

## Committee on the Application of Standards

Date: 16 May 2022

**Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 16 May 2022.**

### ► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

#### Egypt

##### **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)** (ratification: 1954)

The Government has provided the following written information as well as a copy of Decree No. 50 of 18 April 2022, which determines the levels of collective bargaining, its subjects, mechanisms, and procedures to be followed.

The Government affirms that full compliance with the international labour standards will still be an objective to be achieved through consultation and cooperation with social partners. Egypt always welcomes any objective observations in this regard, and it is committed to addressing them.

We would like to inform you on the progress achieved during the previous period regarding the application of the Convention.

- Freedom of association and the protection of the right to organize in Egypt is considered a constitutional principle stated clearly in article 76 of the Egyptian Constitution.
- The Trade Union Organizations and the Right to Organize Law was issued to provide all the trade unions with legal personality regardless of their level. It also gave the right to join and to withdraw without any restrictions.
- The Government also issued, in response to the Committee of Experts request, Law No. 142 of 2019 that reduced the required number to establish a trade union organization and cancelled penalties that restrict freedom.
- It also activated the Supreme Council for Social Dialogue role, previously mentioned that it was established by prime minister's decree. It is also worth mentioning that it was agreed during a tripartite meeting on restructuring of the council to include equal numbers of workers' and employers' representatives, reducing the number of Government representatives, and to set a mechanism that ensures a variety of workers' representation.

- The establishment of a central unit to achieve gender equality and combat all forms of discrimination against women. The unit includes in its membership the tripartite, and the National Council for Women. Also, 27 sub-units have been established in all governorates.
- A National Action Plan (NAP) for Gender Equality at the World of Work has been launched. It aims at empowering women, protecting them, and combating discrimination. The NAP is an integrated national one that was prepared by all competent partners, stakeholders and social partners.
- The Minister of Manpower has issued two decrees stating cancellation of the ban on women working at night, it also cancelled the ban on women working in some professions. So, women are allowed to work in any profession without any restrictions with an emphasis on protecting pregnant women and mothers against hazards and to provide the necessary conditions of occupational safety and health.
- In the framework of the protection of the right to organize, the State works to provide the necessary protection for trade unions from interference of either the administrative authority or employers. The law stipulated clearly that interference is prohibited.
- A permanent legal, technical committee was established by Decree No. 162 of 2020 including in its membership representatives from the ILO Cairo office. The committee works to solve the complaints of the trade unions, and provide the necessary support. The committee succeeded to solve the complaints of 30 trade unions approximately that are not affiliated to the Egyptian Trade Union Federation (ETUF). The committee continues its work in spite of the difficulties facing it, one of them is the lack of specialized employees.
- The Government is currently cooperating with the ILO to implement an ambitious development project "Strengthen Labour Relations and its Institutions in Egypt" (SLARIE). The project includes three pillars: Strengthen freedom of association and social dialogue, promote collective bargaining, and the Better Work Programme. These are the three main pillars that were translated into objectives and activities that both MOM and the ILO work together to achieve.
- In the framework of the SLARIE project, tripartite meetings are held regularly, attended by project experts, Government, representatives of trade unions that are not affiliated to the ETUF, trade unions affiliated to the ETUF, potential trade unions (that work on their registration), and some representatives of civil society. During these meetings, All mentioned attendees participate in a real social dialogue discussing all negative aspects and amending them.
- The Government is looking forward to providing support and the necessary funds for the project so as to be able to implement the proposed activities.

#### **Regarding the request for further measures of protection through procedural safeguards for dismissal or transfer of trade union officers or candidates**

- The Government affirms that the Labour Code has prohibited the dismissal of any worker because of his union activities. Article 120(B) states that the worker's affiliation to a union organization or his participation in a union activity shall not be considered as legitimate justifications for termination of his contract. Also, article 74 states that the provisions prescribed in part 5 of the Labour Code "Duties and impeachment of workers" shall not prejudice the guarantees prescribed in the Trade Unions Law for the members of trade

union organizations boards. Article 71 states that if the dismissal of the worker is because of his unionist activity, he should be returned to his work.

