



Trade Unions Law & Implementing Regulations Contravene the Constitution & International Conventions

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- Introduction:

This paper is released after issuing the Trade Union Organizations and Protection of the Right to Organize Law no. 213 of the year 2017, along with its implementing regulation; in addition to issuing the resolution no. 36 of the year 2018 on the guidelines for trade union organizations, and the resolution no. 37 of the year 2018 on the trade union election dates.

Having desired to know to what extent the law and its implementing regulations attain the foundations of the right to organize and its freedom, we perceived to begin with the Constitution's trade unions-related articles as well as the conventions and agreements signed by Egypt and became equivalent to enforceable laws. That is for being the objective criteria by which we assess the law and identify whether it already protects the right to organize- as alleged by its legislators-or it is a mere slogan, and the law implies an express attack on this right.

Part One: Basic Principles of the Right to Organize

Article 76 of the 2014 Constitutions stipulates that: "The establishment of trade unions and federations on a democratic basis is a right guaranteed by law. They shall have a legal personality, exercise freely, contribute to raise the efficiency of its members and defend their rights, and protect their interests. The State shall ensure the independence of trade unions and federations, and its boards of directors may only be dissolved by a judicial ruling."

Also, Article 93 of the Constitution provides for: "The state is committed to the agreements, covenants, and international conventions of human rights that were ratified by Egypt. They have the force of law after publication in accordance with the specified circumstances."

The second article of the International Covenant on Civil and Political Rights (ICCPR) reads: "Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant."

Its Article 22 also stipulates that:

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 8 of the International Covenant on Economic, Social and Cultural Rights, which was issued in 1966 to establish the right to organize, stipulates that:

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

As for the agreements of the International Labour Organization (ILO), we will mention only two main agreements concerning the right to organize, they are: Freedom of Association and Protection of the Right to Organize Convention no. 87 of 1948, signed by Egypt, concerning the associations freedom and the protection of the right to organize, whose Article 2 reads:

"Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization."

Also, its third article stipulates that:

"1. Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof."

Article 7 of the convention, also, provides that: "The acquisition of legal personality by workers' and employers' organizations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof."

Its Article 8 reads:

"1. In exercising the rights provided for in this Convention workers and employers and their respective organizations, like other persons or organized collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention."

The second convention to mention is the [Right to Organize and Collective Bargaining Convention](#) no. (98) of 1949 concerning the application of the principles of the right to organize and the collective bargaining. Its Article 2 stipulates that:

"1. Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations, shall be deemed to constitute acts of interference within the meaning of this Article."

Part Two: Do Trade Unions Law and Its Implementing and Guiding Regulations Protect the Right to Organize?

After deliberate reading of the trade unions law, we found that the interference in the trade unions' affairs embarks through the law itself, whether through its direct texts or articles that empower the Minister of Manpower, by expanding his\her powers, and lead to the ministry's dominance over many affairs of the unions. The matter is exacerbated by the provisions of the implementing regulations, the guiding regulations laid down by the Minister of Manpower, as well as the instructions imposed by the labor force personnel on trade unions during the submission of documents for legalizing the status of independent trade unions. In violation of the Constitution and Article III of the Convention No. 87 of 1948, this is very different for the trade unions of the General Federation of Egyptian Trade Unions, the largest bloc of unions that have not been affected by the law. That was evident in the process of accepting the papers of independent trade unions while legalizing the status period, whereas the Ministry had the upper hand in rejecting the papers of hundreds of independent trade unions without giving any reasons or even giving flimsy reasons.

We have also found that onerous conditions have been laid down- in violation of Articles 2 & 7 of ILO Convention No. 87- on the acquisition of legal personality by the trade unions and federations. Moreover, the law, along with the regulations, continued imposing the hierarchical structure, and granting the organizations, at the top of the pyramid, powers that restrict the freedom and right of the trade union committees in the establishments.

Despite abolishing the obligation imposed on grassroots trade unions to join general trade unions or federations - existed in the previous law, most of the powers remained the right of the organizations at the top of the trade union pyramid, in violation of Article 2 of Convention No. 98 of 1949 and Article 8 of the Covenant International Covenant on Economic, Social and Cultural Rights.

