workers amounting to 3500 goes back to 2011 when they reclaimed their delayed dues in addition to increment of salaries from 500 to 1500 pounds; the Company administration was not responsive until this story reached the Parliament and was followed-up by the General Prosecutor; since then, the crisis is constantly escalating between workers and the administration that deal with the issues of allowances and benefits by disbursing dues in tiny installments.

Conflicts were repeated in 2018 when the administration refused to disburse workers' share of benefits leading those to present several complaints at the Ministry of Labor Force; lately, the crisis became deeper after the suicide of three workers due to their deteriorated financial situation; workers declared the strike and the administration prevented 62 workers from entering in the factory, number of workers received by mail notifications of being suspended for three months from work in contravention with the Labor Law provisions; in addition, the administration accused some workers in a report filed at the police station of Sadat City to obstruct work by stopping the production chains as well as the blast furnaces in the companies of the Group, and decided to deduct half of their salaries.

### ***Committing suicide for delayed salary: Is Universal administration above the Law?***

"I am no longer capable of facing my family, I am incapacitated of providing my children expenses and just want to ask forgiveness from my colleagues to whom I was unable to reimburse their money", these are some of the words in the letter worker Assem Afifi left before committing suicide by jumping in front of a car under the eyes of his colleagues.

The administration of "Universal Company for electric appliances" located in the 6<sup>th</sup> of October City used to delay the disbursement of salaries for its workers amounting to 2500; this practice led three workers to attempt suicide during 2022 including the one mentioned above; he was followed by the head of the stores who tried to put an end to his life inside the Company for similar reason, but he was saved by his colleagues; the same happened with worker Amin Mohamed; they were preceded the year before by two cases of suicide.

The Company was also used to late disbursement of other dues: incentive of 8 months and 48 months allowances for nature of work, dues of January for over one thousand workers, and delay of three month for paying the salaries of 220 administrative employees. Such situation pushed workers to organize several strikes and conclude various agreements with the administration under the auspices of the Labor Force Ministry as well as another agreement on January 2<sup>nd</sup> 2022 sponsored by the general trade union of Engineering, Mineral and Electrical Industries; however, the Company never fulfilled its commitments.

In October 2021, Universal workers had succeeded to conclude a collective agreement including the following points:

- The agreement stated the commitment of the administration to disburse August salary on October 10 and the remaining portion of July salaries on October 12;
- September salary would be disbursed in two installments (November 20 and December 25 2021), payment of the monthly incentive from the 25<sup>th</sup> to 30<sup>th</sup> of each month;

- Regularly disbursing integral salaries beginning 10th of October to the maximum, i.e., thirty days after restarting production. The administration also committed itself to disburse the delayed incentives (April and May, August and September) beginning January 2022.

Another time the conflict blew up when the administration published a memo announcing that the salary of April 2022 would be disbursed on two installments dated May 19 and May 31 2022; workers firmly objected this decision claiming to obtain their integral salary; accordingly the independent trade union committee that workers succeeded to formally establish on April 2022 presented a report to the labor office on May 8 2022, then over 150 workers headed on May 11 to the labor office of the 6<sup>th</sup> of October City to file individual reports in order to obtain their dues; arrived there they found that a report was already presented by the administration against twenty workers - including some members of the trade union committee – accusing them to instigate their colleagues to strike and requesting that they be deferred to the Court as a preamble of termination; on May 11, these workers were prevented from entering in the Company; moreover, Universal administration fired over sixty workers with a last group of four including Ahmed Mohamed Tawfiq Morsi, Abdel Wahab Kamel Abdel Sadeq, Mahmoud Awad Moustafa Ali Radwan and Ahmed El Iraqi Mohamed El Goyoushi; as of the terminated members of the trade union committee, they included: Ahmed Mohamed El Moslemi (chairman), Abdallah Yousri Mohamed, Sayed Aboul Seoud Ahmed Mahmoud (vice chairman), Essam Abdel Aty Abdel Mottelleb Aly (secretary general), Ashraf Mohamed Ali Mohamed (assistant secretary general), Mahmoud Ahmed Mahmoud Haridi (assistant treasurer), Ahmed Moustafa Ahmed Mohamed (member of the board), Saad Talal Abdel Fattah El Askari (member of the board), El Sayed Ahmed Mohamed Khalaf (member of the board), Ahmed Aboul Fetouh Ahmed Badawi (member of the board), Ashraf Gamil Mohammadi, Emad Kamel, Ayman Hashem, Mohamed Kamel Rashed, Mohamed Ali Mahmoud, Mohamed Magdi Ahmed, Hassan Salem Gaber, Mohamed Ibrahim Salem, Sayed Mohamed Youssef and Mohamed Ibrahim El Sayed.

Workers resorted to several legal procedures: filing a report at the 6<sup>th</sup> of October City labor office, to the Ministry of Labor Force and to the Parliament; they also deposited official complaints at the Police Station under numbers 2565/2022 and 2627/2022; the Labor Force Ministry organized more than an appointment between the Company administration and the trade union committee in order to engage in negotiations and solve the conflict; however, the Company administration never responded to these invitations leading some people asking themselves whether the Universal administration was standing above the Law.

Many persons consider this case as a flagrant model of the mating between the ruling power and the capital as it is well known that Ahmed Yousri Qotb, executive director delegated member of Universal is simultaneously member of the Senate and secretary of Mostaqbal Watan (Future of a Nation) party in Giza which is also one of the governmental political parties.

### ***Manipulation of workers' salaries: case of Ice Man***

On March 8 2022, 520 workers in the Egyptian Company of Foodstuff Processing “Ice Man” took the initiative of filing a collective report at the labor office second of 6<sup>th</sup> of October City against the administration decision to disburse half a salary only for the month of February and announcement that payments will take place on the 15<sup>th</sup> of March; fifty workers presented also individual reports for the same reason in addition to requesting an allowance of transports and meals that stopped to be obtained since August 2021 despite their miserable salaries that do not reach even the minimum scale of salaries amounting to 2400 pounds on the base of the presidential decree.

The Company was used to delay disbursement of salaries for several months in 2021 which led workers to file several complaints: to the Council of Ministers under number 431320 dated September 9, to Kerdassa police station number 4388/administrative dated 31 October 2021, to Imbaba labor office number 781 dated November 1<sup>st</sup> 2021 followed by another one under number 431 dated

February 8 2023. The reason is that workers did not receive transportation allowances or the raise of salaries that were due in January 2022.

