



DECENT WORK CHECK

EGYPT 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of the Egyptian Arab Republic 2014
2. Labour Law, 2003
3. Decree 112 of 2003 to Determine the Holidays Considered a Leave with Full Pay for Workers
4. Health Insurance System Law No. 2 of 2018
5. Social Insurance Law 1975
6. Law No. 99 of 2018 Pension Increment and amending (Law No. 10 of 2018)
7. Rights of Persons with Disabilities (Law No. 10 of 2018)
8. The Penal Code, 1937
9. Ministry of Migration & Manpower Decree No 118 of 2003
10. Child Law, 1996
11. Trade Union Law (No. 213) of 2017 (amended by Law No. 149 of 2019)

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Egypt has ratified the Convention 95 & 131 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Labour Law, 2003
- Constitution of the Egyptian Arab Republic 2014

Minimum Wage

In accordance with the Egyptian Constitution, the economic system ensures equal opportunities and fair distribution of development returns, reduce the differences among incomes and adhere to a minimum wage and pension ensuring a decent life, as well as a maximum one in State agencies for every salaried employee according to the Law.

In accordance with the Egyptian Labour Law 2003, National Council for Wages (NCW) sets minimum wages in the country considering the cost of living and finding a balance between wages and prices. The National Wages Council is composed of members representing 5 ministries, the national statistics agency, the national administrative agency, the national council for women, 4 employers' representatives, and 4 trade union representatives. Increase in the minimum wage is jointly decided by the government, employer and trade union representatives through the National Wages Council which combines all these representatives.

Minimum annual increase in wages must be at least 7% of the salary that is used to calculate social insurance.

The Labour Law establishes a system of labour inspection and imposes fines (100-500 pounds) for non-compliance with the minimum wage provisions. The fine multiplies with the number of workers in whose respect the crime occurred, and it

is doubled in case of recurrence.

Source: §27 of the Constitution of the Egyptian Arab Republic 2014; §34 & 247 of the Labour Law 2003

Regular Pay

In accordance with section 38 of the Labour Law 2003, wage is defined as all that the worker obtains in return for his work, whether fixed or variable, in case or in kind. The following, in particular, are considered a wage: the commission within the context of Labour relation; anything that a worker may be paid in return for what he produces, sells, or collects all along his charge of the work for which this percentage is prescribed; the increments whatever the reason for becoming payable, or their kind; the in kind benefits the employer shall pay, without being necessitated by work exigencies; any bonus given to the worker in addition to his wage, and all that is paid to him due to his honesty or efficiency, once these bonuses are prescribed in the individual or collective Labour contracts or in the work articles of association, as well as that which has become customarily payable once fulfilling the qualities of generality, continuance and constancy; all that is given to the worker in exchange for specific conditions or risks the worker is liable to in performing his work; the worker's profit share; tip that the worker obtains if it becomes customarily payable and has rules allowing for its determination. The percentage the customers pay in return for service in tourist establishments is considered a tip.

Employers are obliged to pay the worker his/her wages in legal tender at the place of work on the working day. The Labour Law regulates the payment of wages to all

classes of workers. According to this law, wages can be calculated on hourly, daily, weekly or monthly basis.

An employer is under the obligation to pay the workers' wages:

- at least once a month when the worker disappointed on monthly pay;
- once a week (commensurate with the work done during the week), if the work is paid per production but the production task takes more than 2 weeks. The balance amount is paid during the week following the completion of task; and
- once at most every week, if worker does not fall in the above two categories.

Employers are prohibited from transferring a monthly paid worker to the category of day labourers or the workers appointed with a weekly wage, or paid per hour or per production, except with the written approval of the worker on transferring him. The worker in such case has all the rights he acquired during the period he was on monthly pay.

Employer may deduct wage of a worker for payment of the money he/she has loaned, without charging any interest. The amount of deduction must not be more than 10% of the worker's wage. The employer must not compel the worker to buy food, goods, or services from specific stores, or buy goods produced or services provided by the employer. An employer should provide pay slips comprising of items of the wage to all workers.

Source: §34-46 of the Labour Law 2003

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Egypt has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Law, 2003

Overtime Compensation

In accordance with the provisions of Law No. 133, 1961, maximum working hours are 8 hours a day and 48 hours a week (excluding the meal & rest period of at least 60-minute duration each day). Working hours may be reduced by decree of the concerned Minister for certain labour categories, or in certain industries or works to be determined by the minister.

Workers may be required to work overtime hours however maximum working hours in a day may not exceed ten (10) hours per day and 12 hours per day for workers hired in work of intermittent nature. This implies that overtime 2-4 hours per day is allowed, depending on the nature of establishment. Law does not specify weekly overtime hour limit in the case of general workers. Overtime may be required of workers where necessary to cope with unusual work exigencies or exceptional conditions.