Furthermore, we found that many labor groups were denied the right to organize, as well as the law, regulations and resolutions have what could raise fears that trade union elections may be marred by interference in favor of certain federations and unions against others, in violation of the Constitution and all agreements. That was already took place, when Cairo Administrative Court has considered 62 cases, in one day, after their exclusion in the first stage. The [second chamber of the Administrative Court of the State Council](#) ordered, on May 27, to refer 62 lawsuits demanding nullification of the trade union elections to the North Cairo Court for jurisdiction, for being not competent with their consideration. This is of course besides those who followed the path outlined by the Trade Unions Act to sue away from the State Council.

As for the penalty-related articles of the law, they punish the workers for exercising their right to organize by imprisonment, which is the heaviest level of punishment compared to the other violations of the law, in addition to substantial fines that have not been imposed on counterpart employers committing grave offences on the right to organize and collective bargaining, which violates the Constitution, covenants and agreements.

The law also clearly distinguishes between the pro-regime Egyptian Trade Union Federation (ETUF) and the independent trade unions that established after the revolution, in direct violation of Article 2 of ILO Convention No. 98 of 1949.

The trade union organizations at the top of the pyramid, also, exercise control over the grassroots ones. In violation of Article II of ILO Convention No. 98 of 1949, the law and its implementing regulations maintain certain leaders, despite being retired, and grant a lot of powers to the union's president, along with the secretary-general, through which they can run the trade union committee away from the General Assembly and the board of directors of the union.

Clearly, the law opens the door to the trade unions election manipulation through the presence of trade union organizations as part of the electoral process administration, despite being ran in the elections. The litigation, which deemed fair to trade unionists exposed to abuse, was transferred from the State Council to labor courts, in addition to setting conditions that make litigation after the end of the electoral process, unlike in the past. This infringes Article 3 of Convention No. 87 of 1948.

The law and all its regulations set out the subsidies within the means of financing the union paid by the state to the union, without any specific rules for how to grant or disburse them, which may be used by the state to tame unions. This flagrantly violates Article II of the Convention No. 98 of 1949.

Additionally, the law stipulated the alteration of the General Assembly's meeting to formal ones controlled by a few number of its board of directors. The guiding regulations severely curbed the right to strike in union committees. The guiding administrative regulations also opened the door to the union president to receive a payment for his trade union activity, in violation of other articles.

First: Discrimination in favor of ETUF

Articles 2 & 3 of Law 213 are clearly marked in favor of the Egyptian Trade Union Federation (ETUF) and against the independent trade unions that were established and had been submitting their papers to the Ministry of Manpower from March 2011 until the promulgation of this law, based on the right to agreements signed by Egypt, along with the trade unions freedoms declaration that was signed by the then Minister of Manpower, Dr. Ahmed Hassan El-Borai, with ILO Director in March 2011. Although Article 3 has not entered into effect since the promulgation of the law, in accordance with the known legal rule, it is applied retrospectively, back several years earlier. In addition, this article wastes legal positions acquired by the independent trade unions many years ago, and undermines the principle of equal opportunities between the government-backed federation's unions and other trade unions.

Article 2 stipulates that: "The current trade union cycle shall extend from the date of its termination in accordance with the provisions of Law No. 35 of 1967 on the promulgation of the Trade Unions Law. The formations of the trade union organizations elected at this session shall continue to exercise their functions in accordance with the provisions of the law, until new formations shall be elected within ninety days of the date of the implementing regulations of this law. "

Article 3 provides for: "The trade union organizations established and constituted according to a law shall retain their legal personality, and all their property, and shall continue to exercise their functions in order to achieve their objectives in accordance with the provisions of the accompanying law and their regulations. The legal personality of other trade unions organizations shall be established from the date of legalizing their status according to the provisions of the accompanying law".