- Article 4 of the Trade Union Organizations Law No. 213 of 2017 states the right of workers to form their trade unions, also article 5 states that it is prohibited to establish or form any trade union organization on the basis of religion, faith, party affiliation, ethnicity, or political affiliation. Article 6 prohibited that the statutes of the trade union organization or the internal regulations thereof include any discriminatory rules between its members.
- Article 47 states that the employer is required to enable workers to practice their union activities, their communication and holding meetings conducting their elections in the workplace, and acquire correct information for collective bargaining upon request.
- Article 48 prohibited that the employer or the representative thereof take any action that will hinder the practice of trade union activities, particularly:
  - (1) any act that involves moral or material coercion for any of the workers due to the trade union activity undertaken;
  - (2) refusal to employ a worker or terminate the service thereof due to joining a trade union organization;
  - (3) discrimination against workers with respect to salary or any of the items of the salary package or with respect to in-kind benefits due to enrolment in a trade union organization or the practice of union activities; and
  - (4) coercion of union members to change the negotiating positions thereof.
- Article 52 states that it is impermissible to suspend a board member of the trade union organization from working in the establishment thereof whether temporarily or as a disciplinary measure, or to impose the penalty of dismissal, prior to the issuance of an order or a decision by the competent labour court. It is also impermissible to second the member for a period exceeding two weeks, or to transfer the member from the establishment within or outside the city wherein she/he works during the board session, prior to receiving the agreement of the member in writing. The provisions of the aforementioned paragraphs shall apply to the candidate nominated for membership in the trade union organizations during the term of candidacy, and shall also apply to the worker undertaking preparatory work for the establishment of a trade union organization and maximum for a month starting from the date of the acknowledgement of the administrative authority in accordance with the provisions of this Law. Any decision issued contravening the provisions of any of the aforementioned paragraphs as well as any entailing consequences shall be held invalid.
- The constitution and the law prohibited the dissolution of trade union organizations or the dissolution of its board of directors.

#### **Regarding the request of providing further penalties in case the employer refused to implement a final judicial ruling**

The Government will submit this to the Supreme Council for Social Dialogue to discuss the suitable penalty regarding this article.

### **Regarding what is stipulated in Civil Service Law No. 81 of 2016 and that the choice of the workers' representative is made by the Egyptian Trade Union Federation**

In spite of the fact that the ETUF is the most representative, and that the amendment will not be essential, the Ministry has taken measures to amend that text to be in line with the Trade Union Organizations Law that does not mention the name of a certain federation .

### **Regarding the request of revising the Civil Service Law or extending the scope of the Labour Law to ensure that civil servants are engaged in collective negotiations over their working and employment conditions through the trade union of their choice**

- The Government affirms again that article 4 of the Labour Law that excludes civil servants is not an absolute text as the last paragraph of this article states a condition which is "if there is not a contradictory text". Since there are many texts in the Trade Union Organizations Law that allow civil servants to engage in collective negotiations, therefore they are subjected to book 4 of the Labour Law entitled "Collective Labour Relations"
- The records at the Ministry include a lot of examples of collective bargaining between civil servants on one side and state officials on the other side. For example: workers at the public transport authority, workers at the Ministry of Tourism, workers at the Ministry of Transport, so these workers benefit from collective agreements and are parties during their preparation.
- The state administrative agency and local government units are represented by a lot of general trade union organizations, among them for example the General Trade Union for administrative and social services, prosecutions and courts, finance, tax and customs, security, public transport authority, public services, education and scientific researches, railways in addition to many trade union committees either affiliated to the ETUF or not.
- The Minister of Manpower issued Decree No. 50 for 2022 determining the implementing measures regarding engagement of trade unions in the administrative state agencies in collective negotiations and joining collective agreements issued in the Egyptian Gazette 18/4/2022
- To ensure that civil servants – who are not officials – enjoy the right to collective bargaining and collective agreements, the Minister of Manpower has coordinated with the head of the central agency for organization and management (the agency dealing with civil servants' affairs) to amend some of the articles of the draft Labour Code so as to ensure that it is clearly stated in the new law that civil servants can enjoy the right to collective bargaining and collective agreements.
- The Supreme Council for Social Dialogue includes in its membership 11 ministries representing workers in sectors which they supervise.
- The national council for wages includes in its membership a number of ministers, in addition to the head of the central department for organization and management.
- It is worth mentioning that over the past few years, 2,121 collective complaints have been settled from 3,309 complaints received by the Ministry; also legal measures have been taken regarding the rest of the complaints (that are not settled). Approximately, 491 collective agreements have been established (18348339) workers benefited from them including workers from both the private sector and the administrative state agencies.

### **Regarding the progress of the draft Labour Law**

We would like to inform that the senate has finished discussing the draft Law and approved it. It is submitted to the Parliament to be discussed and issued. The new Law will include a lot of articles that will ensure promoting Egypt's compliance to the international labour standards.