In January 2022 the labor office visited the Company on the base of workers' complaints; the administration disbursed January salary on February 9 2022 and committed itself to pay the delayed allowances of transport since November 2021 within two weeks as well as the retarded increments for the months following its approval on the condition that they will represent 3% of the salary registered at the Social Security according to the Minister of Planning decree (while this is a target of the draft Labor Law that did not enter yet in application) instead of the 7% of the basic salary mentioned in the currently applied Labor Law.

### ***Firing workers in punishment of establishing an independent trade union and requesting to obtain their rights***

More than fifty workers of the Nile Company of Insulation Materials "Betonil" regrouped after having been prevented from entering in the Company on March 7 2022 as well as forbidden to attend the meeting between the administration representatives and inspectors from the Labor Force conveyed after the termination of eight trade union leaders and suspension from work of fourteen including the ill worker Abdel Radi Ibrahim Hassan in sick leave for three months that were not yet ended when the decision of firing him was issued; in addition to the retention of forty workers' salaries either among the ones discharged or the suspended.

The Company had fired workers and their trade union leaders as well as suspending work in all the sections in an attempt to terrify workers, prevent them from claiming for their rights, and seeking to establish their trade union. Workers had already started the steps for establishment, convened its general assembly and finalized the required measures and papers that were fully completed according to the Law and presented their file to the labor force directorate in Alexandria on September 2021; however the administration declared the war against the newborn trade union and intentionally put obstacles to disturb its development and harass its founders and representatives.

On February 19 2022, all workers had the bad surprise of being prevented from entering at the workplace; in order to counteract the administrative allegation that they were abstaining from working, they filed a report of proof of case under number 1991/2022 administrative at El Dekheila police station and another report annexed to the first one under number 4/2022; dismissed workers also filed complaint number 2286/2022. The Company attempted to force 21 workers signing temporary work contracts instead of the open-ended contracts that were valid as they continued working after the end of the temporary contracts; before the refusal of these, the administration arbitrarily suspended them from work as well.

During the escalation of its animosity against workers, the administration decided to end the services of eight representatives of workers and founders of the trade union committee: Hossam Mahmoud Abdallah, Hossam Mahmoud Ali, Medhat Morsi Mohamed Hassan, Mohamed Ali Ahmed Khalil, Ahmed Shaaban Mohamed Shaaban, Eslam Abdel Raouf, Moustafa El Sayed, Mohamed Fathi Mohamed Abdel Al.

A Court judgement was issued to abolish the decision of firing trade unionists, their reintegration at work and obtention of all their dues; the Court decision applied to Hossam Mahmoud Ali Hassan (451/2022 Labor West), Mohamed Fathi Mohamed (445/2022 Labor West), Mohamed Ali Ahmed Khalil (448/2022 Labor West), but the Court judgements were not implemented until now!

### ***Women workers at Sammanoud Factory for Jacquards calling for help by the beginning of 2022***

On January 9 2022, around 200 women workers at Sammanoud regrouped in front of the Company headquarters in the province of Gharbia, protesting against haven't obtained their end of service dues



that were promised by the administration to be disbursed within three months following the signature of an early retirement application 230 workers were forced to sign on October 9 2021 after huge pressures exerted on them. Thirty women had refused to sign at that time and 500 pounds were unjustly deducted from their salaries while 200 others complied with the administration hassle.

Two workers returned back on the decision of early retirement and filed a report at the labor force office; they succeeded to reintegrate work but the administration punished them by transferring from the production sector to the cleaning unit. Among the other 198 none of them received end of service dues although the three months deadline was over. On the other hand, another 120 attempted to return back on the decision of resignation but were hampered by the legal clause setting a deadline for annulling a demand of resignation; these women resorted then to all kinds of official bodies in order to obtain the dues promised by the administrative memo of October 6 2021.

### ***Workers at “Apic Global for the production of pipelines” in Port-Said enter in strike***

By the beginning of January 2022 , around 400 workers of the Company begun a strike reclaiming their right to obtain the retarded increments of salaries from 2019 until 2021; according to the communique issued by the Labor Force Ministry, the strike was dispersed after the responsible labor force office in Port-Said intervened for the suspension of the strike upon the demand presented by the trade union committee in the Company requesting that workers obtain their dues for the three previous years in addition to avoid amending the regulations of workers’ affairs without consulting with the trade union and abstaining from diminishing workers’ rights; this was a mutual agreement between the Company administration and the trade union under the supervision of Labor Force responsible.

### ***Strike of “Linen Group” workers for the decrease of Feast allowance and the abolishment of the cost-of-living allowance***

Workers of the Company in Alexandria free zone launched a strike on April 13 2022 in protest of the employer decision to reduce some items of the variable salary (Feast allowance) from 1000 to 500 pounds after it had already abolished the cost-of-living allowance; these decisions raised the anger of workers who decided to enter into strike claiming that the internal regulations be hanged in a clear place visible to all workers, publish the previous year budget to be acquainted with the share of workers from benefits, restructure the salaries of workers who suffered from deducting some portions of their social security, reinstall the cost-of-living allowance at the monthly rate of 500 pounds and activate the scheme of health care for the family; these requests were already formulated in June 2021 with an agreement concluded between the employer and workers to enter into force beginning January 1<sup>st</sup> 2022; however the administration did not fulfil its commitment. Finally, workers claimed to raise the Bairam Feast allowance to 2000 pounds.

It was not the first time workers in this Group experienced a strike resulting from the deduction or abolishment of financial increments; this previously happened when a compensation was deducted during the Corona virus crisis in 2020 as well as the introduction of some amendments in the internal regulations; negotiations that occurred then resulted in payment of the deductions related to the pandemic scheduled for five months at the monthly rate of 1000 pounds for each worker every middle of the month as well as granting the administration a deadline for the restructuration of salaries.

This strike came in protest against the administration abstention from fulfilling its promises of restructuring the scale of salaries, affiliate workers’ families to the scheme of health care, and disburse the social allowances during a negotiation meeting that was held between the Company financial officer and the trade union committee two weeks before the strike.

This Group was established in 1996 and accounts around 2100 workers including 400 female workers; the Company alone exports 70% of Egyptian house upholstery products.