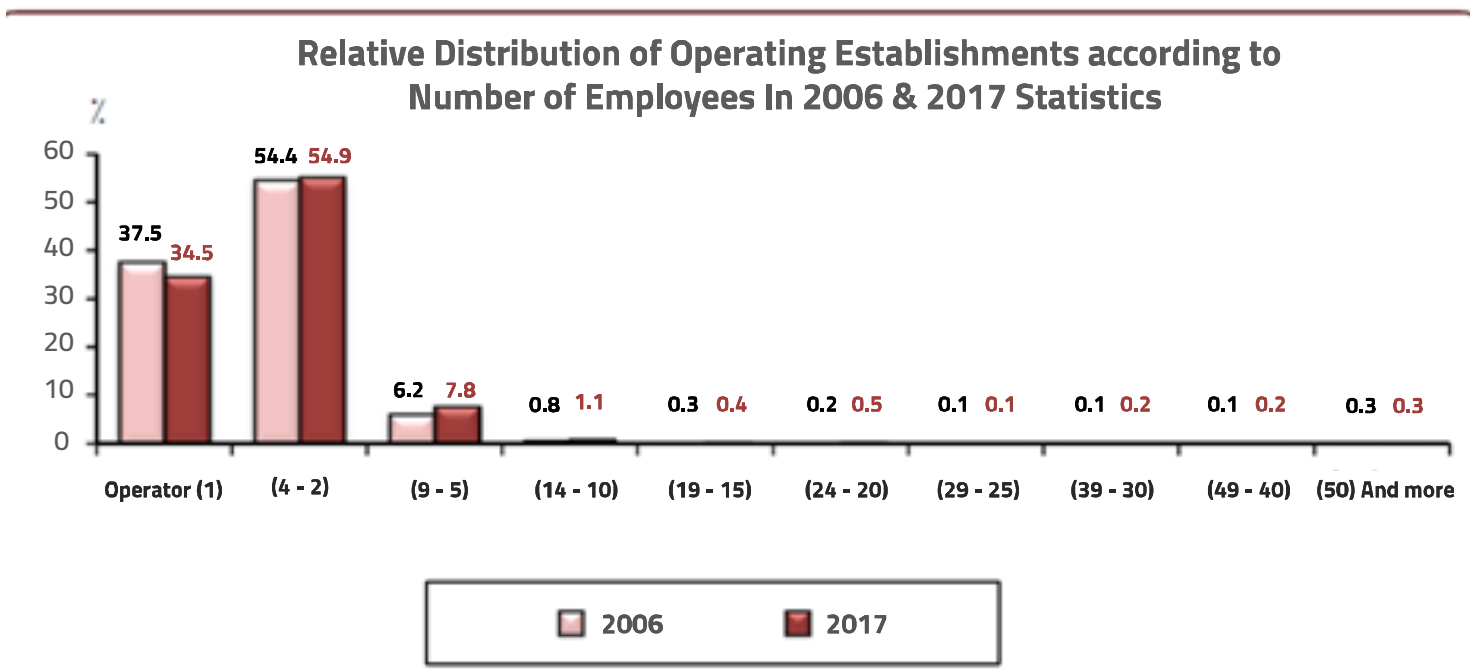
Although Article 41 of the implementing regulations enshrines the same distinction, it obliges all trade unions to legalize their status, which the government can rely on to state non-discrimination. However, the decision of the Minister of Manpower is an administrative one that can be amended or canceled by another administrative decision. According to the legislative system in Egypt, the decision is at the minimum level of the law; therefore, it cannot be relied upon to negate discrimination in the law.

Second: Onerous Conditions on Exercising the Right to Organize

Both Articles 11 & 12 of the Law set out onerous conditions for the establishment of trade union organizations, including the trade union committee as well as the general union and federation, particularly under the current situation. Article 11 stipulates that there shall be a minimum of 150 members to establish a trade union committee, while international conventions have not provided for a minimum number of members to form trade union organizations. They, however, left the door open for each state to determine the number according to the conditions of the number of workers in the enterprises. Hence, the release of random figures in this regard is dangerous and lacks the objective criterion. This also makes the opportunity for the formation of the trade union committee limited to a small number of enterprises, as explained by the following:

The 2017 Egyptian statistics revealed that 54.9% of the establishments have 2-4 workers, while 34.5% of them are small with only one worker. According to the reports of the Central Agency for Public Mobilization and Statistics (CAPMAS), on the 2017 statistics, the percentage of establishments employing 5-9 workers constituted 7.8% of the total number in Egypt, while the percentage of establishments employing 50 workers or more represented the lowest percentage of 0.3%.

