



International
Labour
Organization

PROSPECTS



اتحاد الصناعات المصرية
FEDERATION OF EGYPTIAN INDUSTRIES



Kingdom of the Netherlands

▶▶▶ REFUGEES AND THE EGYPTIAN LABOUR MARKET:

An analysis of the potential role of
employers' organizations



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Foreword

Refugees access to decent work opportunities represents a universal challenge, and remains a goal that all nations and organizations aim to achieve. Within the framework of a partnership between the International Labour Organization's PROSPECTS Programme, funded by the Kingdom of the Netherlands, and the Federation of Egyptian Industries, refugee access to the Egyptian labour market has been assessed and analyzed, exploring the role employers' organizations can play in this direction. This analysis aims to lay the foundation for social dialogue, by better understanding employers' perception on integrating refugees in the Egyptian labour market.

PROSPECTS aims to improve the living standards and inclusiveness of refugees, asylum seekers and vulnerable host communities by contributing to the expansion of socio-economic opportunities through better training and mainstreamed protection interventions. The role of employers' organizations as part of the ILO's tripartism remains an integral part in achieving the aforementioned goal.

Through its analysis of the potential role of employers' organization concerning refugees access to the labour market, the ILO worked on promoting the concept of decent work, which is the ILO's foothold and lies at the core of our work towards achieving decent work.

As of today, the world marks one year of coping with the COVID-19 pandemic and all of its challenges. Any validation sessions, workshops, programmes, and consultations that have been conducted, were all done in hopes of bringing a precise analysis with possible, realistic and constructive recommendations, for a faster recovery and resilience of economies.

We hope this study offers a new path towards achieving decent work among refugee communities, and provides you with a clear understanding of the bottlenecks and possible recommendations to overcome them.

Sincerely,

Eric Oechslin

Director of the Decent Work Team
for North Africa

Country Director for Egypt and Eritrea

Mohamed Zaki El Sewedy

Chairman of the Federation of Egyptian Industries

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► Introduction

The right of refugees to work, to benefit from social protection and to access labour markets is an essential part of reducing their vulnerability and protecting their dignity, while in the meantime, many studies focused on assessing the contribution of refugees to the development of their host countries has shown the positive impact of economically active refugees and how it enables them to contribute to their host societies. Many possess entrepreneurial skills that benefit domestic economic activity and national development. Thus, host countries, especially developing countries, around the world should ensure the active economic engagement of their refugee populations by providing decent work, training, and educational opportunities. Refugees' right to work is guaranteed under Articles 17, 18, 19 and 24 of the 1951 Refugee Convention. However, this legal framework is not enforced in many countries; about 75 of the 145 countries that have ratified this convention have stated their reservations – often with regard to refugees' **right to work**. Egypt acceded to the 1951 Convention and Protocol. As accession has the same legal effect as ratification, Egypt has effectively become party to the Convention.

Refugees and asylum seekers – numbering approximately 29 million worldwide – are thus a

potential workforce. However, it is a workforce that remains largely untapped for a number of reasons. First, access to the labour market is challenging, particularly in developing countries. Second, the existing workforce in host countries already suffers from high rates of unemployment, especially among the youth, which restrains those countries' ability to accommodate new employment. Third, the prolonged stay of refugees in the host country may lead to the emergence of claims for citizenship, which host countries are reluctant to encourage. These countries seek to break this impasse through financial and other labour market policies.

Egypt currently hosts around 265,393 refugees and asylum seekers of various nationalities.² However, the labour position of many of those refugees remains unclear, owing to a widespread expectation that these refugees will remain in Egypt for a long time, if not permanently. Therefore, it is important to develop a vision for exploring the potential of the refugee workforce in relation to the Egyptian labour market, which equally accounts for Egypt's economic conditions and reservations on some of the articles of the 1951 Convention.

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¹ https://www.unhcr.org/eg/wp-content/uploads/sites/36/2021/08/Month_StatisticalReport_July2021.pdf

► The value of working with social partners for PROSPECTS Egypt

PROSPECTS is a partnership initiative spearheaded by the International Labour Organization (ILO) and the Government of the Netherlands that includes the International Finance Corporation (IFC), the UN Refugee Agency (UNHCR), the UN Children's Fund (UNICEF) and the World Bank. The objective of PROSPECTS is to improve the living standards and inclusiveness of refugees, asylum seekers and vulnerable host communities, by contributing to the expansion of socio-economic opportunities through better education and mainstreamed protection interventions.

As part of PROSPECTS' aim to promote policy dialogue and advocacy on socio-economic opportunities and advocacy for the inclusion of refugees and asylum seekers, the project seeks out ways to engage both employers' and workers' organizations. This paper is part of a larger aim to create the foundation for social dialogue, by better understanding the position of employers on the economic participation of refugees in Egypt.

Employers' and business membership organizations have a special relationship with the International Labour Organization as one of the

ILO's three constituents. Employers' organizations represent enterprises, which are a key asset to any society. Successful enterprises are at the heart of any strategy to create employment and improve the economy. Employers' organizations help to create the environment for enterprises to thrive by influencing the ecosystem in which they do business and providing them with key services.

The Federation of Egyptian Industries (FEI) is one of Egypt's largest employers' associations, with 19 active industrial chambers as members. The FEI represents more than 60,000 industrial enterprises, out of which more than 90 per cent belong to the private sector, accounting for more than 7 million workers and 18 per cent of the national economy. Since its inception, the FEI works towards protecting and supporting Egyptian industries, firmly believing in industry as the pillar of the sustainable development of the country and publishing "The Reform Agenda to Promote Industrial Growth and Foreign Investments in Egypt" in February 2019, which was directly presented to the Prime Minister of Egypt.

With the purpose of best determining the path forward with the FEI, ILO PROSPECTS Egypt began with an analysis of the potential role of employers in national policies, legislation, practices, employment and fundamental principles and rights at work with regards to the inclusion of refugees and vulnerable host community populations. This paper guided the way for a five-day capacity development programme in Alexandria and Cairo for employers.

In this paper, ILO PROSPECTS Egypt explores potential recommendations for better integrating refugees into the Egyptian labour market. Accordingly, this report is divided into three sections, and concludes with a set of recommendations.

I. Section One: The international legal framework of refugee rights

The first section provides an overview of international conventions that govern and guarantee international refugee rights. It outlines how international labour standards guarantee the right to work, to both refugees and (national) citizens.

II. Section Two: Global experiences of integrating refugees in national labour markets

The second section looks at global case studies and explores the role that employers' organizations play in integrating refugees in their respective national labour markets, experiences that Egypt could potentially draw on.

III. Section Three: The legal and social situation of refugees in Egypt

The third section analyses national policies, legislations, and labour and refugee rights in Egypt. It envisions the prospective role the FEI can play in improving the economic capacities of both refugees and host societies, with a focus on refugee populations in Cairo, Alexandria, and Damietta. It explores how the FEI can integrate more Egyptian employers and refugees, who mostly work as informal labourers, in the Egyptian labour market.

Doing so, it explores how host societies can offer more job opportunities to both refugees and nationals.

IV. Recommendations

The final section proposes a set of recommendations to the FEI and stakeholders, which outline the benefits of integrating refugees in the Egyptian labour market.