### ***Strike in Kom Hamada Company for Spinning because of the discrepancy between salaries***

Workers in this Company amounting to 308 entered into strike on December 4 2022 in protest of the existing dual scales of salaries; their protests included several claims mainly equal salaries with workers in “Misr Shebin El Kom” Company as there was a gap between the two in terms of salaries and incentives although they were requested in Kom Hamada to resume work at 6AM instead of 7AM. They also requested equality of incentives between workers in production hangars and the employees, including the right to increments and the abstention of the administration from intervening in the decisions issued by the health unit as the Company administration prevented some workers affected by chronic diseases to regularly obtaining their medical needs.

### ***Work injuries and deaths***

Work injuries and cases of death multiplied as a result of the absent health and professional safety rules, lack of a secure working environment and the administrative neglect of these precautions; in the brick factory located in Abu Nabhan village, province of Dakahlia, four workers died during the month of February 2022 including Ibrahim Moustafa Abou Zeid, Hamada Ibrahim Emara, Sahar Samir Ahmed and Ahmed Abdou El Hefnawi as a consequence of the fall of the factory chimney during their presence inside it; six other workers were injured including Ahmed Mohamed El Sherbini, Amr Rizk Soliman, Khaled Ahmed Shaaban, Abdel Hadi Othman, Mohamed Samir and Zouba Mohamed Galal.

The problem encountered by workers is not limited to their workplace but extends in many cases to the surrounding environment crowded by several factories closely aligned next to each other; as an example, we mention the accident that led to the suffocation of eleven women and men workers in “Needle Craft for Garments” Factory affected by the emanation of gases from the next Factory; monitoring cameras revealed that during their escape from smoke one of the women workers fell and that there were attempts to save her from asphyxia.

Generally speaking, the fact exceeds the absence of professional health safety systems as injured ones or families of deceased are usually unable to obtain adequate financial compensations from the employers responsible of these accidents.

### ***Temporary workers and unfair work conditions***

Violations encountered by temporary workers are uncountable for this report, especially that they concern daily facts that are not reported by the media or seriously taken in consideration by those concerned with the status of workers; these violations extend to the various economic sectors and activities in Egypt.

In this context, tens of workers in the Egyptian Company for petrochemical products in Alexandria observed a sit-in by the end of November 2022 due to the non-compliance of the Company with its promises to hire them on a permanent basis and the lack of social and health security although some of them have served the Company for over twelve years. The requests included obtaining permanent legal contracts according to the Labor Law and the internal regulations of the Company as well as accounting their previous years of service. This Company is affiliated to the public sector.

We also note the sit-in of workers in Qena Cement Company that took place end of December 2022 protesting against the employer abstention from formally hiring temporary workers together with the absence of incentives and increments.

### ***Child labor***

Working children are exposed to several forms of violations and risks related to the nature of the profession they practice including the absence of professional and health safety measures of protection mainly in the informal sector; they are also victims of many accidents while going and returning back from work; however, these violations are rarely monitored or recorded and consequently absent from any census.

The province of Beheira witnessed end of April 2022 a disastrous accident in which eight children lost their life resulting from the tumbling of a tricycle that was holding them on top of El Sawalem canal during the way back from work in a factory of potatoes; bodies were transferred to the public hospital of the county town and kept in the morgue to become under the supervision of the general prosecution who conducted the inquiries.

### ***Arrest of fisherman under the pretext of contravention to fishing Law***

In July 2022 tens of fishermen in Manzala lake were arrested by the police of water bodies and the guard forces of the country borders; Ahmed El Maghrabi, president of the independent trade union committee of fishermen in Damietta declared that the number of the arrested amounted to 100, with ninety of them deferred to the military prosecution in Mansoura and Port-Said under the accusation of contravention to fishing Law as lakes have become under the jurisdiction of military laws.

Zaher Fayyad, fisherman and shop owner of selling fishing nets, clarified to “Mada Masr” website that detention was based on the contravention of the legal rules regulating the specifications of fishing nets, explaining that the non-authorized nets were those capable of grouping the widest quantity of fishes including the small ones serving as nutrition for bigger ones in fishers’ plantations; he assumed that the police arrested fishermen randomly either they were in contravention or not.

We recall that a republican decree was issued in 2019 to consider Manzala lake a zone close to the borders and the crimes perpetrated in this type of zone falling under the military rules; an amendment was introduced to the decree by including the lakes of Bardawil, Borollos, Edqu, Mariout and Nasser.

### ***Aggression of physicians, nurses and workers in public hospitals by the relatives of patients***

With the spread of Coronavirus in Egypt, the phenomenon of maltreatment with health practitioners in public hospitals became a norm; some explained this by the insufficient possibilities of these hospitals and the limited number of health staff compared to the density of people affected by the pandemic; in parallel with the retreated size of infections the cases of aggression diminished; however, the first week of December 2022 witnessed two cases of aggression in two different settings.

The first one was referred to in the media as the case of the “whisk” where the relatives of an ill woman, including an officer in the army, aggressed four nurses and four workers in the hospital in addition to a security man; this happened in the public hospital of Qwesna, Menoufia province when a female aggressor used a whisk to beat one of the nurses; a formal report was filed under number 26190 misdemeanor Qwesna.

Shortly later another aggressive incident happened in the public hospital of Itay El Baroud where a physician, a nurse and a security man were beaten by six relatives of a patient in addition to damaging medical equipment in the hospital.

From its side, the Ministry of Population and Health announced that the Parliament is preparing a Law on the Medical Responsibility to contribute in the development of clear rules of conduct with the medical staff in parallel to the protection of patients’ rights.

## Second Axis

### Trade union freedoms and the right to organizing

The Egyptian Constitution of 2014 mentions the right to trade union freedom according to Article 76 stating that “the establishment of syndicates and federations on democratic basis is a right guaranteed by Law. Syndicates and federations shall acquire legal personality, shall have the right to practice their activities freely, shall improve the level of efficiency among their members and defend their rights and interests. The State shall guarantee the independence of all syndicates and federations and their boards of directors may only be dissolved by a court judgment”.

The situation of workers trade unions is regulated in Egypt by Law 213/2017 approved by the Parliament on December 5 2017 and ratified by the President of the Republic on December 17 and valid since its publication in the Official Journal.