The following graph shows the relative distribution of operating establishments according to the number of employees stated in the 2017 statistics, and compares them with the 2006 one.



Therefore, if we adopt the number (50), on which the independent unions submitted their papers in the past, we will find that only 0.3% of Egyptian workers will have the right to form trade unions, so what do we think about the number stipulated in this article; 150 workers.

In addition, Article 12 stipulates that the General Union must comprise 20 thousand members, 15 trade union committees, while the federation comprises 200,000 workers and 10 trade unions, which is very difficult. If we consider the conditions for the formation of a political party in Egypt, spreads at the national level, requires the collection of 5000 signatures by Egyptian citizens from at least 10 governorates, and 300 at least from each governorate, or the conditions for running for president, it requires to collect 25000 endorsement forms from citizens that have the right to vote in at least fifteen governorates, with a minimum of 1,000 forms from each governorate, or at least twenty members of the House of Representatives, we will find that establishing a party or running for president is much easier than establishing a trade union or a general federation.

Seemingly, the above articles were not sufficient to serve the law's end of limiting the establishment of trade union organizations to three forms only, but Article 13 goes beyond to distort and undermine one of the union organization forms that Egypt has recently known; it is the regional federation and major federation. Instead of enjoying their legal personality, the law strips these trade union organizations of them and turns them into additions to the trade union, which we realized before the difficulty of its formation unless it enjoys the support of the government. Here, we find it completely closes the door to the formation of regional unions except for the government-affiliated ones.

Third: Depriving Some Groups of the Right to Organize & Right to Representation:

Article 2 of the promulgated Law 213 stipulates that: "Except for members of the armed forces, the police force and other statutory bodies, the law shall apply on.....", which may refer to the lack of eligibility for the civil servants working in these bodies to form or join trade unions, while their counterparts in other institutions retain the same right. This article was laid down, although there is a general union for the military production workers within the General Federation's unions. Also, what is the fate of the independent general union that was founded, after opening the organization in 2011, by civil workers in the Department of Civil Status and headed by a police officer? It organized numerous sit-ins and strikes during which the repression they sustained by the police officers presiding over this body is clearly evident.

In addition to that, the military personnel themselves, whom the agreements and conventions referred to their right to organize with restrictions, have been denied such a right.

The pensioners, also, have been denied the right to organize, whereas the article did not include them; although they established a union for pensioners, and began a great struggle in which they gained some rights for pensioners, whether through protest or litigation. Seemingly, the law and its implementing regulations attempt to deprive whoever demands the right to organize of exercising such a right, in addition to setting forth onerous conditions for those who managed to pass the loopholes in the law.

Even though the law provides for the right of irregular employment to establish trade union organizations, the implementing regulation stipulates what may deprive the majority of this right. Article 1 of the regulations defines the irregular worker as, "every worker performs work of irregular nature to others in return for remuneration". Thus, how would the manpower ministry's personnel interpret this definition, and what about self-employed workers, such as street vendors, plumbers or carpenters, and all craftsmen, have they included them in the irregular employment that are entitled to organize, or not?

Article 42 of the Implementing Regulations stipulates conditions that prevent uninsured workers from being members of the union at the time of legalizing the status. The conditions stipulated in the papers - a condition that is not included in the documents of the establishment of trade unions - to submit a detailed statement approved by the establishment and social insurance and has the members' names and their information. If the uninsured ones are not included as members, the insurance body will definitely reject the statement approval.