► Executive Summary

Introduction

This paper develops a vision for exploring the untapped prospects of the refugee workforce in the Egyptian labour market, and the potential role of employers' organizations in better integrating refugees in the Egyptian labour market. The objective of PROSPECTS is to improve the living standards and inclusiveness of refugees, asylum seekers and vulnerable host communities, by contributing to the expansion of socio-economic opportunities through better education and mainstreamed protection interventions. This paper is part of a larger goal to create the foundation for social dialogue, by better understanding the position of employers on the topic of refugees and their economic inclusion in Egypt.

The international legal framework of refugee rights

The first section provides an overview of international conventions that govern and guarantee international refugee rights. It outlines how international labour standards guarantee the right to work, to both refugees and (national) citizens.

The term *refugee* is recognized as a legal category by a number of international and regional organizations, treaties, and conventions: (1) the 1951 Refugee Convention; (2) the 1967 Refugee Protocol; (3) the 1969 Organization of African Unity (OAU) Convention; and (4) the United Nations High Commissioner for Refugees (UNHCR).

According to Article 1 of the 1951 Refugee Convention, a refugee as "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of

being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.²"

The Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and various ILO conventions and recommendations guarantee the right to work to all individuals regardless of their citizenship status. National states are expected to safeguard this right through maintaining just and favourable conditions of work. *Refugees' right to work* is stipulated by the 1951 Convention and the 1967 Protocol, which together create a set of mutual rights and obligations between the host state and the refugee.

² UNHCR Website. Retrieved from: <https://www.unhcr.org/what-is-a-refugee.html#:~:text=The%201951%20Refugee%20Convention%20is,group%2C%20or%20political%20opinion.%E2%80%9D>

According to the UNHCR, integration is a legal process through which refugees are gradually granted rights by the host state, which are broadly commensurate with those enjoyed by citizens. These rights include freedom of movement (sometimes through valid travel and identity documents), the right to own property, and access to education, the labour market and social assistance, including health facilities. There are two common perspectives on the question of refugee integration into national labour markets. The first holds that since refugee presence in a host society might become permanent, integration should be undertaken by the host state to include refugees in various aspects of life with their indigenous counterparts, with the aim of eventually becoming active members of society. The second perspective views integration solely through the lens of employment.

In its effort to improve labour conditions globally, the ILO has worked to promote the concept of “decent work”, a set of standards that ensure employment and dignified work conditions across the world.

Global experiences of integrating refugees in national labour markets

This section surveys experiences from the European Union (EU) where social partners, employers’ organizations and trade unions play a significant role in refugee access to the labour market. They are crucial in identifying the capabilities of new arrivals and appreciating the opportunities and challenges that must be addressed in understanding how to facilitate the release of employment possibilities for migrants, refugees, and asylum seekers. This creates an atmosphere of administrative, legal, and practical support for both employers and employees.

Successful integration into the labour market is usually the result of joint efforts and coordination among a variety of actors and stakeholders at the local, regional, national levels. Stakeholders

involved in refugee policies include government agencies, central and local authorities, local public employment services, and civil society organizations – third sector organizations (TSOs) and NGOs. As important intermediaries between and social partners to both government and civil society organizations, employers’ organizations and trade union organizations can contribute to facilitating refugee access to labour markets.

The most common challenges facing refugee integration in the EU labour market are lack of education, lack of technological skills, illiteracy, gender imbalance, lack of work experience, and missing documents. Employers’ organizations in most EU countries view cultural differences as a likely barrier to integration in trade unions. This is the case in the Czech Republic, Denmark, Greece and the United Kingdom. In Switzerland, lack of information and knowledge about the legality of refugee residence on behalf of social partners also pose as challenges to refugee integration in the labour market. However, representatives of trade union and employers’ organizations have increasingly advocated for raising awareness about these issues.

Despite the efforts that states and social partners take in integrating refugees into the market, whether in the EU or Africa, the challenges facing refugees are similar. Nevertheless, the solutions designed by each country differs and is based on the country’s economic capacity, political will, and legislative and economic policies towards refugees. Some countries have clear and comprehensive systems to host and integrate refugees in their labour markets, while others can only provide a place for refuge. In the latter case, refugees depend entirely on aid provided by international bodies.

The debate about refugees in EU countries is often about the perceived burden that new arrivals place on public budgets and the labour market. Refugees are considered to be in need of social support and services and at the same time,

▶▶▶ In its effort to improve labour conditions globally, the International Labour Organization (ILO) has worked to promote the concept of “decent work,” a set of standards that ensure employment and dignified work conditions across the world.

potential competitors to the national workforce. This often creates a dilemma to trade unions, which sometimes exclude refugees from their activities and memberships. This is mostly the case in host countries where the unemployment rate is already high. Alternatively, governments consider refugees to be a cheap workforce that can be easily directed to, and recruited with, less economic and social costs than national workers. Thus, on the one hand, refugees can reduce national employment opportunities, while on the other, they contribute towards curbing the influence of unions when negotiating wages.

The legal and social situation of refugees in Egypt

As of July 2021, Egypt hosts 265,393 refugees and asylum seekers. However, it is estimated that the actual number surpasses this official figure, which does not include the rejected asylum applications. According to the UNHCR, almost 133,856 refugees in Egypt are from Syria and 131,537 from Palestine, Sudan, Ethiopia, Eritrea, Iraq, Somalia and other countries. Despite this large number of refugees, Egypt is yet to develop a clear set of national procedures to regulate asylum and refugee influx.

The Egyptian Constitution, the Memorandum of Understanding between Egypt and UNHCR, Labour Law 12 of 2003, Law 213 of 2017, and Law 72 of 2017 are the national governing instruments of refugee labour in Egypt. **Article 91** of the 2014 Egyptian Constitution states that “the state may grant political asylum to any foreigner for defending the interests of people, human rights, peace, and justice. The extradition of political refugees is hereby prohibited, and all of that is in accordance with the law.” Since there is no law that specifically regulates refugee employment in Egypt, refugees are legally viewed as foreigners, under Law 12 of 2003. According to Law 213 of 2017, all workers, regardless of their nationality, have the right to establish or join a trade union organization in Egypt. Law 72 regulates the residence of non-Egyptian investors.

The Egyptian government delegates all refugee responsibilities and asylum applications to the UNHCR. However, it made reservations on **Articles 12(1), 20, 22(1), 23, and 24** of the 1951 Convention. The latter (**Article 24**) grants refugees the same treatment that is accorded to nationals with respect to remuneration, restrictions on domestic work, minimum age of employment, collective bargaining, and social security.

The role Egyptian social partners can play in enhancing the integration of refugees in Egyptian society can tackle access to housing, education, vocational training and wages. For example, in Germany, social partners focus on housing, language training and public service as a means of ensuring refugee integration. Where language education and integration are not a hurdle or a priority, employers' organizations in a number of EU countries, such as the Czech Republic, focus on the labour potential of refugees. Together, these steps can ensure sustainable and long-term integration of refugees in the Egyptian labour market. In Egypt, small-scale pilot experiments with refugee women took place and are expected to yield positive results. The ongoing COVID-19 pandemic poses several challenges to the Egyptian industrial and labour sectors, such as reduced production, lack of financial liquidity and profit losses.

Conclusion and Recommendations

The influx of refugees and asylum seekers calls for devising and innovating various methods for their integration into the labour market. Refugees face huge challenges that hinder their access into the labour market, and therefore, the government and social partners can play an important role to facilitate their access to the labour market and tap on these opportunities that the refugees bring to their host countries, as follows:

Discuss the possibility to amend policies and regulations to address the specific conditions of refugees in their host country.