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

- Reproduction of some texts of the previous abolished Law that sought essentially to prevent the creation of trade unions and deprive workers from establish their organizations independently from the “governmental” General Federation of Workers Trade Unions. Consequently, the new Law came confusing with contradictory provisions when some articles acknowledge the freedom of establishing trade unions while other articles restrict this right through the imposition of unbearable conditions and barriers extracted from the previous Law; as an example, the Law imposes again the governmental Federation model of organization with its strictly pyramidal structure of three levels while the actual reality is full of valuable initiatives that do not request affiliation of trade union committees to general trade unions as well as cases of general trade unions refusing to becoming affiliated to any federation. In addition, the imposed structure ignores the rights of federations by sector as well as the geographic federations that have been established some years before the Law, some of which representing a valuable experience.
- The present Law follows the same denomination and sequence of chapters with approximately the same number of articles in the old Law; many of these articles erose the powers of general assemblies and the right of their members to develop their own by-laws and internal regulations. It is the Law that decides the duration of the trade union cycle, the number of members in the executive bodies and their prerogatives using the same jargon and methodology of work, conditions of membership and candidacy to the board, reasons of membership termination, suspension or expulsion of a member, the rules of running elections during a single day simultaneously in all work settings with a monitoring mandate granted to the Labor Force Ministry and the presence of a judge in each general committee of ballots similarly to what happened with the General Federation of Workers Trade Unions that won the privilege to be treated as a governmental body. How is it possible under these circumstances to pretend that there is a serious will to have trade unions freely created on the base of workers initiatives and efforts.

In this context, the system proposed by Law 213/2017 is quite confusing and inexplicable as new trade unions are supposed to be established all over every year: therefore, how will be accounted their cycle? In addition, we note the suspension of internal elections in some trade unions due to the confusion in the Law implementation.

It is true that an agreement was concluded lately with the Ministry of Labor Force about the possibility of allowing general assemblies to elect a temporary board with full powers; however, this solution remains hampered by some bureaucratic obstacles and complications.

- Article 41 of the Law imposes seven conditions for those applying to membership of the board; this represents an intrusion in the legitimate right of general assemblies to develop their

own rules and select their representatives as well as a violation of the right of candidacy and voting supposed to be accessible to all members.

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

- While the Law does not allow the member on pension to apply to the board membership, Article 40 exempts board members who occupy a job within the trade union from this provision; this clause lacks the required objectivity in legal texts, and appears clearly to be tailored for the benefit of specific individuals keeping their position after retirement.

Nevertheless, it is fair to acknowledge what the Law includes in terms of trade union freedoms as well as in some of its general principles allowing the establishment of independent trade unions and gaining the status of legal entity; the most positive traits are included in the following points:

- In the preamble of Article 10 it is mentioned that the establishment of trade unions on democratic basis is a right guaranteed by this Law, and trade unions shall acquire a legal personality upon depositing their complete application file to the concerned administrative body and are allowed to conduct their activities freely since that date and that each established trade union is requested to have By-Laws published in the Official Journal.
- Article 64 mentions that trade unions have the right to develop their By-Laws, administrative and financial regulations and freely elect their representatives in accordance with the provisions of this Law; trade unions have the right to organize their internal affairs, implement their activities and develop their work plans; the public authorities will avoid any intervention leading to restrict this right or impede its legitimate practice.
- According to Articles 18, 19 and 20 the legal personality of the trade union is acquired upon delivering the complete file of establishment to the concerned administrative body that cannot refuse to receive it, but is rather responsible of providing an official written acknowledgment of delivery; if the concerned administrative body discovers within thirty days of delivery that the documents are either incomplete or false, it has to inform the trade union representative by certified letter with acknowledgment of receipt; if the trade union fails from providing the right documents during the thirty days following receipt of this letter, the administrative body has the right to oppose the establishment of the organization before the concerned labor tribunal.

Unfortunately, these positive points are contradicted by some other provisions of the Law creating a state of ambiguity; moreover, the practical experience of the past three years show that these are sometimes mere ink on paper as many trade unions were met by arbitrary attitudes and an obvious denial of the rights granted by the Law.

## Law amendment

A number of articles of the Law were highly problematic, mainly imposing an exaggerated minimum number of workers for the establishment of a trade union, the penalties of imprisonment mentioned in the tenth chapter of the Law in punishment of minor contraventions mainly exercising trade unionist activities without having fulfilled all the requirements of the registration process.

In response to the remarks formulated by ILO Committee of Experts on the Application of Conventions and the Committee on the Application of Standards, on August 5 2019 Law 142/2019 about the amendment of some provisions in Law 213/2017 was enacted as follows:

- Amendment of Article 11 to reduce the number of necessary workers to establish a trade union committee in an enterprise from 150 to 50; provisions were issued for enterprises with less than fifty workers as well as free lance artisans who gained the right to establish trade union

committees at the city or province level with a membership of 50 instead of 150 and to form these organizations in partnership with similar professional groups or industries, or mutually linked, or commonly participating in the same type of production provided it is considered as a complementary occupation according to the international standards applied in this domain.

- Article 12 was amended to reduce the number of necessary bodies to create a general trade union from fifteen trade union committees to ten with at least 15,000 members each instead of 20,000.
- Another amendment was related to the establishment of trade unions' federations by reducing the number of necessary general trade unions from ten including each 200,000 members to seven including each at least 150,000 members.
- Abolishment of the detention penalties to be replaced by onerous fines.

However, these positive amendments remain insufficient to fill the gaps and redress the defects of Law 213/2017. Besides the fact that the amendments related to the number of necessary members is still quite high and incapacitating especially for general trade unions and federations; this is mainly true when we chose the option of voluntary membership and organizations freely established by workers after a long period of void during which they saw nothing except the governmental body with its automatic quasi-compulsory system of membership.

The numbers still requested after the amendments are not a big concern for the General Federation of Trade Union Workers that used to affiliate all workers in the governmental and public sectors and deduct the membership fees directly from their salaries without even resorting to them.

The right of creating freely trade unions should be given by Law to each worker; in addition, the condition of setting minimum numbers of members practically results in depriving several groups of workers from this right; therefore, we have to express our reservations regarding these conditions.

According to ILO, it is preferable to avoid setting conditions about the number of members becoming allowed to establish a trade union, and conditional number should not exceed twenty members.