The compensation for working overtime is at least:

- 135% of the normal hourly salary if overtime work is performed during the day and
- 170% of the normal hourly salary if overtime work is performed during the night

Source: §80 & 85 of the Labour Law 2003

Night Work Compensation

In accordance with the Labour Law 2003, night work is the work done between sunset and sunrise. The law does not provide for premium rate for night workers. Premium rate is allowed for those workers who perform overtime during the night hours.

Source: §1(g) & 85 of the Labour Law 2003

Compensatory Holidays / Rest Days

In extraordinary circumstances, workers may perform work on weekly rest days and public holidays. Instead of getting higher wages for working on weekly rest day, workers get a compensatory day off in lieu of the rest day during the following week. There is no provision for compensatory holiday for workers working on a public holiday.

Source: §85 of the Labour Law 2003

Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employees have to work on official holidays, they are entitled to receive wages at a premium rate of 300% of the normal hourly wage rate. There is no provision for premium pay for working on weekly rest day.

Source: §52 of the Labour Law 2003

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Egypt has ratified the Convention 14 & 106 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Law, 2003
- Decree 112 of 2003 to Determine the Holidays Considered a Leave with Full Pay for Workers

Paid Vacation / Annual Leave

The Labour Law 2003 provides for annual leave on completion of a year of continuous service with an employer. A worker is entitled to 21 days of paid annual leave and 30 days for workers over fifty years of age. Annual leave is increased by 7 days for workers engaged in hard, dangerous or unwholesome work or working in the remote areas. If a worker has worked at least 6 months but less than a year, he/she is entitled to annual leave on a pro-rata basis.

Annual leave also increases with the length of service. A worker is entitled to 30 days of annual leave after 10 years of service with an employer. Annual leave is independent of public holidays, official occasions' days off and the weekly rest days.

The employer determines the dates of annual leave according to the work exigencies and conditions and worker takes the leave on the date and for the period determined by the employer. The employer may not interrupt the annual leave except for strong reasons necessitated by work interest.

The worker may also determine the date of annual leave provided that he/she notifies the employer at least 15 days prior to the date of availing annual leave. A worker is not entitled to wages during annual leave if

he/she has worked with another employer during this period.

Annual leave maybe accrued however during a year; worker has to be granted leave of fifteen days including at least six continuous/ consecutive days. Employer is required to settle the balance of leaves or wages computed against the leave at most every three years. If the employment contract is terminated before the worker exhausts the balance of annual leave, he/she is entitled to a wage computed against that balance.

Source: §47-51 of the Labour Law 2003

Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. These include memorial holidays and religious holidays (Muslim origin). These are usually 13 in number.

Public holidays are regulated under labour law and ministerial decree No. 112/2003 regarding identification of the official leaves, which are fully paid. These are the first day of the month of Moharram (The Hejira New Year), the twelfth day of Rabi'el (The Prophet PBUH Birthday), the first and second days of the month of Shawal (Lesser Bairam), The ninth, tenth and eleventh days of the month of Zul Hejah (Pre-Greater Bairam Day "Arafat Day", and the first and second days of Bairam), the 07th January (Christmas Holiday), Sham el Nessim Day, the 25th April (Sinai Liberation Day), the 01st May (Labour Day), 23rd July (revolution Day), and 06th October (Armed Forces Day)

Source: §52 of the Labour Law 2003; §1 of the Decree 112 of 2003 to Determine the Holidays Considered a Leave with Full Pay for Workers

Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week after at most 6 continuous working days. The weekly rest period is reckoned as a paid time.

Weekly rest day may be accrued but not for more than eight weeks in areas lying away from urbanization centres, and at works which by nature or due to the conditions of labour therein require running the work without interruption.

Labour law provides an hour of unpaid rest break for meals and rest during the course of each working day, except in cases provided by the decree. Worker should not stay at work for more than 05 continuous hours and 04 continuous hours in case of a juvenile worker.

Source: §81, 83-84 & 101 of the Labour Law 2003

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Egypt has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Law, 2003

Written Employment Particulars

Individual employment contract is a contract by virtue of which a worker undertakes to work with and under the management of supervision of an employer in return for a wage. The employment contract may be of definite or indefinite periods must be concluded in writing. An employment contract, written in Arabic, is drawn up in three copies (signed by all the parties), one copy each for the worker, the employer and the concerned office of the social insurance.

A draft labour law, currently under discussion in Egypt, requires the employer to conclude employment contract in Arabic, and make four copies; where the employer keeps a copy and another for the worker, a third for the social insurance office and the fourth for the competent administrative authority (Ministry for Labour Affairs) instead of three copies, as stated above and in the old law.

An employment contract must state the following information: name of the employer and the address of the workplace; name, qualifications, occupation and address of the employee and the documents required to prove his identity, and his social insurance number; nature and kind of work subject to the contract; the wage agreed upon and method and time of payment. The employer must give a receipt to the worker for the papers and certificates deposited with the employer by the worker.