Article 41 of the Law concerning the conditions of candidacy for the trade union's board of directors provided that the candidate shall not be: "a temporary worker, on a secondment, a delegate, a commissioner, a recruiter or on leave without pay", which deprive temporary workers, who may represent the majority of the employees in some enterprises, of maintaining the right to representation. We also perplexed whether they will include employees in companies and factories registered with labor supply companies- despite their years of work in the company together with the workers registered with the company- in the groups deprived of the right of representation, or not? Above that, the labor draft law, which is being prepared for ratification, widely opens the door to such employment. At all levels of trade unions, the guideline regulations have the same exclusion for the same groups, as in Article 24 of

the guiding regulation of the trade union committee, and in Article 28 of the General Union and the General Federation's regulations.

Fourth: Criminalizing the Exercise of the Right to Organize:

Penalties chapter here prompts us to query about the possibility of founding trade unions in the future. The chapter criminalizes, threatens to imprison and fines whoever seeks to form a trade union. Clearly, here, how a fence is being erected to prevent the establishment of trade unions in the future. It is also noted that how the imprisonment penalty is coupled with fines, as well as increasing the maximum limit to EGP 20000 for workers, while a fine of EGP 10000 only in the case of an employer.

Article 67 of Law 213 provides: "Any person participates in the establishment or management of an enterprise, society, group, organization, body, or otherwise, and unlawfully called it, in correspondence, advertisements, declaration, sign or in a communication to the public, the name of a trade union organization or exercise any trade union activity confined to the members of the governing bodies of trade union organizations shall be punished by imprisonment and a fine of not less than five thousand pounds and not more than twenty thousand pounds or one of these penalties in accordance with the provisions of this law ... "

Not only this article clearly contravenes both the Constitution and the international covenants and conventions regarding the freedom of workers to organize without interference, on which the law set out impossible conditions for the acquisition of legal personality, but also the law criminalizes forms of associations that Egyptian workers used to resort to when unions of the General Federation refuse to organize; it is the only trade union that existed under Law 35 of 1976 - in turn, the most famous of which is the Association of Train Drivers, and another one for conductors. This means that if the members of the board of directors of the union organization fail to meet the workers' demands, no one can perform this role, which results in the absence of any alternative leadership, and the inability to engage in union activity leading to the emergence of other unions in the future.

Article 68 also makes the exercise of unions activity an unsafe adventure. A "mistake" in a statement is sufficient to accuse a member of the trade union organization's board of directors of giving false information. This would expose the member to a penalty of imprisonment and a fine of no less than EGP 5,000 and no more than EGP 20000.

The wording of Article 18 shows the intention of the **government to develop a complex bureaucratic path** to establish trade unions until this matter closes permanently. It begins with submitting three copies of the establishment papers to a single administrative body, and detailed data relating to each founder; name, title and national number, age, places of residence and work, employer, and signature, although one of these, the national ID, contains the name, surname, place of residence, age and place of birth.

With the too much data, the probability of human error increases, threatening the union existence. Also, their legal representative may be imprisoned because of the last paragraph mentioned in the Article (the papers submitted and which provided for in this Article shall be official papers while applying the provisions of the Penal Code). To increase the bureaucratic complexities, the Article's second paragraph on the submission of papers states: "The articles of association of the union organization: the signatures of its board of directors shall be authenticated officially by the relevant Registration Office." At the same time, the Real Estate Publicity Departments refuse to authenticate on the pretext of not receiving instructions, as well as the insufficient number of employees to write such regulations.

With regard to the trade union and the unions federation, a statement has the number of affiliated trade union committees, their names and papers of their formation should be submitted. Remarkably, the number, here, is 20 thousand for the trade union and 200 thousand in case of the federation; hence, any mistake in these statements, which considered official papers, may expose the legal representative to punishment under Penal Code, and the law shall continue to prevail in its entirety, and stipulates that any amendment to the Articles of Association of the trade union organization, its formations and the number of its members shall pass through this difficult road, which is fraught with difficulties and dangers that we have referred to in advance.

Fifth: Interference in Trade Unions Affairs

1- The Law Interferes in Every details of Unions Affairs

With the first articles of the Law, which have definitions, we find how dominance appears; whereas the law imposed a specific form of trade union organizations in relation to the trade union committee of an establishment, professional association or union in governorates or cities, as well as the General Union and the General Federation. This control is also imposed on the internal formation of trade union organizations, including the General Assembly, the Board of Directors and the Office to bind the trade unions to these forms only, which is contrary to Article 7 of the Constitution, which provides for freedom of organization, as well as the international conventions, particularly the Convention 87 of 1948 and 98 of 1948.