Raise awareness of business owners and workers in the targeted governorates of the fundamental principles of decent work.

Encourage business owners to form more business incubators within the framework of their corporate social responsibility to support national workers and refugees.

Encourage the transfer of employment from the informal to the formal economy.



Section One: The international legal framework of refugee rights

01

I. Defining ‘refugees’

The term *refugee* is recognized as a legal category by a number of international and regional organizations, treaties, and conventions: (1) the 1951 Refugee Convention; (2) the 1967 Refugee Protocol; (3) the 1969 Organization of African Unity (OAU) Convention; and (4) the United Nations High Commissioner for Refugees (UNHCR).

“The term ‘forcibly displaced persons’ refers to refugees and asylum seekers. Refugees are individuals fleeing armed conflict or persecution, who have crossed international borders to seek safety in another country. Refugees are defined and protected in international law. The 1951 Refugee Convention is a key legal document and defines a refugee as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.” Asylum-seekers are individuals seeking international protection, but whose claims to refugee status have not yet been determined.³”

The UNHCR, the UN body responsible for refugees, further elaborated on the legal status of refugees and the role of host states vis-à-vis refugee populations in three clauses: the inclusion clause; the exclusion clause; and the cessation clause. The *inclusion clause* provides the criteria on which the status of refugees is determined, and the *exclusion clause* outlines the cases in which an individual is excluded from protection. The *cessation clause* addresses situations where an individual’s need for protection ends. While under the 1951 Convention and the 1967 Protocol, signing states can adopt broader definitions of refugees, they cannot use their national legislations to circumvent their legal obligations towards refugees stipulated in both the Convention and the Protocol. Therefore, a

³ UNHCR Website. Retrieved from <https://www.unhcr.org/what-is-a-refugee.html#:~:text=The%201951%20Refugee%20Convention%20is,group%2C%20or%20political%20opinion.%E2%80%9D>

refugee’s legal status (as a refugee) does not rest upon the host state’s recognition or lack thereof. However, international refugee protection documents do not include binding mechanisms for implementing the obligations stipulated in the Convention and Protocol.⁴

Similar to the 1951 Refugee Convention, the 1969 OAU Convention defines refugees as those who face exclusion, lack legal and national protection, and/or confront the threat or presence of external aggression.⁵

II. Integrating refugees in host societies

The 1951 Convention, the 1967 Protocol, and the Universal Declaration of Human Rights together provide an overarching international legal framework for integrating recognized refugees at the national level. In accordance with this international legal framework, several states have introduced national legal frameworks to promote and ensure the integration of refugees in their national communities and economies.

According to the UNHCR, integration is a legal process through which refugees are gradually granted rights by the host state, which are broadly commensurate with those enjoyed by citizens. These rights include the freedom of movement (sometimes through valid travel and identity documents), the right to own property and access to education, the labour market and social assistance, including health facilities. Facilitating family unity is another equally important aspect of local integration.⁶

However, international refugee law does not formally define the term “refugee integration”. In the context of developing countries, the

⁴ Introduction to International Protection (for Refugees): Protecting Persons of Concern to UNHCR.

⁵ Sanjula Weerasinghe, “In Harm’s Way: International protection in the context of nexus dynamics between conflict or violence and disaster or climate change,” UNHCR – Legal and Protection Policy Research Series (December 2018): <https://www.unhcr.org/5c1ba88d4.pdf>.

⁶ UNHC, Global consultations on international protection/Third track: Local integration, 2, UN Doc. EC/GC/02/6, 25 Apr. 2002.

term is often used in reference to the local integration of refugees as an alternative to voluntary repatriation and resettlement. The term “settlement” refers to the period following any refugee’s arrival to a host country, and “integration” refers to the long-term process of becoming a member of a host society.⁷ Therefore, the lack of a consistent and consensual definition of the process of integration reflects its usually subjective character.

There are two common perspectives on the question of refugee integration. The first perspective holds that since refugee presence in a host society might become permanent, integration should be undertaken by the host state to include refugees in various aspects of life with their indigenous counterparts, with the aim of eventually becoming active members of society. The integration process requires flexible and welcoming societies for refugees, public institutions capable of meeting the needs of refugees, and refugees who are able to adapt to host societies without abandoning their original identity.⁸ The second perspective views integration solely through the lens of employment.⁹ In other words, integration is work. Indeed, stable employment is the most durable form of integration. Refugee employment serves to promote economic independence, makes possible planning for the future, and facilitates regular interaction with members of the host society.

III. Refugees’ right to work

The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and various ILO conventions and recommendations guarantee the right to work

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⁷ “A New Beginning – Refugee Integration in Europe,” UNHCR, September 2013.

⁸ Salma Ali Salem, *Integration of Refugees in Host Society: A comparative Study between “Africans and Syrians” in the Egyptian Society*, the Democratic Arab Centre.

⁹ Alastair Ager and Alison Strang, “Understanding Integration: A Conceptual Framework,” *Journal of Refugee Studies* Vol. 21, No. 2, 2008.

to all individuals regardless of their citizenship status. National states are expected to safeguard this right through maintaining just and favourable conditions of work. **Refugees’ right to work** is stipulated by the 1951 Convention and the 1967 Protocol, which together create a set of mutual rights and obligations between the host state and the refugee.¹⁰

The 1951 Refugee Convention is legally binding for member states. It carefully establishes a balance between the state and refugee interests through facilitating economic opportunities for refugees. According to Article 2 of the Convention, a refugee must abide by all the national laws of the contracting state and maintain public order in the host country. Meanwhile, the Convention outlines a set of host state obligations, where the right to work is central. Indeed, the right to work is an essential building block of the international legal framework of refugee integration. As the United States’ delegate Louis Henkin explained during the drafting of the refugee convention: “Without the right to work, all other rights were meaningless”.¹¹ Articles 17, 18, 19, and 24 of the Convention regulate refugees’ right to both public and self-employment.

Article 17 grants refugees lawfully residing in a national state the right to engage in wage-earning employment. It also provides two conditions for exempting refugees from some of the restrictive measures usually imposed on foreigners for the protection of national labour markets. First, a refugee is exempted from these legal restrictions in the case of entry prior to the host state’s enforcing of the 1951 Convention. Second, refugees are exempted if they have completed three years of residency in the host state or have a spouse possessing the nationality of the state of residence. However, refugees may not invoke this provision’s benefits if they have

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¹⁰ Pieter Bevelander, “Integrating Refugees into Labor Markets: Economic Integration of Refugees into their Host Country is Important and Benefits both Parties,” *World of Labour* (2016): 1–9.

¹¹ “Global Refugee Work Rights Report 2014: Taking the Movement from Theory to Practice,” *Asylum Access* (2014).

abandoned their spouse or have one or more children possessing the nationality of the country of residence.

Article 18 stipulates that a refugee lawfully present in the country of asylum is granted the right to self-employment, under the same conditions granted to foreigners. A refugee acquires the right to self-employment upon their lawful entry into the country of asylum, which means that registered asylum seekers have the right to work on their own account.¹² In other words, if a member state allows non-citizens to work on their own account in its country, it must also allow refugees who have applied for asylum to engage in self-employment in such country. Article 18 also grants refugees the right to engage in self-employment in agriculture, industry, handicrafts and commerce, as well as to establish commercial and industrial companies. Together with Article 18, Article 6 of the 1951 Refugee Convention notes that refugees must be exempted from any requirements to start a business if they are unable to meet these requirements owing to the hardship resulted from their forced displacement.