Source: §31-32 of the Labour Law 2003

Fixed Term Contracts

Egyptian labour Law allows hiring fixed term contract workers for tasks of permanent nature. Employer does not have to provide valid reasons for the use of fixed term contracts and there is no limitation in the use of fixed term contracts. By express agreement of the parties, a fixed term contract may be renewed several times. A fixed term contract terminates automatically unless renewed. Renewal for another definite term must be made prior to the expiration; otherwise, the definite-term contract automatically turns into an indefinite-term contract. Contracts concluded for the performance of a specific project terminate when the project ends, although continued employment following the project's conclusion turns such contracts into indefinite term contracts. There is no limit of fixed term contracts however a worker may terminate the contract after 5 years of service.

Source: § 104-106 of the Labour Law 2003

Probation Period

Labour Law 2003 specifies that the probation period must be determined in the employment contract but it may not exceed 3 months. It also requires that a worker may not be appointed under probation twice with the same employer.

Source: §33 of the Labour Law 2003

Notice Requirement

The labour law requires written termination notice before terminating services of a worker.

A fixed term contract terminates at the end

of its term or on accomplishment of the specific workman indefinite term contract may be terminated by either of the parties by serving a written notice or paying in lieu thereof. According to the Labour Law 2003, notice period depends on an employee's length of service as follows:

- (i) 2 months if the worker's uninterrupted period of service with the employer is less than 10 years; and
- (ii) 3 months if the period of service exceeds 10 years

The worker must provide a legitimate and adequate cause related to his health, social or economic condition for terminating the contract. The notice period begins from the date of its receipt. The worker's service period is counted from the date of receiving his work up to the date on which the notice period ends. During notice period the labour contract remains intact and both parties execute all the obligations resulting from it. The contract terminates with the expiry of that period.

Agreement related to exemption or reduction of the notification period is null and void. However, the notice period may be increased by agreement. If the contract is terminated by the worker, the employer may exempt the worker from observing the whole or part of the notification period. If the contract is terminated by the employer, the worker have the right to take a day off weekly or eight hours during the week to look for another work, without reduction in salary. The worker determines the day or hours of absence, provided that he/she notifies the employer at least a day preceding his/her absence.

The employer may not dismiss an employer without cause. The worker may not be dismissed unless he/she commits a mistake,

a list of which is provided in the labour law. The employer is prohibited from directly dismissing the worker, a request of dismissal along with the reason is submitted to the appropriate labour committee authorized to dismiss the worker.

The labour committee reviews the case and determines if the dismissal is abusive. In case of abusive dismissal, the employer must compensate the worker for a minimum of two month's salary for each year of employment with the employer. Either party may appeal the decision of the labour committee to the appropriate appeals court.

Even when the dismissed worker is a union member, labour unions are only indirectly involved in the dismissal process (i.e., a delegate from the Union of Labour Syndicates is one of the five-member panel of the labour committee).

Source: § 104-122 of the Labour Law 2003

Severance Pay

The Labour Law 2003 provides severance pay to retrenched workers (terminated for economic reasons). A worker is entitled to the severance pay at the rate of one month's pay for the each of the first five years of service and one and a half month for each of the subsequent years. (Severance/ redundancy pay is 5 months' wages for workers with five years of service and 12.5 (5+ 7.5) months for 10 years of service. There is no provision of severance pay for non-economic dismissals.

Source: §201 of the Labour Law 2003

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Egypt has not ratified both the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Law, 2003

Paternity Leave

No provisions could be located in the law allowing paternity leave to new fathers.

Parental Leave

No provisions could be located in the law allowing parental leave for new mothers after exhaustion of maternity leave. However, a female worker in the enterprise, where fifty or more workers are employed, has the right to obtain leave without pay for a period of two years (730 days) to take care of her child. A female worker is entitled to such leave twice during her entire period.

Source: §94 of the Labour Law 2003

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Egypt has not ratified both the Conventions 103 & 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Law, 2003
- Social Insurance Law 1975
- Code of the Child for 1996
- Constitution of Egyptian Arab Republic 2014

Free Medical Care

In accordance with the Social Insurance Law 1975, a worker (subject to certain qualifying conditions) is entitled to medical benefits during maternity and these include pre-natal, child birth and post-natal care.

No Harmful Work

The Labour Law 2003 requires issuance of a decree determining the type of work that is unwholesome and morally harmful to women as well as the type of work in which women may not be employed.

Labour Law 2003 and Child Law 1996 place various restrictions on employment of pregnant women (decrease in the working hours, no overtime) to protect the health of mother and child.

A draft labour law, currently under discussion in Egypt, requires reduction in the working hours of a pregnant woman by at least one hour starting from the sixth month of pregnancy. Such workers should not be made to work overtime within the duration of pregnancy and until the end of six months from the date of pregnancy.

Source: §90 of the Labour Law 2003, Law no. 12 for 1996 for the Code of the Child.

Maternity Leave

The Egyptian constitution ensures care and protection of motherhood. Maternity leave is provided and regulated under the labour law.

Female employees are entitled to at least 90 days of fully paid maternity leave after at least 10 months of service. Of these 90 days, 45-days leave has to be taken after confinement. Pregnant worker must provide the medical certificate indicating the expected date of delivery. Female workers are entitled to maternity leave twice during the tenure of her service.