The trade union committees that workers can create at the city or province level might represent an alternative for the workers in enterprises where the labor force is not exceeding fifty; this solution would allow those to get in touch with colleagues in other enterprises; nonetheless, trade union committees of enterprises remain the best organizational model enabling workers to negotiate with their employers.

## **Executive Regulation of the Law**

On March 13 2018, ministerial decree number 35/2018 was issued about the publication of Law 213/2017 Executive Regulation.

The Regulation chronology of chapters did not radically differ than that of the Law, ignoring many of the chapters of the Law such as the objectives of trade unions, its membership, rights and guarantees in practicing trade unionist activities, resources and finances of these organizations as well as their exemptions from taxes, and their By-Laws.

This might be understandable when the Law didn't leave much room to its Executive Regulation. Actually, the Law was detailed to the extend that it encroached on the powers of general assemblies.

However, the provisions of the Law were vague and ambiguous not only necessitating explanations, but also complementary texts mainly regarding the switch from a system to the other supposedly totally different.

It is worth acknowledging that the Executive Regulation tackled the main controversial issue essentially the regulation of status, full time involvement, trade unionist tasks, training sessions, and elections.

Most importantly, the general provisions included in the first chapter of the Executive Regulation the deletion of some ambiguity created by Law 213/2017 specifically about Article 3 stating that workers have without discrimination the right to establish, join, trade unions or withdraw from these organizations according to the rules and measures adopted in this Regulation and their By-Laws. Trade union regulations are responsible to organize the rules about the withdrawal of a member regarding his/her rights or benefits acquired during membership such as the saving schemes set by the organization.

This text is totally compatible with the principles of trade unionist freedoms refuting any imposition of joining a trade union or remaining affiliated by force; however, we didn't witness until this date any case of practical implementation for this principle.

The Law Executive Regulation also clarified without leaving any room for doubts about the provisions of Articles 18 to 20 stating that the legal personality of workers' trade unions is proven since the delivery of required documents at the concerned administrative body or Ministry and that these organizations become entitled to freely conduct their activities beginning that date.

Nevertheless, practical practices pointed out clearly that there is a pressing need to issue a ministerial decree aiming at clarifying the rights guaranteed by the Law and forbid the forms of administrative intervention and arbitrariness that many trade unions continue to face.

### **Practical application of the Law and its Executive Regulation**

According to the Law, the labor force directorates are expected to be committed of receiving applications as long as the files are complete; they should at least stop to refrain the implementation of the Law. Nevertheless, this is not what happens in practice. Actually, these directorates refuse to receive the applications while the Labor Force Ministry continue to justify these practices and claims it is incapable of stopping them.

*Founders of trade unions have to face the following obstacles*

- ⊗ They are confronted by an endless vicious circle while Article 18 of Law 213/2019 indicates clearly the steps to be undertaken by the administrative body, i.e., receiving the applications and delivering an acknowledgment of receipt; nonetheless, the directorates refuse to receive the files of trade union committees under the pretext they are waiting directives from the Ministry.
- ⊗ There are trade unions that were formally established or succeeded to regulate their legal status but remain unable to get the necessary letters in order to begin activities.
- ⊗ The labor force directorates abstain from delivering these letters and some directorates resort even to delay the provision of these vital documents as a means of pressuring independent trade unions to join the General Federation of Workers Trade Unions.

The trade union committee of drivers in the province of Qalioubia is one of the flagrant examples illustrating this situation.

- Despite the issuance of the ministerial decree number 162/2020 to compose a commission responsible of examining all the pending cases, the performance of this commission is characterized by its lengthy action reaching sometimes several months for revising the files; accordingly, and combined with the stubborn attitude of the directorates, the case of these trade unions remains pending and expose their leaders to many types of risks.
- Although the persistence of independent trade unions to work and claim for their rights led to the registration of some important trade unions in major settings, many trade union committees of the Real Estate Taxes are still not registered impeding thus the capacity of the general trade union of Real Estate workers to register despite its long active history.
- Moreover, trade unions that hardly succeeded to obtain a legal status are confronted by several obstacles such as the case of workers in Bibliotheca Alexandrina that as soon as they finalized



the measures of their registration last September, were challenged by a “Fatwa” (advisory opinion) from the State Council about the illegality of their organization on the base that it exists in parallel with the trade union affiliated to the “official” General Federation of Workers Trade Unions; this legal opinion resulted in the refusal of the Bibliotheca administration to recognize or deal with the independent trade union.

This was not the only “Fatwa” issued by the departments of advisory opinions when the Ministry of Education department issued a similar “Fatwa” leading to the termination of trade unionist Ahmed Abdel Mordi services.

It is worrying to think that additional fatwas might appear along the way destructing the rights approved by the Law!!

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

### **Trade union elections**

The trade union elections were frustrating regarding the aspirations of the workers movement aiming at improving the whole situation and achieving a step forward in the issue of trade union freedoms; instead of welcoming the efficient trade unions entrusted by workers, capable of representing and defending them, it appeared that several governmental bodies are not seeking more than a proforma decoration model deprived from any vitality or substance.

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

This composition is quite evidently aiming at facilitating the governmental intrusion in the electoral process. It is possible to firmly assert that the main flagrant violations consisted in depriving those aspiring for candidacy from this right and consequently deprive workers from freely selecting their representatives. The number of evicted was not less than 1500 candidates under unexplained pretexts between presumptions of concerns related to the security bodies or for the benefit of the General Federation candidates, sometimes even based on personal cases of revenge; anyway, the real reasons of evictions remained unknown for the majority of these candidates who attempted in vain for days to meet the judge presiding the electoral general committee seeking to find an answer to the reason of their rejection; moreover, some of these were threatened either by security bodies or by their employers leading some of them to renounce applying for candidacy; this happened with the entire trade union committees of Real Estate Taxes in Ismailia and Kafr El Sheikh, and with the trade union committees of workers in the clubs of Suez Canal Company, and in Fayoum organism of ambulances; this was not restricted to this renunciation but pushed many workers in independent trade unions to abstain from applying to avoid having to pay at the end an extremely high price.

In addition, the general committee of elections decided under no legal base or reasonable justification to abolish the elections for some independent trade unions that included among others the trade unions of workers in Qena organism of potable water and sewages, and in Qalioubia and Qena Real Estate Taxes.