Additionally, **Article 15** recognizes a refugee’s right to belong to professional unions. Together with **Article 24**, it accords refugees lawfully residing in a host state the same rights of remuneration, work conditions, and social security accorded to nationals.¹³ However, national governments still fear potential adverse effects that refugee employment can have on national employment.¹⁴ Nevertheless, restrictions on the right to work compel the majority of refugees to work in the informal sector. This is especially true in host countries in the Middle East, whose informal economies have expanded considerably in recent years because they host large numbers of Syrian

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¹² Ibid.
¹³ The Michigan Guidelines on The Right to Work, Michigan Journal of International Law 31:293, 3/16/2010.

¹⁴ J. Maystadt and P. Verwimp, “Winners and Losers Among a Refugee-Hosting Population”, Institute of Development Studies (2009) <http://www.hicn.org/wordpress/wp-content/uploads/2012/06/wp60.pdf>.

refugees.¹⁵

Workers’ rights according to international labour standards

In its effort to improve labour conditions globally, the ILO has worked to promote the concept of “decent work”, a set of standards that ensure employment and dignified work conditions across the world. The ILO, representing the three main parties or actors in the labour market – governments, employers, and workers – adopts a comprehensive definition of decent work as “the availability of job opportunities for women and men in conditions of freedom, equity, security, and human dignity.”


The fundamental principles and rights of work are established under the 1998 Declaration on Fundamental Principles and Rights at Work. The Declaration obliges states to respect, protect, and fulfil four fundamental principles: a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.

These principles and rights are embodied and developed in the eight conventions of the ILO, all ratified by Egypt, and recognized as fundamental agreements:

- ▶ Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- ▶ Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- ▶ Forced Labour Convention, 1930 (No. 29)
- ▶ Abolition of Forced Labour Convention, 1957 (No. 105)
- ▶ Equal Remuneration Convention, 1951 (No. 100) on Equal Remuneration for Men and Women Workers with Equal Employment Value
- ▶ Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- ▶ Minimum Age Convention, 1973 (No. 138)
- ▶ The Worst Forms of Child Labour Convention, 1999 (No. 182)

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¹⁵ Jennifer Gordon, Employment Policy Department EMPLOYMENT, ILO Working Paper No. 256, 2019; Roger Zetter and Eloise Rodel: Refugees’ right to work and access to labour markets: constraints, challenges and ways to move forward, Economies, FMR 58, June 2018.

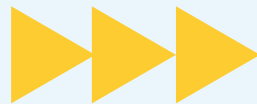


Section Two: Global experiences of integrating refugees in national labour markets

02



Successful integration into the labour market is usually the result of joint efforts and coordination among a variety of actors and stakeholders at the local, regional and national levels. Stakeholders involved in refugee policies include government agencies, central and local authorities, local public employment services and civil society organizations: third sector organizations (TSOs) and NGOs. As important intermediaries between and social partners to both government and civil society organizations, employers' organizations and trade union organizations can contribute towards facilitating refugee access to labour markets.



This section surveys experiences from the EU where social partners, employers' organizations, and trade unions play a significant role in refugee access to the labour market. They are crucial in identifying the capabilities of new arrivals and appreciating the opportunities and challenges that must be addressed in understanding how to facilitate the release of employment possibilities for migrants, refugees, and asylum seekers.¹⁶ This creates an atmosphere of administrative, legal, and practical support for both employers and employees.

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¹⁶ Stefania Marino et al., "Trade unions, immigration and immigrants in Europe revisited: Unions' attitudes and actions under new conditions. Comparative Migration Studies," May 03, 2015.

▶▶▶ **Successful integration into the labour market is usually the result of joint efforts and coordination among a variety of actors and stakeholders at the local, regional and national levels.**

I. Social partners and the integration of refugees in the EU labour market

Social partners in most EU states are actively involved in integrating refugees and asylum seekers into the labour market. Employers' organizations and trade unions in Austria, Belgium, Bulgaria, Croatia, Denmark, Estonia, Germany, Finland, Italy, Lithuania, Norway, Slovakia, Spain, Sweden and the United Kingdom directly participate in supporting these policies. Meanwhile, in Cyprus, France, Greece, Ireland, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, and Slovenia, social partners are not entitled to participate directly or are entitled to a limited participation in integrating refugees and asylum seekers into the labour market. This may be because the role of social partners in policy development in most of these countries is relatively irregular. In addition, the challenges posed by the influx of refugees and asylum seekers are less pressing in such countries because they are not as severely impacted by a large influx as the others.¹⁷

II. Evaluating the impact of refugees on the EU labour market

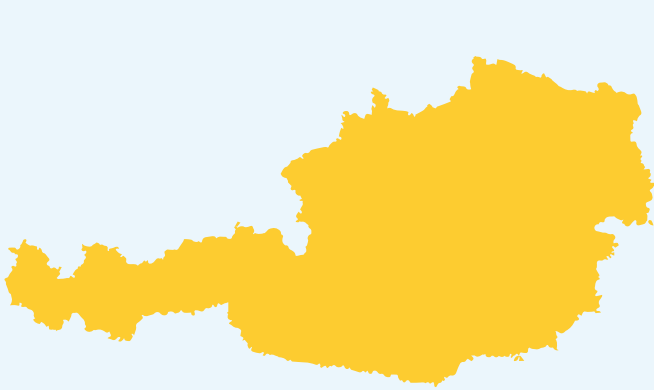
The debate about refugees in EU countries is often about the burden new arrivals place on public budgets and the labour market. Refugees are considered to be in need of social support and services and at the same time, potential competitors to the national workforce. This often creates a dilemma for trade unions, which are sometimes forced to exclude refugees from their activities and memberships. This is mostly the case in host countries where the unemployment rate is already high.¹⁸ Alternatively, governments consider refugees to be a cheap workforce that can be easily directed to, and recruited with, less economic and social costs than national workers. Thus, on the one hand, refugees can reduce national employment opportunities, while on the other, they contribute towards curbing the influence of unions when negotiating wages.

¹⁷ Eurofound Questionnaire, 2016.

¹⁸ Anastasia Gorodzeisky and Andrew Richards, "Trade unions and migrant workers in Western Europe", *European Journal of Industrial Relations*, Volume 19, Issue 3, July 2013

III. Policies for refugee integration and the role of social partners

In major destination countries such as Austria, Belgium, Germany, Denmark, Norway, Bulgaria, Lithuania, Italy and Spain, social partners actively contribute to the integration of refugees in the labour market.



▶ **Austria**

▶ **Belgium**

Social partners participate in policymaking and have proposed several measures regarding the integration of refugees and asylum seekers into the labour market. In summer 2015, the trade unions and the Ministry of Labour and Social Affairs were against allowing asylum seekers access to the labour market, but the employers' organizations were able to alter the policy. Currently, all asylum seekers are entitled to access all sectors of the economy after passing the labour market test.¹⁹

Social partners are also actively pursuing policymaking and have succeeded in facilitating refugee access to the labour market, while reducing the waiting time from six to four months. Both unions and employers' organizations run initiatives and campaigns that focus on combating discrimination and managing diversity. In addition, employers are investigating how individual companies can better contribute to providing care for and accommodating refugees. They also provide training for asylum seekers who wish to become businesspeople.