Source: §11 of the Constitution of the Egyptian Arab Republic 2014; §91 of the Labour Law 2003

Income

In accordance with the Labour law, maternity leave is a fully paid leave and workers are entitled to a comprehensive wage during the period of leave. However, such paid leave is available only twice during the entire term of service of a female worker. The employer may deprive a female worker from her wage during the maternity leave period or recover the amount paid by him, if she has worked during the leave period with another employer.

Social Insurance System provides 75% of the last daily wage for up to 120 days. It is paid for a maximum of three pregnancies. The minimum monthly benefit is the minimum monthly contributory wage which is 500 pounds (July 2017). Maternity benefit is paid daily, weekly, or monthly, depending on the frequency of the insured's wage payments.

Source: §91 & 92 of the Labour Law 2003;
ISSA Country Profile 2017

Protection from Dismissals

Labour law states that a woman worker cannot be dismissed during the period of her maternity leave.

Source: §92 of the Labour Law 2003

Right to Return to Same Position

There is no specific provision in the law granting a worker the right to return to same position after availing her maternity leave. However, it is implied from art. 92 of Labour Law that a worker can't be dismissed during her maternity leave which means that right to return to work is guaranteed under the law. However, the right to return to the same position is not.

Source: §92 of the Labour Law 2003

Breastfeeding

Female workers are entitled to two paid nursing breaks, each of 30-minute duration, for new mothers to breastfeed their child(ren) until a child is twenty-four (24) months old. The breast-feeding/nursing breaks are in addition to the normal breaks a worker receives during the working day. Exact timing of breast-feeding/nursing breaks is agreed between the mother and the employer.

Source: §93 of the Labour Law 2003

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Egypt has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Law, 2003
- Constitution of the Egyptian Arab Republic 2014

Employer Cares

In accordance with Labour Law 2003, an employer is required to provide the means of vocational safety & health and labour environment security in the workplace in order to ensure protection from physical risks.

Preventive and precautionary measures should be taken to protect a worker from the danger arising from work tools and machines comprising tagging and lifting equipment; articles; apparatuses and means of transport; handling and power transmission; construction, building and digging works; and risk of collapse and downfall.

Safety conditions of an establishment should also be monitored regarding risks of infection with bacteria, viruses, fungi, parasites and the rest of biological risks involved in dealing with infected animals, their products and their wastes; and mixing with sick people and carrying out care services for them including medical analysis and examinations. Safety must be ensured from chemical dangers involved in dealing with solid, liquid and gaseous chemical substances.

The employer is obliged to take care to protect the worker's health and safety by providing the means of rescue, the first aid, and the clean-up; arrangements and organization of the workplace, along with ensuring that the workers in places of food cooking, meal serving, and having drinks

carry health certificates indicating that they are free of epidemic and contagious diseases.

Source: §208 & 214 of the Labour Law 2003

Free Protection

Labour Law requires employers to provide protective equipment (means of protection) to workers involved in hazardous work. In accordance with 2014 Constitution, It is duty of the State to protect workers' rights and strive to build balanced work relationships between both parties to the production process. It shall ensure means for collective negotiations, protect workers against work risks, guarantee the fulfilment of the requirements of security, safety and occupational health, and prohibit unfair dismissal, all as regulated by Law.

Source: §13 of the Constitution of the Egyptian Arab Republic 2014; §211 & 212 of the Labour Law 2003

Training

The Labour Law requires employer to ensure that workers have been trained in dealing with the dangerous chemical materials and the cancer-causing substances. Employers are also required to prepare an emergency plan for protection of the establishment and its workers in the event of a disaster and to train the workers for emergency situations.

Source: §211 & 215 of the Labour Law 2003

Labour Inspection System

Labour Law 2003 provides for a vibrant labour inspection system (part V) and is quite in line with the requirements of ILO

Convention 081.

The specialized agency for inspection is responsible for controlling the implementation of the provisions of vocational safety and health and labour environment, and inspection of workplace. The agency provides the measuring instruments and equipment and all potentials necessary for inspection.

The national legislation provides inspectors the power to carryout inspection within suitable periodical periods; carryout medical and laboratory examination; take samples; use the equipment, instruments, cameras and others for analysing the causes of accidents; review the emergency plan and analyse the risks of the establishment; review the results of technical and administrative reports received by the establishment on the kinds and causes of grave accidents; review the quantities of dangerous materials in stock which pose a threat to the establishment.

Based on the report of Vocational Safety and Health and Labour Environment Inspection Agency, the concerned administrative authority may order the closure of establishment, totally or partially, or stopping the use of one or more machines, in case of sudden emergency or threat to the health or safety of labour environment. The authority may issue the cancellation order of stoppage or closure upon removal of the causes of danger.

The inspection right for the vocational safety and health and labour environment inspectors are in accordance with the provisions of the laws and decrees regulating them.