### Third Axis

#### Discussions about the draft Labor Law and Main Comments on its Last Version

With the beginning of 2022, the draft Labor Law developed by the government was submitted to the Senate committee of labor force and environment while end of 2022 witnessed the discussion of the Law by the Parliament committee of labor force.

A draft Labor Law had previously been issued in 2017 by the Parliament committee of labor force after the organization of hearing sessions limited in number of meetings and participants; few amendments were introduced to this draft, ignoring many of the comments expressed by workers leaders, trade unionists, experts and other people concerned with the situation of labor; moreover, the majority of the remarks developed by the legislation section of the State Council, those sent by the National Council of Human Rights and the observations mentioned by ILO Committee of Experts on the Application of Conventions were equally neglected.

On the other hand, the government introduced some amendments in November 2021; the new draft was discussed on the 7<sup>th</sup> and 8<sup>th</sup> of December 2021 by the Senate committee of labor force and environment that made some proposals and the draft was deferred to the Senate general assembly to send its report to the Parliament.

Despite the request presented to the Senate committee of labor force and environment to include the various concerned parties in the deliberations, mainly the independent trade unions, the committee overlooked the demand restricting participation in the debate to the Ministry of Labor Force and the General Federation of Workers Trade Unions.

Again, the Parliament committee of labor force abstained from organizing hearing session.

As the Labor Law is a legislation of social nature affecting the lives of millions of Egyptian workers and regulating the relationship between social categories with varied positions and interests, it is assumed to attract an important attention and gain a heavy portion of a real and alive social debate involving a wide spectrum of varied social categories through democratic mechanisms allowing their representation and expression of interests without any exclusion or rejection.

In addition, the achievement of justice by the Labor Law in creating balanced working relations is an issue concerning the entire society and not only workers; this is because stable and equilibrated relations enabling dialogue and negotiations are a must to achieve social stability.

#### **The main remarks expressed by workers leaders and trade unionists are summarized below:**

I - Article 4 of the draft Law mentions that the following categories are excluded from the provisions of the Law:

1. Workers in the State apparatus including the units of local and general administration
2. Domestic workers and those in similar positions unless another disposition is declared.

We consider important the application of the Law on domestic workers and those in similar positions, as their exclusion from coverage is no longer acceptable: how can we refuse to consider the relationship between those and their employers as a working relation and insisting to look at it as a relation of direct dependency!! How is this compatible with human rights principles and ILO Conventions or even with the Egyptian Constitution mentioning in Article 51 that dignity is an unalienable right for every human being besides other constitutional provisions confirming the right to equality, non-discrimination and protection of workers' rights.

This cannot be justified by the idea of exempting domestic workers from the protection of the Law in order to prevent the invasion of labor inspectors into the private life of households on the base that these are work settings; actually, domestic workers could simply be only exempted from the provisions of the chapter about labor inspection without deprivation from their other rights in terms of wages, working hours, holidays and other benefits.

II - Developers of the draft Law introduced rightly a new text by forbidding forced labor (Article 5) in accordance with Article 12 of the Constitution as well as with international Conventions (29/1930 and 105/1957). They were similarly accurate in updating the provisions of the Law by adding Article 6 stating the banning of discrimination in the conditions of work on the base of gender, ethnic origin, language, religion, beliefs, political affiliation, geographic setting or any other reason; this is also compatible with Article 53 of the Constitutions. We propose to add that discrimination should also be banned in access to training and employment which is mainly happening against women as we can notice in the advertisements for jobs that often include the comment “for men only”. Moreover, we totally welcome the amendment proposed to add mention of the dwarfs in paragraph 2 of the Article 53.

III - As a means to simplify procedures for workers, legislators innovated new provisions in Article 8 by exempting them from the condition of having the lawsuit opening or the substantive legal action signed by a lawyer; these legislators were also attentive in Article 162 to address the need of workers for legal aid by establishing legal support offices for workers in the location of each court of primary instance and in all the locations where labor courts are held. However, legislators did not tackle the main problem facing workers since the issuance of the present Law 12/2003 requiring the worker to assume the judicial expenses in case his/her lawsuit was rejected.

#### IV - Article 12 of the draft Law

Among the amendments introduced by the government in November 2021 was the reduction of the periodic increment of salary from 7% of the salary (basic and changing) indicated at the social security in its draft proposed in 2017 to 3% of the basic salary in the draft approved by the Council of Ministers last November; the government justification in its memorandum explaining the introduced amendments was about the adoption of Social Security and Pensions Law 148/2019; in response to the Labor Force Minister request to undertake a study accounting the equivalent of 7% of the salary compared to the 3% value of the basic salary indicated in the subscription to social security, the government sent the memo issued by the head of the National Organism of Social Security and Pensions about Law 148/2019.

Nevertheless, this justification could be contested in we take the following into account:

- ➔ The memo of the head of the National Organism of Social Security and Pensions mentions that paragraph 8 of the Law first Article includes only a definition of the value of the salary as registered in the subscription without a definition of the basic salary representing only one of the elements of the subscription rate.

Actually, the scale of salaries did not change for the private sector after the issuance of Law 148/2019 that remains divided into basic and changing salary; therefore, it is easy for private sector enterprises to determine the 7 percent of basic salaries that they effectively disburse monthly for their workers and that are not by any means impacted by the value of the social security subscription based on the totality of the salary.

This means that Law 148/2019 did not bring anything new requiring the amendment introduced in 2017 by the government.

- ➔ It is true that the National Organism of Social Security and Pensions noted after returning back to its statistical data base that the average percentage of basic salaries account to 40%

of the total subscriptions representing around 2,8% of total salaries for insured workers. Consequently, it appears that the estimated annual percentage of 7% raise for workers in the private sector will amount to approximately 2,8% of the global value of subscription.

However, it was annexed to this explanation that it was important to note that this estimated percentage was accounted on the base of information showed by the Organism data base which does not represent the real percentage of salaries for all workers in the private sector.

In conclusion, it is difficult to estimate the real percentage of salaries compared to the salaries declared for all the insured ones as the changing salaries vary greatly from an enterprise to the other, as well as previous experiences confirm that employers might present data to the organism indicating only a minimum portion of the changing salary in order to reduce the size of their share in the subscription rate, leading ultimately at the reduction of the periodic increment obtained by workers.