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¹⁹ Bernhard Rengs et al., "Labour Market Profile, Previous Employment and Economic Integration of Refugees: an Austrian Case Study", Working Papers Vienna Institute of Demography, Austrian Academy of Sciences, 13/ 2017.



Social partners are very active in integrating refugees and asylum seekers in a variety of ways. Together, they formed an alliance against prejudice, hatred and violence to raise awareness of refugee advocacy.²⁰ The German Trade Union Confederation (DGB) also created a website to provide information about labour rights in several languages. In 2016, the sectoral union, IG Metall, proposed a “year of integration” for asylum seekers in which language classes, training, and work experience were provided. In addition, the Vereinte Dienstleistungsgewerkschaft (United Services Consortium (Verdi)) designed a pilot scheme to invite employees within companies to inform their business council of available jobs, training, or training opportunities that may provide employment opportunities for asylum seekers. Finally, the Federal Government, along with the German Handicraft Federation (ZDH), is committed to enrolling 10,000 refugees in apprenticeship programmes over the following two years. To facilitate this step, the programme offers language courses, internships, and other opportunities to prepare young refugees for vocational training.

²⁰ The Alliance for Tolerance, Solidarity, Democracy and Constitutional State.

Integrating refugees into the labour market is essential.²¹ In March 2016, social partners reached an agreement to launch an integration programme (IGU), which provides paid training through which refugees can learn the Danish language, receive training, and get a job. The tripartite agreement concluded in 2016 is the cornerstone of the integration of the labour market for refugees, and those who successfully complete the training are eligible to receive a diploma. This programme is implemented in other countries.²² Finally, an agreement was reached between the Danish Confederation of Trade Unions (LO) and the Confederation of Danish Employers (DA), with the aim of “dispute settlement between parties” where they negotiate agreements on wages, working hours, overtime, holidays, pensions, and vocational training.²³ These agreements are approved by federation and member unions according to the needs of the specific industry or sector they represent.

²¹ OECD, International Migration Outlook 2017, 90.

²² “Approaches to the Labour Market Integration of Refugees and Asylum Seekers,” Eurofound. 37.

²³ Scheuer, S. 1999. “The Impact of Collective Agreements on Working Time in Denmark”. *British Journal of Industrial Relations* 37(3).



Social partners succeeded in forming an ad hoc working group to discuss detailed implementation of fast-track procedures for those who are granted residence and who already possess language skills and capabilities. The only point of contention among social partners is that of wages and exemption from collective bargaining agreements, where a consensus has not been reached. In Norway, there is no national minimum wage based on the agreement of the social partners. However, the influx of refugees opened the door for the possibility of introducing the minimum wage into the agenda. While this is perceived as a way to facilitate the employment of refugees and asylum seekers, labour unions are concerned that introducing minimum wages (and possible exemptions from collective agreements) will create a new lower class that is distinct from national workers. In addition, municipalities are encouraged to cooperate with social partners in implementing the fast-track procedure. The Humanitarian Solidarity Organization of the Norwegian Labour Movement is also involved to help people as a service provider. It runs reception centres for refugees and migrants, and offers language classes, social and cultural activities, education of various skills, and work opportunities.



Social partners participate through ministerial working groups and tripartite bodies such as the Economic and Social Council or the National Council for Tripartite Cooperation. However, no concrete initiatives clear models for participation were not identified.

Lithuania. It appears that only employers have limited contribution to the development of policies aimed at integrating refugees and asylum seekers.



▶ Italy

Social partners are also involved in policymaking, and the need for refugees and asylum seekers to learn the national language is considered a priority. Consequently, a number of national collective bargaining agreements in the construction, industry, stone, chemical and pharmaceutical sectors emphasize the importance of the provision of corporate training and education for foreign workers. In addition, unions provide information and counselling services.



▶ Spain

Social partners are consulted in matters related to the labour market, but they are not actively involved in the design of policies. Three large trade unions have joined one of the main Spanish NGOs that are actively supporting refugees, the Spanish Commission for Refugees (CEAR). Ariadna Network is one of the main projects in Spain that deals with the integration of refugees and asylum seekers into the labour market. The Network has signed bilateral agreements with companies to organize unpaid work placements in order to provide opportunities for beneficiaries to acquire professional skills and certificates. Trade unions at the regional and local levels complement this support.

IV. Challenges of integrating refugees in the labour market

The most common challenges facing refugee integration in the EU labour market are lack of education, lack of technological skills, illiteracy, gender imbalance, lack of work experience and missing documents.²⁴ Employers' organizations in most EU countries view cultural differences as a likely barrier to integration in trade unions. This is the case in the Czech Republic, Denmark, Greece and the United Kingdom. In Switzerland, lack of information and knowledge about the legality of refugee residence on behalf of social partners also poses a challenge to refugee integration in the labour market. However, representatives of trade union and employers' organizations have increasingly advocated for raising awareness about these issues.²⁵

V. Conclusion

Despite the efforts that states and social partners take in integrating refugees into the market, whether in the EU or Africa, the challenges facing refugees are similar. Nevertheless, the solutions designed by each country differ and are based on the country's economic capacity, political will and legislative and economic policies towards refugees. Some countries have clear and comprehensive systems to host and integrate refugees in their labour markets, while others can only provide a place for refuge. In the latter case, refugees depend entirely on aid provided by international bodies.

However, the extended dependence of refugees on external assistance drains host country and donor resources. For aid and assistance to be effective, spending ought to be long-term. Where funding is short-term, solutions to refugee integration are temporary and do not

constitute an investment in the future. Thus, numerous policymakers highlight the economic growth that resulted from refugee influx in many countries. Therefore, adopting long-term integrative policies is encouraged to allow for the full realization of national economic development in a host country.

Based on this, and thus, in accordance with the 1951 refugee convention, active refugee support by social partners can be summarized as follows.

- ▶ **Support** and **integrate** refugees through a real political will. This would result in accepting refugees, finalizing their papers at the earliest time; allowing them freedom of movement, enhancing coordination among institutions; improving service provision, and encouraging formal employment of refugees and members of society.
- ▶ **Provide** access to the labour market, where refugees are allowed to work as soon as they enter the host country.
- ▶ **Improve** refugee access to safe work; recognize their qualifications and previous experiences; provide them with vocational training and education; teach them the language of the host country; promote decent work for all and offer vocational training.
- ▶ **Facilitate** refugee engagement in business: either as employers or as professionals.
- ▶ **Support** employers to increase official employment and obtain work permits for their workers, whether refugees or nationals.
- ▶ **Increase** the social partners' knowledge of refugees and nationals' rights at work.
- ▶ **Introduce** social partners to designing labour market integration policies and best practices.

²⁴ Albert F. Arcarons, "Fostering the Economic Integration of Asylum-Seekers and Beneficiaries of International Protection: The role of Social Partners."