Source: §224-226 of the Labour Law 2003

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Egypt has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Law, 2003
- Social Insurance Law, 1975
- Law No-148 about Social Security and Pensions

Income

In accordance with the Labour Law 2003, a worker whose sickness is established and determined by the concerned medical authority is entitled to sick leave. The sickness benefit is paid as specified under the Social Insurance Law. Workers are entitled to sick leaves as follows:

- 75% of wages during the first 90 days of sick leave; and
- 85% of wages during the next 90 days of sick leave

The sickness benefit is paid for a maximum of 180 days per year. 100% wages are paid in case of specified chronic diseases for unspecified time period. The minimum monthly benefit is the minimum monthly contributory wage which is 500 pounds (July 2017).

A worker may be entitled to benefit from his accumulated annual leave in addition to leave of sickness and he/she also has the right to request his leaves of sickness to be transferred to the annual leave balance.

Health Insurance System Law No. 2 of 2018 covers all workers residing inside Egypt. It is optional for the Egyptian citizens working and residing abroad with their families. It covers both public and private sector employees, whether seasonal or permanent, as well as their families. The coverage of medical benefits to all citizens

regardless of their ability to contribute is being gradually implemented.

Under the Universal Health Insurance Act 2/2018 workers will have to pay 1% of their insured earnings under the Social Insurance Law No 79 of 1975 and an extra 3% of their earnings when they have a spouse with no work or have stable earnings, as well as another 1% of their earnings per children and dependents. Individuals insured under Law no. 108/76, business holders and professionals including lawyers and doctors, and Egyptians working abroad are obliged to pay more than 5% of their incomes. Employees insured under Act 112/1980, are required to pay for each household 5% of the insured income to a limit of 7%. Widower and elderly pensioners make a 2 percent share to their monthly income. In behalf of every person who is unemployed or otherwise unable to compensate, the public treasury pays 5% of the minimum monthly salary. In the current system (law no. 79/1975) monthly employer contribution is 4 per cent of the covered pay.

Source: §54 of the Labour Law 2003; ISSA Country Profile 2017; Art. 2 Health Insurance System Law No. 2 of 2018; Table 1, 2, 3, 4, and 5 of Health Insurance System Law No. 2 of 2018; §70 & 71 of Law No-148 about Social Security and Pensions

Medical Care

Medical benefits are provided to the insured workers and these include "general & specialist care, surgery, hospitalization, maternity care, dental care, laboratory services, medicine, rehabilitation services, and appliances".

Source: ISSA Country Profile 2017

Job Security

Employment of a worker is secure during the paid sick leave. An employer can't terminate a labour contract due to a worker's sickness unless the worker has exhausted his sick leave, as determined under social insurance law, in addition to his annual frozen leave due to him.

An employer is required to notify the worker of his intent to terminate the worker within 15 years from the date the worker has exhausted his leaves. If a sick worker recovers before such notification is made, the employer shall not be allowed to terminate the employment contract due to a worker's sickness.

Source: §127 of the Labour Law 2003

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent incapacity/disability, benefit is 80% of average monthly earnings in the year before disability began. If the insured person requires the constant attendance of others to perform daily functions, 20% of the pension is paid as allowance. The maximum monthly base earnings used to calculate the base permanent disability pension are 1,370 pounds (July 2017).

In the case of partial disability, if the assessed degree of disability is between 35-100%, a percentage of total disability pension is paid according to the assessed

degree of disability. If the assessed degree of disability is less than 35%, a lump-sum based on 48 months of pension is paid according to the assessed degree of disability.

In the case of temporary disability, 100% of worker's daily wage is paid from the day after the disability began until full recovery or certification of permanent disability. The benefit is paid daily, weekly or monthly depending on the frequency of the wage payments of the insured persons.

In the case of fatal injury, dependents (widow/disabled widower, children, parents, brothers and sisters) receive survivors' pension. 80% of average monthly earnings in the last year before insured worker's death is paid as survivors' benefit. Survivors' pension can also be paid as lump-sum. Survivors benefits also include death grant & funeral grant.

Source: §5 of the Social Insurance Law, 1975; ISSA Country Profile 2017; §51-56 of Law No-148 about Social Security and Pensions, 2019

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Egypt has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Social Insurance Law, 1975
- Law No-148 about Social Security and Pensions

Pension Rights

Social Insurance Law provides for both full and early pension. For full pension, a worker must have attained 60 years of age with at least 120 months (10 years) of contributions. Early pension is available at any age level with 240 months (20 years) of contributions.

The pension is $\frac{1}{45}$ ($\frac{1}{40}$ for arduous & $\frac{1}{36}$ for dangerous work) of the reference base earnings is paid for each year of contributions up to 36 years. Minimum total pension is 50% of the average monthly earnings while the maximum total pension is 80% of the average monthly earnings. The maximum monthly base earnings used to calculate contributions are 1,370 pounds (July 2017).