V - We consider it important to amend Article 42 of the draft Law to ensure that employment companies won't use their workers by employing them in other enterprises; we also confirm the importance of abolishing the second paragraph of this article in contradiction with ILO Conventions refusing the deduction of any financial amounts from workers.

VI - Article 70 of the draft Law mentions that individual work agreements will be concluded for a specific period of not less than one year and the two parties can renew similar additional periods by mutual agreement. We insist on the importance of amending this clause to be replaced by "individual work contract agreements are open ended and contracts of specific duration might be concluded for seasonal or other works that do not allow by nature or by tradition to be initially concluded through open ended contacts".

Honestly speaking, the first draft Law presented by the Labor Law Ministry in 2015 included our proposed formulation of Article 68.

It is important here to clarify the following points:

- Utilizing the services of a worker under a temporary contract in permanent tasks is nothing but an unjust practice and a manipulation of rights; in such cases the intention of employers is not using workers for a determined period but rather to possess all the cards in their hands and fire workers at their own convenience by utilizing contracts of specific durations without granting workers any rights in front of arbitrary discharge.
- The pretention of saying that employers have the right of choosing the type of contracts suiting them is a mere fallacy; In this respect, it is possible to refer to the comparative Law to discover how legislations are developed elsewhere in order to limit the phenomenon of temporary contracts as well as the way collective negotiations are conducted and approved by the real and efficient workers trade unions and federations to reduce this type of work contracts and put clear rules and criteria regulating them besides setting a specific quota of such contracts that is not allowed to be exceeded.

VII - Article 71 of the draft Law amended by the Senate stated that "the work contract is considered of indefinite duration in the following cases:

1. If it is not put in written
2. If its duration is not mentioned in the contract
3. If it was concluded for a definite period and the two parties agreed to renew it for a period exceeding in total four years
4. If it was concluded for a definite period and the two parties continued to implement the clauses of the contract without written agreement."

Our proposal is to amend these clauses as follows:

“The work contract is considered of indefinite duration in the following cases:

1. If it is not put in written
2. If its duration is not mentioned in the contract
3. If it was concluded for a definite period and renewed for other periods
4. If it was concluded for a definite period and the two parties continued to implement the clauses of the contract without written agreement.”

Our proposal is based on the fact that the governmental draft does not suppose that the renewal of the contract several times refers to a presumption of indefinite duration of the contract unless if the durations of renewal exceed six years meaning that employers have the right to employ the worker with contract of definite duration renewed annually for six years without being considered a permanent employment!! This practically means that the worker lives six years in a state of professional insecurity, threatened to be terminated, or - according to the legislator - having his/her contract not renewed.

It is important to mention that the Parliament labor force committee had attempted to avoid the critics addressed to this text by reducing the totality of periods to four years, yet the government re-amended these provisions to become six years again; then the Senate proposed that the total duration for the third case be of four years; however, we do not consider that this is sufficient and we propose to return back to the provisions of the old Labor Law 137/1981 preceding the current one in application.

VIII - Article 77 of the draft Labor Law mentions that if an employer entrusts another employer with carrying out one or part of his/her works in the same work area, the latter shall treat his/her own workers and the workers of the original employer equally in all rights and shall be jointly liable with him/her in all commitments indicated in the provisions of this Law.

We consider that this clause should be amended as follows:

“ If an employer entrusts another employer with carrying out one or part of his/her works in the same work area, the latter shall treat his/her own workers and the workers of the original employer equally in all rights and shall be jointly liable with him/her in all commitments indicated in the provisions of this Law.

The employer is not entitled to entrust another employer employing his/her workers to perform works or functions considered as original works or functions related to the activities of his/her enterprise. In all cases the percentage of workers of the other employer should not exceed 10% of the original employer workers”.

These amended additions aim at obtaining a new Labor Law capable of overcoming the problems affecting the labor market crowded by tens of labor disputes.

Undoubtedly, the mention of equal rights for workers is an important point that deserves to be acknowledged; nonetheless, the illusionary companies of services, security and guards will continue to play the role of labor force providers, a role clearly perceived by the government that pretends to ignore it. This is the reason why we propose to add the second paragraph to this Article.

## IX - The National Council of Wages

Article 79 of the draft Law proposes a text related to the representation of workers by “five members representing the trade unions” without specifying particular organizations; it is important to avoid that this representation remains the monopoly of the General Federation of Workers Trade Unions. We stress here the need of a real representation of workers by varied types of trade unions, mainly workers in the private sector.

We also propose that the last paragraph of this Article mention the revision of minimum wages scale to cope with inflation rates and the changing costs of living. In addition, it is important to issue a compulsory decree for all parties to ensure the efficacy of the Council in determining the value of minimum wages in line with ILO Convention.

X - Article 84 of the draft states that the salary is determined according to the individual work contract, collective work contract, or certified internal regulations of the enterprise; if there is no specific mention by which means the worker deserved a similar salary if existing, or a salary estimated on the base of the tradition followed in the profession at the workplace; if inexistent, the salary shall be estimated by the judge of temporary affairs at the specialized labor court according to the requirements of justice and in line with the provisions of this Law.

We consider important to add other criteria in the determination of the salary by mentioning in the first paragraph “the spacing out of salary will take in consideration the scale of minimum wages, accounting the worker’s level of education, previous experience, efficiency and number of working years”.

XI - For Article 125 we confirm the amendment introduced by the Senate as well as the responsibility of the specialized labor court of taking the decision of discharge.

XII - Article 133 mentions that when the work contract is of indefinite duration, any of the two parties has the right to end it provided the other party is notified in writing three months ahead of termination.

We claim the deletion of this Article as well as the following ones until Article 141 that justify the arbitrary firing of workers.

We have all been exhausted during the past years from contradictions and ambiguities of the present Law mentioning that termination of service is within the authorities of the labor court and enumerating the cases when termination cannot be decided by any other body while it states in Article 133 that the work relation can be ended by both parties when it is based on an indefinite duration of contract and requires only preliminary three months of notification.