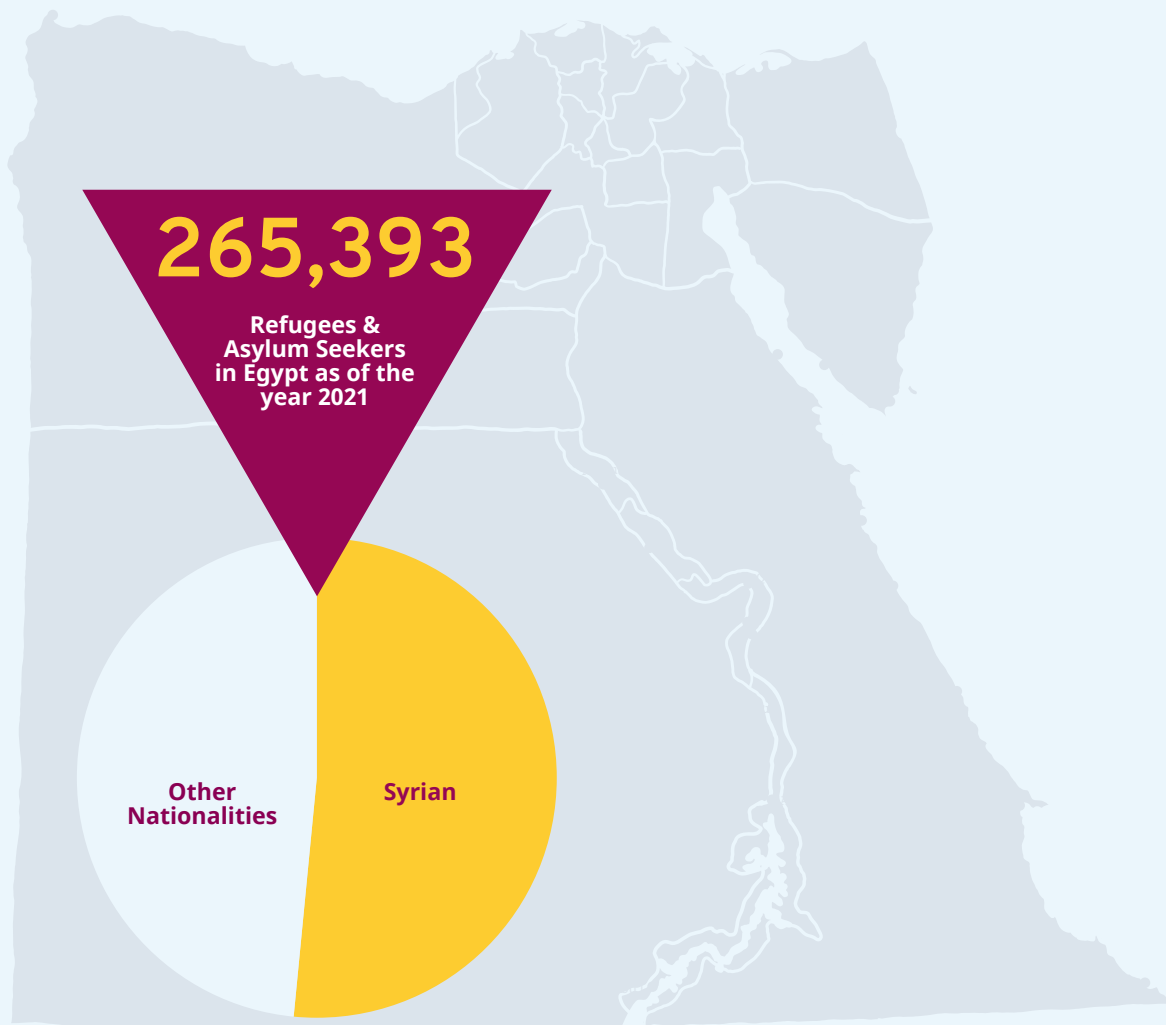
²⁵ ILO, Guidelines for the facility, Better Labour Markets



Section Three: The legal and social situation of refugees in Egypt

I. Refugees in Egypt

The Middle East hosts the largest number of refugees in the world.²⁶ As of July 2021, Egypt hosts 265,393 refugees and asylum seekers. However, it is estimated that the actual number surpasses this official figure, which does not include the rejected asylum applications. According to the UNHCR, almost 133,856 refugees in Egypt are from Syria and 131,537 from Palestine, Sudan, Ethiopia, Eritrea, Iraq, Somalia and other countries.



Egypt has received an influx of Syrian refugees since the outbreak of armed conflict in Syria in 2011. Up to July 2013, Syrians had the right to enter without a visa, to a renewable right to stay and access to public schools and hospitals. However, new interim measures have been put in place that require Syrians to obtain a visa and security clearance prior to entering Egypt.

²⁶ Nourhan Abdel Aziz, "Surviving in Cairo As a Closed File Refugee: Socio-economic and Protection Challenges", The Center for Migration and Refugee Studies in collaboration with the International Institute for Environment and Development (IIED) 10/2017.

II. The legal framework governing refugees in Egypt

The legal framework governing the presence and residence of refugees in Egypt is composed of international and national legislation (including treaties and conventions).

International legislation

- ▶ Refugee Convention.
- ▶ The 1967 Protocol to amend the International Convention relating to the Status of Refugees.²⁷
- ▶ The International Covenant on Civil and Political Rights.²⁸
- ▶ OAU Convention Governing specific aspect of Refugees.²⁹

National Instruments

1. Egyptian Constitution (2014)

Article 91 of the 2014 Egyptian Constitution states that “the state may grant political asylum to any

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²⁷ Protocol Relating to the Status of Refugees, adopted on 16 December 1966, entered into force 4 October 1967. Egypt acceded to the Convention and its Protocol on 22 May 1981

²⁸ International Covenant on Civil and Political Rights (ICCPR), 19 December 1966, entered into force March 23, 1976. Egypt ratified the Covenant on 14 January 1982.

²⁹ Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention, 10 September 1969, entered into force 20 June 1974. Egypt ratified the Convention on 17 November 1980.

foreigner for defending the interests of people, human rights, peace, and justice. The extradition of political refugees is hereby prohibited, and all of that is in accordance with the law.” However, the prohibition of extradition is limited to political refugees and asylum seekers only.

2. Memorandum of Understanding between Egypt and UNHCR

The Egyptian government delegates all refugee responsibilities and asylum applications to the UNHCR. The organization handles registration, documentation and determination of refugee status according to the 1951 Refugee Convention and the 1969 OAU Convention. Both conventions give protection to asylum seekers and refugees, according to the Memorandum of Understanding between Egypt and the UNHCR.³⁰ The UNHCR works closely with the Refugee Affairs Department at the Egyptian Ministry of Foreign Affairs and the Ministry of Interior. Although Egypt hosts a large number of refugees, it is yet to develop a clear set of national procedures to regulate asylum and refugee influx.

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³⁰ Services provided to refugees and asylum seekers registered with the UNHCR in Greater Cairo, UNHCR, December 2019.

▶▶▶ Since there is no law that specifically regulates refugee employment in Egypt, refugees are legally viewed as foreigners.

▶ **The legal framework governing refugees' right to work**

As **Section One** of this paper explained at length, the right to work is guaranteed by a number of international agreements and conventions, and a right to engage in self-employment is explicitly included in the 1951 Refugee Convention.³¹ **Articles 15, 17, and 24** outline a refugee's rights and obligations in a host country. **Article 24** grants refugees the same treatment that is accorded to nationals with respect to remuneration, restrictions on domestic work, minimum age of employment, collective bargaining, and social security.

Egypt made reservations on **Articles 12(1), 20, 22(1), 23, and 24** of the Convention.

▶ **Labour Law (12) of (2003) for Regulating the Employment of Foreigners**

Since there is no law that specifically regulates refugee employment in Egypt, refugees are legally viewed as foreigners. Law 12 of 2003 regulates the employment of foreigners along four axes or conditions: (1) ensuring reciprocity; (2) securing a visa; (3) obtaining a work licence; and (4) remaining within the legal limit of foreign employees.³²

³¹ Article 18 of the 1951 Refugee Convention.