In accordance with the amendment in Law No. 79, 1975, the pension is increased by 15% and minimum pension for the insured or eligible pension in accordance with the Law No. 79, 1975 shall be increased from LE 500 to LE 750, including all the increases and subsidies.

Old age settlement is paid if the insured person does not meet the qualifying conditions for an old age benefit at the age of 60 or at any age if emigrating or for an insured woman aged 51 or older (married, divorced, or widowed) who does not qualify for an old age pension.

Special supplement is paid for the contribution period of more than 36 years.

Source: §18-31 of the Social Insurance Law 1975; ISSA Country Profile; Law No. 99 of 2018 Pension Increment and amending (Law No. 10 of 2018) Amendment; §5, 19, 21, 24 & 26 of Law No-148 about Social Security and Pensions

Dependents' / Survivors' Benefit

Labour laws provide for survivor Pension (these include dependents including widow, widower, children, parents, brothers and sisters). Survivors' Pension is calculated similarly as old age pension. Other than survivors' pension, law also provides survivors' benefit, survivors; settlement, death grant and funeral grant.

Source: Social Insurance Law 1975; ISSA Country Profile; §7 of Law No-148 about Social Security and Pensions

Unemployment Benefits

In accordance with the Social Insurance Law, a worker is entitled to unemployment benefits for up to 16 weeks if he/she has at least 6 months of contribution, including the three consecutive months before unemployment. Unemployment benefit is 60% of a person's last month's wage after eight-day waiting period. The benefit may be extended to 28 weeks if contributions have been paid for the last 36 months.

For the insured person during the period of unemployment, the compensation shall be estimated accordingly:

- 75% of the worker's last monthly wage for the first four weeks;
- 65% of the worker's last monthly wage for the second four weeks;
- 55% of the worker's last monthly wage for the third four weeks; and
- 45% of the worker's last monthly

wage for the remaining weeks

The insured person must be able and willing to work and registered with and report regularly to the Manpower Office. Unemployment must not be the result of voluntary leaving, misconduct, or the refusal of training or a suitable job offer.

Source: Social Insurance Law 1975; ISSA Country Profile; §85-89 of Law No-148 about Social Security and Pensions

Invalidity Benefits

The above laws provide for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. Law provides for both the invalidity pension and disability settlement. It is calculated similarly as old age pension. Minimum invalidity pension is 65% of the average monthly earnings in the last two years of service or 500 pounds a month (whichever is greater). Maximum invalidity pension is 80% of the average monthly earnings.

Source: §18-31 of the Social Insurance Law 1975; ISSA Country Profile

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Egypt has ratified the Conventions 100 and 111 only.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of the Egyptian Arab Republic, 2014
- Labour Law, 2003
- The Penal Code, 1937, as amended by Law No. 50 of 2014

Equal Pay

Labour Law 2003 prohibits discrimination in wages because of sex, origin, language, religion or creed.

Source: §35 of the Labour Law 2003

Sexual Harassment

Sexual harassment is prohibited under the Penal Code. In accordance with the Penal Code, any person who exposes another to indecent assault publicly via words, actions, gestures, is punishable with imprisonment of at least 6 months and a fine of EGP 3,000-5,000. The punishment is applicable even if the indecent assault happened via telephone or by any other means of telecommunication. If the same individual repeats the act of sexual harassment, the punishment of imprisonment will be increased to one year and the fine to EGP 5,000-10,000.

If the harassment is done with the intent of receiving sexual gratification from the victim, the punishment will be a term of imprisonment of not less than one year and a fine of EGP 10,000-20,000. Moreover, any individual who uses duress to receive sexual gratification will be punished with a term of imprisonment of between two and five years and a fine of EGP 20,000-50,000.

Source: §267, 269 & 306 of the Penal Code

1937, as amended by Law No. 50 of 2014

Non-Discrimination

In accordance with the Egyptian Constitution of 2014, the state ensures equal opportunity for all citizens without discrimination. The Constitution further states that all citizens are equal before the Law. They are equal in rights, freedoms and general duties, without discrimination based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographic affiliation or any other reason. Discrimination and incitement of hatred is a crime punished by Law. The State takes necessary measures for eliminating all forms of discrimination, and the Law shall regulate creating an independent Commission for this purpose.

The Labour Law also prohibits discrimination in wages on the basis of sex, origin, language, religion or creed.

In accordance with the Rights of Persons with Disabilities (Law No. 10 of 2018), State should provide equal employment opportunities, prohibit forced labour, and provide protection for them. The law requires reduction of working hours for persons with disabilities by one-hour per day. It further prohibits any kind of discrimination and deprivation of any rights in recruitment, promotion and remuneration on the basis of disability. Public and Private sector employers, employing more than 20 workers must hire 5% of their workforce the workers with disabilities. Ministry of Labour is assigned the responsibility to create a registry of persons with disabilities who wish to be part of labour market.