The practical result of this confusion appeared clearly before the labor courts where workers stick to the terms of the Law, i.e., possessing a work contract of indefinite duration, and employers defending their right to terminate the work relation; sometimes, judgements condemn the decision of termination considered contradictory to the provisions of the Law and other times judgements are in favor of the employer and the worker finds herself/himself with the only right to obtain a compensation for not having been notified on time; this compensation is equivalent to two or three months of salary in best cases. It was assumed that the draft Law would overcome such shameful contradiction, but Article 133 and following Articles include exactly the same clauses of the present Laws in terms of termination the work relation and the compulsory three-months of prior notification.

Actually, ending a work relation is only possible in the following cases:

- A mutual consent to terminate the relation
- Termination by the employer meaning exactly firing from work
- Termination by the worker meaning applying for resignation
- Decease of the worker, retirement or invalidity.

Therefore, it is useless to include legal clauses organizing the mutual termination of the work relation, while there are other provision referring to discharging and resignation. It is unacceptable as well to justify by mentioning here “by mutual consent” which – as we all know well - doesn’t need such rules, conditions and provisions.

XIII - Article 144 of the draft Law amended by the Senate states that the worker has to present his/her resignation to the employer holding his/her signature or that of a personal accredited representative, and certified by the concerned administrative body.

The worker services do not end before a decision is issued to accept the resignation; the worker has to remain in service until his/her working place takes a decision within ten days of the date resignation was presented, otherwise it is considered accepted after this deadline; the resigning worker or his mandated representative can annul the resignation within a week of its approval by the employer provided this backing down is put in writing and certified by the administrative body; in this case resignation is considered non-existent.

This is an important provision to counteract the phenomenon of resignations signed beforehand and kept by the employer together with signed form 6 ending the subscription to social security.

XIV - Article 205 mentions that both employers and the concerned administrative body should be notified by certified letter with acknowledgement of receipt at least ten days before conducting a strike.

In all cases the notification should include the reasons conducting to the strike, its beginning and ending dates.

We consider a nonsense the condition of indicating an ending date for a strike as workers do not enter in strikes as a dramatic or mediatic show and are supposed to pursue the strike until their demands are met; consequently, they cannot be aware in advance about the duration of the strike,

XV - Article 207 of the draft Labor Law mentions that striking, incitement to and call for strike are banned by the terms of this Law in strategic and vital institutions where the stopping of work might threaten the national security, or in public services; all these settings to be enumerated in a decree by the Prime Minister.

Call for strike is also forbidden in case of emergencies.

We note here that the legislation unit of the State Council considered that the concept of these institutions should be defined, or backed by the criteria of their selection without solely indicating them through a decree of the Prime Minister considering this ruling a violation on the origin of the right.

In addition, the report of the ILO Committee of Experts on the Application of Conventions about the case of Egypt expressed its reservation concerning the restriction of the right to strike in institutions providing services that are not considered essential according to the precise definition of this term.

Moreover, the last paragraph about banning the call for/or the announcement of a strike in emergency situations should also be deleted because it does not refer to any accurate legal definition of these cases of emergency.



## Main concluding findings

- ❖ The overall size of violations encountered by workers from both sexes during 2022 in Egypt amounted to 10,634 cases (without including figures for the Maspero case) according to the available data and are mostly concentrated in the private sector (at the rate of 9,722) followed by 900 cases for the public sector and 12 cases in the governmental sector.
- ❖ Violations during the trade union elections occupied an important percentage of the violations during this year with the number of evicted applicants for candidacy exceeding 1500; The reasons of eviction remained unexplained and were assumed by the victims to be due to the worries of security bodies or aimed at serving for the benefit of the General Federation candidates, or even sometimes resulting from acts of personal revenge; anyway, the real reasons of evictions remained unknown for the majority of these candidates who attempted in vain for days to meet the judge presiding the electoral general committee seeking to find an answer to the reason of their rejection; moreover, some of these were threatened either by security bodies or by their employers leading some of them to renounce applying for candidacy.
- ❖ Number of independent trade unions are still under a pending status despite the correctness of the measures of establishment that are compatible with the provisions of the Law; this situation is due to the stubborn attitude by the labor force directorates, refusing to providing them proofs of depositing their files or giving them the necessary letters to conduct their activities; under these circumstances they are often unable to hold their general assemblies or becoming active actors in the labor movement.
- ❖ The restrictive provisions about strikes in the Labor Law by indicating that the practice of this right expose workers and their leaders to arbitrary expulsion from work for contravention of the Law; this happened during 2022 with 94 workers from Universal and Betonil, both private sector industrial companies.
- ❖ Despite the harsh work conditions encountered by non-organized workers and their deprivation from any form of legal or social protection, it was difficult to monitor the violations to which they were exposed as the issue of registering and accounting the number of this labor force remains unsolved either by the present Labor Law or by the proposed draft Labor Law.
- ❖ Another problem facing the process of monitoring is related to the violations against women workers as the media and those concerned by workers' affairs do not distinguish between women and men and no disaggregated data is provided allowing to present accurate figures. The only cases identified were Sammanoud workers and nurses in the two public hospitals. However, the Central Agency of Public Mobilization and Statistics issued in July 2022 a set of data showing an evident gender gap in the development of average weekly salaries for women that exceeded 13% for the private sector and 24% for the public sector.
- ❖ Despite the creation of the High Council of Social Dialogue by Prime Minister decree number 799/2019, and the deliberations between the government (represented by the Labor Force Minister) and ILO about the activation of this Council, the social dialogue is still absent. Actually, the development of a social dialogue and collective bargaining cannot be implemented without democratic mechanisms and the right of everybody to independently and freely organize.
- ❖ The debate that occurred in the workers' circles about the draft Labor Law is considered the most important subject of concern among workers in 2022; there is a pressing need to require from the Parliament labor force committee organizing hearing sessions opened to all the concerned stakeholders either for various types of trade unions or other social actors. The main issues raised about the Law are related to salaries and professional security.
- ❖ The provisions of Labor Law 12/2003 compel enterprises to provide the means of professional and health security, ensure a safe environment at the workplace, adopt the necessary measures

and precautions to avoid all kinds of risks, assess and analyze the industrial and natural potential disasters and risks, and develop an emergency plan for the protection of both the enterprise and workers to be tested and workers trained to use it. However, the findings of this report indicate the exposure of 29 workers to injuries resulting from the absence or degraded level of the tools of protection; this in addition to the numerous road accidents to which workers – especially children – are exposed on their way to/back from work.

Cairo

February 28 2023