³² Articles 27, 28, 29, and 30 of the 2003 Labour Law.

(1) **Reciprocity:** The foreigner's state must allow the employment of Egyptian nationals, within the limits permitted by this state for the employment of Egyptians.³³

(2) **Visa:** Foreigners are not permitted to work unless they have entered the national territory with a visa obtained for work purposes.

(3) **Work Licence:** A foreign employee is required to obtain a work licence from the Ministry of Labour, a power entrusted to the Ministry by the Egyptian national legislature.³⁴

(4) **Remaining within the legal limit of foreign employees:** The Ministry of Labour places a limit on the number of foreign employees in Egypt: 10 per cent of the total labour force. Law 159 of 1981, amended by Law 4 of 2018, governs the Shareholder Companies, Partnerships in Shares, and Limited Liability Companies.³⁵

▶ **Law 213 of 2017 on promulgating the Trade Union Law**

Article 21 of Law 213 of 2017 grants all workers, regardless of their nationality, the right to establish or join a trade union organization in Egypt.

³³ The explanatory note of the draft unified Labour Law.

³⁴ Decree of the Minister of Labour No. 146 of 2019 on the executive rules and procedure regulating foreigners work licences.

³⁵ Articles 174, 175, and 176.

https://asa.gov.eg/Books/4465_Law_159_1981.pdf

► **Investment Law 72 of 2017, as amended by Law 141 of 2019**

The law regulates the residence of non-Egyptian investors. Article 4 states that in order to become a founder, shareholder, or partner in a company or owner of a facility, a non-Egyptian investor has to reside in Egypt for no less than a year and not more than the project's duration.³⁶ Any foreign investor is required to submit a residency application for approval by the Investment Board of Authority and the Ministry of Interior. A residency application is considered, based on a number of factors: the company's purpose, capital, number of workers and location.³⁷ Residence can be rescinded if the investor exits the company, the company has been delisted as a result of liquidation or has been deregistered in the commercial register.

► **Egypt's position on integrating refugees in the labour market**

Refugee employment in Egypt is difficult for the majority of refugees residing in the country for a number of reasons.

- (1) Most refugees cannot attain a valid work visa and, in return, are unable to obtain a work permit.
- (2) Palestinian refugees are excluded from legal employment because the condition of reciprocity cannot be met.
- (3) Egypt has made reservations on **Article 24** of the 1951 Refugee Convention, which means that refugees and nationals in Egypt are not afforded the same chances of legal employment.
- (4) It is possible for Syrian refugees to be self-employed, without an Egyptian partner. However, they need to obtain commercial licences issued

³⁶ <https://manshurat.org/node/14680>

³⁷ <https://gafi.gov.eg/Arabic/StartaBusiness/Documents/%D8%AF%D9%84%D9%8A%D9%84%20%D8%A7%D9%84%D9%85%D8%B3%D8%AA%D8%AB%D9%85%D8%B1%208-2015.pdf>

by the relevant ministerial body.

(5) Applying for a work permit and obtaining a security clearance to establish a new business is a long and difficult process, which leads many refugees to seek work in the informal sector. This means that they are not employed under the legal purview of Egyptian labour laws, which exposes them to extra-legal exploitation and denial of social protection.

(6) Studies of refugee employment in different countries across the world show that "refugees tend to maintain the same types of jobs that they held prior to displacement."³⁸ However, studies show that this is not the case in Egypt.

► **Lessons Egypt can draw on from the work of social partners in the EU**

The role Egyptian social partners can play in enhancing the integration of refugees in Egyptian society can tackle access to housing, education, vocational training and wages. For example, in Germany, social partners focus on housing, language training and public service as means to ensure refugee integration.³⁹ Where language education and integration are not a hurdle or a priority, employers' organizations in a number of EU countries, such as the Czech Republic, focus on the labour potential of refugees.⁴⁰ Together, these steps can ensure sustainable and long-term integration of refugees in the Egyptian labour market. In Egypt, small-scale pilot experiments with refugee women took place and are expected to yield positive results. We follow up with a set of more detailed recommendations in the paper's final section.

³⁸ Abdel Aziz, "Surviving in Cairo As a Closed File Refugee", 31.

³⁹ IOM, Migration, asylum and refugees in Germany: Understanding the data, web page, 2016.

⁴⁰ Magdalena Bernaciak and Marta Kahancová, "Innovative union practices in Central-Eastern Europe", European Trade Union Institute (ETUI), 2017.

III. The Egyptian labour market and economic situation in light of COVID-19 and its impact on employment

In its March 2020 report on the impact of the current COVID-19 pandemic, the ILO expected the pandemic to eliminate 6.7 per cent of working hours worldwide in the second quarter of 2020. This is the equivalent of 195 million full-time workers, with 81 per cent (1 in 5) of the global workforce affected by full or partial closures of business around the world. The report estimated that more than 25 million people would lose their jobs due to the pandemic, where almost 1.25 billion people are employed in highly vulnerable and unprotected sectors.

In May 2020, the Egyptian Central Agency for Public Mobilization and Statistics reported no negative impacts on the workforce during the first annual quarter, which preceded government measures to contain the virus.⁴¹ The labour force in Egypt was estimated to be 29,950 million individuals as opposed to 28,008 million individuals during the previous quarter, with an increase of 0.2 per cent. The urban workforce reached 12,558 million individuals, while in the countryside it reached 16,450 million individuals.

IFPRI's SAM multiplier model for Egypt indicates that the COVID-19 virus is expected to reduce the national GDP by between 0.7 and 0.8 per cent (36 to 41 billion Egyptian pounds) monthly. The impact of the pandemic was felt directly in different employment sectors: tourism, agriculture and food processing. The loss in the global tourism sector – which was estimated to be around US \$12 billion since the beginning of the pandemic – was also experienced in Egypt,
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where 70 to 80 per cent of hotel reservations were cancelled. International travel restrictions further aggravated the situation. In addition, lower public revenues from the Suez Canal fees are likely to affect the government budget. The decrease in household consumption due to the decrease in remittance income will affect the consumption of consumer goods and will negatively affect the sectors producing intermediate goods.⁴²

⁴¹ According to CAPMAS, in the third quarter of 2020, the unemployment rate decreased from 9.6 percent to 7.7 percent. It stood at 8 percent in the last quarter of 2019. Between 2019 and 2018, there was a decrease of 0.4 percent in the unemployment rate. The number of unemployed reached 2.23 million (1.76 million males, 1.16 million females) of the total workforce. With a decrease of 93,000 unemployed in the fourth quarter of 2019 (4 percent), and 31,000 unemployed for the same quarter of 2018 (1.4 percent).

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⁴² COVID-19 and the Egyptian economy, Regional Program Policy Note (4 March 2020): 4.

► The industrial sector

The industrial sector is vital to the Egyptian economy. It contributes to local production, export and employment. Industrial activities contributed an estimate of E£657 billion to the GDP and 13 per cent to the gross national product (GNP) in 2018/2019. Imported primary and intermediate production requirements constituted 44 per cent of Egyptian imports in 2019.⁴³ The negative impact of the pandemic on the Egyptian industrial sector will automatically impact the remainder of economic activities in Egypt.