Source: §9 &53 of the Constitution of the Egyptian Arab Republic 2014, §35 of the Labour Law 2003; §20-24, 27 of Rights of Persons with Disabilities (Law No. 10 of 2018)

Equal Choice of Profession

Women cannot work in the same industries as men. The Labour Law prohibits employment of women in certain professions and also prohibits employment of women in night work (from 07 pm to 07 am) and the work that is hazardous (either physically or morally) to her health. Nearly 30 different occupations/works are prohibited for women under Decree No. 155 of 2003.

Source: § 89-90 of the Labour Law 2003

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Egypt has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances.

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Constitution of the Egyptian Arab Republic, 2014
- Labour Law, 2003
- Child Law, 1996
- Ministry of Migration & Manpower Decree No 118 of 2003

Minimum Age for Employment

Minimum age for employment is 14 years. The labour law permits children as young as 12 years to work as apprentices. The Child Law sets the minimum age for employment for regular employment as 15 years and 12 years for seasonal employment. If an infant/juvenile worker under the age of 16 years is hired, employer is required to grant him a card mentioning that the worker is employed by him. A picture of the infant/juvenile worker is stuck on the card and approved by the concerned manpower office.

An infant/juvenile worker cannot be made to work for more than six hours a day and worker is provided meal and rest breaks. The breaks have to be arranged in such a way that an infant worker does not work for more than four continuous hours. An infant/juvenile worker is prohibited to work overtime or to work on weekly rest day and official holidays. Infant workers can't be required to work at night times (07pm to 07 am next day). An infant/juvenile worker is a worker reaching fourteen years of age or over the age of elementary education however less than eighteen complete years of age.

The concerned ministry issues a decree according to the different stages of age, determining the system of employing a child, the conditions terms and cases for their employment, and the jobs,

occupations, and industries in which it is prohibited to appoint them.

An employer appointing child must hang a copy of provisions related to juvenile's employment, on prominent places at workplace. The employer draws up a statement, approved by the concerned administrative authority, indicating the working hours and the break period for juvenile workers.

Source: §98-103 of the Labour Law 2003

Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. The Constitution of Egypt prohibits the employment of children before the age of completing their preparatory education (six years of primary and three years of preparatory) or in jobs which subject them to danger.

According to Ministerial Decree No. 118 of 2003, mining and construction are considered as hazardous industries. The occupations designated as hazardous include such nursing, construction, metal work, pottery and glassmaking, machine operation, driving of motor vehicles, street vending, shoe cleaning, and garbage collection, among others. In addition to the 44 occupations, children cannot be occupied in jobs or occupations having an impact on their mental, physical or moral health, neither can they be occupied in activities exposing them to mechanical, biological, physical or chemical hazards. For these occupations, minimum age for employment is 16 years.

Source: §80 of the Constitution of the Egyptian Arab Republic 2014; §35 of the Ministry of Migration & Manpower Decree No 118 of 2003

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Egypt has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Labour Law, 2003
- Constitution of the Egyptian Arab Republic, 2014

Prohibition on Forced and Compulsory Labour

In accordance with the Constitution, state guarantees that work is a right, duty and honour. A citizen may not be forced to work except as required by Law and for the purpose of performing a public service for a fixed period in return for a fair consideration, and without prejudice to the basic rights of those obliged to carry out such work. The Constitution further states that all forms of slavery, oppression, forced exploitation of human beings, sex trafficking and other forms of human trafficking are prohibited and criminalized by Law.

Source: §12 & 89 of the Constitution of the Egyptian Arab Republic 2014

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Source: §111 of the Labour Law 2003

Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty-eight hours per week and eight hours a day. However, total hours of work inclusive of overtime

must not exceed ten (10) hours per day and 12 hours per day for workers hired in work of intermittent nature. This implies that overtime of 2 hours is generally allowed.

For more information on this, please refer to the section on compensation.

Source: §80 & 85 of the Labour Law 2003

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Egypt has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Labour Law, 2003
- Constitution of the Egyptian Arab Republic, 2014

Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions. This right is regulated by the labour law.

In accordance with the Constitution, Law guarantees that the establishment of syndicates and federations on democratic basis is a right. Syndicates and federations acquire legal personality, have the right to practice their activities freely, improve the level of efficiency among their members and defend their rights and interests. The State guarantees the independence of all syndicates and federations and their boards of directors may only be dissolved by a court judgment. No syndicate or federation may be established in the military or police agencies". The Constitution further states that the Law regulates the establishment of professional syndicates and the administration thereof on a democratic basis, guarantees their independence and specify their resources and the manner of recording their members, and holding them accountable for their conduct in practicing their professional activities according to the codes of ethics and professional conduct. More than one syndicate may not be allowed for the regulation of its affairs in any profession. Receivership may not be imposed on any syndicate. Administrative bodies may not interfere in the affairs thereof. The board of directors of any syndicate may not be dissolved save by a court judgment. The opinion of the syndicate shall be sought on draft

legislations pertaining to it.

Trade Union Law and the Protection of Freedom of Association (No. 213) of 2017 (amended in 2019) provide workers with the right to establish trade unions and protect freedom of association. Except for the Armed Forces, the Police Authority and other statutory bodies, the law is applicable to Civil servants, Employees of public sector companies, the public business sector, and employees of economic activities, Employees in the investment sector, Agriculture workers, Domestic workers, Irregular and seasonal employees.

The 2017 law repeals the earlier 1976 law on trade unions. The new law provides for three level of trade unions in the country:

1. Trade Union Committee: workers can form the Committee at enterprise level with a membership of at least 50 workers. Where number of workers and trade union members are lower than the above number, trade union committees can be established at city or governorate level;
2. General Labor Union: At least 10 trade union committees with a membership of at least 15,000 workers can establish a General Labour Union;
3. Labor Union Federation: At least 7 General Labour Unions representing 150,000 workers/members can form a Labour Union Federation.

Workers have the right, without discrimination, to form trade union organizations and to join or withdraw from trade union activity. The establishment or formation of trade unions on religious, ideological, partisan, ethnic or political grounds is prohibited. Trade unions should not include any discriminatory provisions in

their constitutions or byelaws through which they discriminate amongst their members on the ground of religion, creed, sex, origin, race, colour, language, disability, social level, age, or Political affiliation and any other reason.

Trade unions have the right to defend and promote the economic interests of their members and resolve individual and collective disputes. Discrimination from employer side in all employment related matters (including hiring, remuneration and termination) is prohibited on trade union activity or lack thereof.

Source: §76 & 77 of the Constitution of the Egyptian Arab Republic 2014; §1, 2, 4, 6, 76 of Trade Union Law (No. 213) of 2017 (amended by Law No. 149 of 2019)

Freedom of Collective Bargaining

Right to collective bargaining is recognized and regulated by Labour Code. According to the Constitution, the state ensures means for collective negotiations and works on protecting workers against the risks of work.

Collective bargaining is the dialogue and discussions carried out between the trade unions organizations and the employers or their organizations towards improving the terms and conditions and employment provisions; cooperating between the labour parties towards realizing social development for workers of the establishment; and settling the dispute between the workers and employers. Collective labour agreement is an agreement regulating labour conditions and terms and employment provisions, signed between one or more trade union organizations and the employer or a group

of employers or one or more of their organizations.

The CBA is concluded for definite time period of 3 years or for the period necessary for executing a specific project. In the latter case, if the duration exceeds three years, both parties negotiate to renew it for next three years considering the economic and social conditions that might take place.

The CBA, drawn in Arabic, is submitted within fifteen days from the date of signing it to the board of the general trade union or the General Federation of Egypt. It is approved by either of these organizations within a period of 30 days from the date of signing the agreement. The default of any of the foregoing condition results in invalidating the agreement.

Provisions in CBA must not contradict with the provisions of the law or public order or the public morals. In case provision in individual labour contract contradicts with the collective agreement, the provision with better benefit is applied exclusively.

The employer puts up on prominent place at the workplace the collective agreement comprising its texts, those signing it, and the date of depositing it with the concerned administrative authority.

Consultative Council for Work, established in 2003, provides advice concerning draft laws on work relationships and ratification of international conventions; methods to avert collective labour disputes and to enhance cooperation between workers' organizations and employers' organizations; vocational and productive relations; and proposals made by the Ministry of Manpower and Immigration concerning work relations.

In 2012, the Constitution established the Economic and Social Council to support the participation of social groups in the drafting of economic, social, and environmental policies, as well as it aims to strengthen societal dialogue. The Council consisted of at least 150 members, elected by syndicates, unions, and associations of farmers, workers, professionals, and other social groups. Workers and farmers representatives must make up half the members. However, in 2014, the Constitution removed the provisions regarding the Economic and Social Council.

Source: § 13 of the Constitution of the Egyptian Arab Republic 2014, §145-167 of the Labour Law 200

Right to Strike

Right to peaceful strike is recognized under the constitution and is regulated under the Labour Law. The list of "vital or strategic establishments" exceeds ILO list of essential services thereby frustrating the right to strike.

The strike must be announced and organized through trade union organisations in defence of their vocational, economic and social interests, within the limits and according to the controls and procedures prescribed in the law enforce.

Compulsory recourse to arbitration, and long and complex mediation procedures prior to strike actions generally restrict the right to strike. Strike is prohibited in the strategic or vital establishments where work interruption may result in disturbing national security or the basic services provided by them to the citizens. Prime Minister's Decree determines these establishments.

The strike must be approved by the two-third members of the board of the concerned general trade union and they must notify the employer and the concerned administrative authority by registered letter with acknowledgment receipt at least 10 days prior to their intention to strike. The notification comprises of the reasons that encouraged strike and the time-limit determined for it.

The employer is not obliged to pay the wages of the worker on strike.

Source: §15 of the Constitution of the Egyptian Arab Republic 2014; §192-195 of the Labour Law 2003

QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

DecentWorkCheck Egypt is a product of
WageIndicator.org and www.rawateb.org



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Egypt scored 42 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.