Owing to the pandemic, Egypt adopted a number of policies to support the industrial sector:⁴⁴

- Reducing the price of natural gas for industry to reach \$4.5 per million British thermal units; reducing electricity prices for high and super voltage by 10 piastres; and fixing electricity prices for the rest of industrial usage for a period of 5 years.
- Providing 2.5 billion EGP to settle exporters' entitlements up to June 2020.

Despite this support, the industrial sector in Egypt has faced a series of challenges since 15 March 2020, perhaps the most important of which are as follows.⁴⁵

- The factories were forced to apply the rules of social distancing, which resulted in reducing the number of workers per shift and increasing the number of shifts. A number of industrial sectors, especially the ready-made garments

⁴³ Dr Abla Abdel Latif et al., "A sectoral analysis of the implications of Covid-19 on the Egyptian economy".

⁴⁴ Sahar Aboud and Asmaa Meligy, Policy Paper Series on the possible repercussions of the Corona crisis on the Egyptian economy, Issue No. 1, May 2020, 20.

⁴⁵ In an interview with Dr Khaled Abdulazim, CEO of the Federation of Egyptian Industries.

sector, faced a problem with the evening shifts, as the percentage of women working in this sector exceeds 80 per cent, and eventually led to a reduction in production.

- The curfew measures affected the shift system in factories, and the delay in the issuance of the Prime Minister's Decree No. 1068 of 2020,⁴⁶ excluding workers in industries from the curfew, reduced the volume of production and disrupted work at the factories.

- Reduced production in some sectors, and people's reluctance to buy because of the curfew and economic conditions, have led to a recession in some sectors such as leather goods and their value chain. The direct impact of this problem manifested in the lack of liquidity.

- As a result of the lack of financial liquidity, enterprises demanded export subsidies and a retroactive payment for the value-added tax they are owed since the fiscal year 2017/2018.

- The employer still has to fulfil all the financial obligations, both in respect to workers and the state. Workers' wages must still be paid. However, no procedures were announced by the Ministry of Manpower regarding the extent to which the employer can benefit from the Workers' Emergency Benefits Fund,⁴⁷ even though they are still expected to pay 1 per cent of the workers' wages every month. Employers are also still obliged to pay taxes, insurance, customs, and fees for water, electricity, and gas, and fees the union committee upon the request of the person in charge of the fund.

At this stage, business owners aim to ensure that the business is maintained without loss, without thinking about profitability or achieving a degree of growth, expansion or productivity improvement.

⁴⁶ Official Gazette – issue No. 20 (bis) on 19 May 2020 <https://www.elwatannews.com/data/iframe/pdf/7132310151589928432.pdf>

⁴⁷ Law No. 156 of 2002 Establishing the Workers' Emergency Benefits Fund, Official Gazette – issue No. 24 (bis) on 6 June 2002 <http://www.laweg.net/Default.aspx?action=ViewActivePages&ItemID=18673&Type=6>

► Conclusion

By reviewing the 1951 Refugee Convention and Egyptian laws, this report makes the following conclusions.

- Egypt does not have a specific law for refugees, and therefore a refugee is treated the same as a foreigner when it comes to employment or self-employment.
- Articles 17, 18, 19 and 24 of the Convention regulate refugees' rights to work and give refugees the right to work with the same benefits as foreign workers.
- Article 26 of the Egyptian Labour Law requires foreign workers to enter the country with a work visa, and thus refugees have missed the fulfilment of one of the conditions stipulated by the law, as they have actually entered the country.
- Egypt has not made any reservations against Article 17, but it has made reservations against Article 24 of the convention, which establishes the principle of equality between refugees and nationals in terms of the conditions and requirements of work and social protection.

By deepening the understanding of the texts, we find ourselves before two options. The first would be to apply the restrictions provided for in the Labour Law on refugees and treat them as foreigners, in which case they would be prevented from working in Egypt. The second option would be to consider that the refugees have a special status, in which case the rules governing foreigners would not apply to them, according to the principle of "specialis derogat lege generali" (special law derogated from public law).

We exclude the second option because a refugee is a foreign worker, and Article 17/1 of the convention allows refugees to work. The only exception to the restrictions in the texts of the Labour Law applies if a refugee has a three-year residence period or has a spouse or child who holds Egyptian citizenship. In other words, according to the Convention, a refugee has the right to work, but the Labour Law restricts this right, and the text of Article 17/2 removes these conditions. Refugees can work when they fulfill the required residence period of three years or are married to an Egyptian. However, this exception is restrictive and not general.



Recommendations

Refugees face huge challenges that hinder their access into the labour market, and therefore, the government and social partners can play an important role to facilitate their access to the labour market and tap on these opportunities that the refugees bring to their host countries, as follows:

- I. Discuss** the possibility to amend policies and regulations to address the specific conditions of refugees in their host country. distribute refugees among the different Egyptian governorates.
- II. Raise** awareness of business owners and workers in the targeted governorates of the fundamental principles of decent work, through a series of workshops, seminars, posters and work guidelines to discuss the most important topics of labour relations, such as learning more about refugee rights under international conventions. Employers' organizations and trade union organizations can strengthen the role they play as a contributor in helping refugees gain access to labour markets and a decent life. They can promote good practices among their members and work with governments and local authorities to promote and comply with effective legislation and regulations. For example, in Belgium, employers' organizations and social partners actively pursue policymaking and have been able to facilitate and secure early access to the labour market for refugees in the country. Through initiatives, campaigns and training, employers' organizations and unions have been able to reduce the waiting time from six to four months. Similar to EU cooperation in dividing and distributing refugees among EU states, Egyptian employers' organizations, social partners, and stakeholders can also cooperate to better
- III. Encourage** business owners within the framework of their corporate social responsibility (CSR) to support national workers and refugees. This support will provide guidance and professional training on value chains to qualify them to create alternatives for the raw materials required by different industries and pump them into the labour market. This will help the industrial sector grow and provide a pattern of new job opportunities for youth and refugees. Supporting and integrating refugees through real cooperation would result in accepting refugees, finalizing their papers at the earliest time, allowing them freedom of movement, enhancing coordination among institutions and improving service provision, and, finally, encouraging formal employment of refugees and members of society.
- IV. Encourage** the transition of employment from the informal to the formal economy. Transfer to the formal economy benefits the host country's economy, as formal employment guarantees the payment of taxes. For example, in Denmark, in March 2016, social partners reached an agreement to launch an integration programme

(IGU), which provides paid training through which refugees can learn the Danish language, receive training and get a job. The tripartite agreement concluded in 2016 is the cornerstone of the integration of the labour market for refugees, and those who successfully complete the training are eligible to receive a diploma. This programme is implemented in other countries.⁴⁸ Finally, an agreement was reached between the Danish Confederation of Trade Unions (LO) and the Confederation of Danish Employers (DA), with the aim of “dispute settlement between parties” – where they negotiate agreements on wages, working hours, overtime, holidays, pensions, and vocational training.⁴⁹ These agreements are approved by federation and member unions according to the needs of the specific industry or sector they represent. A similar agreement in Egypt would support employers to increase official employment and obtain work permits for their workers, whether refugees or nationals. It will also improve refugee access to safe and decent work and recognize their qualifications and previous experiences that will benefit the Egyptian labour market.

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⁴⁸ Fóti, Klára, and Andrea Fromm, “Approaches to the labour market integration of refugees and asylum seekers”, 37.

⁴⁹ S. Scheuer, “The Impact of Collective Agreements on Working Time in Denmark”, *British Journal of Industrial Relations* 37(3).



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