Article 10 came to affirm the compliance with the standards laid down in Article 1 of the Law, whereas it is provided, at the very beginning of the article, that the establishment of trade union organizations on a democratic basis is a right guaranteed by law. Then, it stipulated that "the levels of trade union organizations consist of: ...". It mentioned the three levels as follows: a trade union committee, a general union and a trade union federation. This is an explicit interference aims at restricting the freedom of trade unions to freely establish their forms. Trade union organizations, whether trade union committees, trade unions, or federations, may need to set up other forms, either qualitatively or geographically, in accordance with the needs and requirements of trade unions.

Also, Article 21 constitutes interference, as it sets the conditions for membership of trade union organizations. In addition to that, paragraph (H) of the Article attacked the freedom of a member to join more than one trade union organization. Article 23 obliges the member to enter into a trade union organization that s\he has not chosen to join. Moreover, it has not granted him\her the right of choice in case of transferring to another establishment with a trade union other than what s\he has chosen to enter. The same interference is repeated in Article 25, as the terms of termination of membership were imposed on trade unions, and have been left to the trade unions themselves.

The General Assembly's terms of reference had its share of the interference by the law. Strangely, the law provided that the response to the comments of the Central Auditing Organization (CAO) shall be subject to their approval by the General Assembly, which is convened regularly on an annual basis. It is suspected that it is an attempt to protect the corrupt unionists for as long as possible, since the comments are on the performance of the union's board of directors. Thus, it is supposed to reply and then discuss the whole matter (Report of CAO and the response) with the General Assembly.

The defect we have referred to very often- the interference in the internal affairs of trade union organizations- is repeated in both Articles 36 and 37. They determine the number of members of their board of directors, whether in the labor union committee or the general union, as well as the members of the office and their functions. Once again, this matter ignores diversity, whether in numbers or experiences, etc. In our trade union reality, we see this matter as it binds it with suffocating bureaucratic constraints.

There is contradiction in the fourth paragraph of Article 4 of the same law. It allows the candidacy for the membership of a trade union organization's board of directors by outsiders; not representatives of the general trade

unions in the General Assembly. In the meantime, item (3) of Article 42 of the candidacy conditions stipulates that the candidate shall be a member of the General Assembly of the trade union organization.

Article 42 has very serious interference in trade union affairs. Primarily, all the electoral procedures are deemed internal affairs to members of the trade union organization, in which matters are guaranteed in accordance with objective criteria of transparency and integrity. Although there is no reason for the Minister's interference in this regard, what transpire is that the Ministry interferes in selecting candidates, and even the rejection of nominations in whole committees or the presence of a member of the competent directorate. Therefore, the supervision exercised by the minister, his representatives or the administrative body or its members for the committees of preparation or supervision of the elections, whether public committees or subcommittees, or the appointment of the heads of subcommittees from those working in the state, the public sector or business sector, is a blatant attack on the independence of trade union work, especially with the clear partiality of the ministry and its employees to a certain union.

2- Ministry of Manpower Interferes in Trade Unions Affairs

Article 6 of the Law 213 shows direct interference in the trade unions affairs by the Minister of Manpower, who sets out models for the statutes and the financial and administrative systems to be guided by. However, the manpower ministry's personnel are expected to oblige the trade unions to comply with them; otherwise, the establishment papers will be rejected. Here, it becomes mandatory rather than indicative. And that was **confirmed by the facts of what occurred in the electoral process.**

Article 7 also grants the Minister of Manpower the right to resort to the court to request the dissolution of the union. The interference of the Ministry of Manpower in trade unions affairs appears again in Article 19. If, within 30 days of the receipt of the papers, it becomes apparent that the papers have not been correct or that none of the papers and procedures have been completed- which deemed vague phrases that can be manipulated by- the representative of the trade union organization will be informed with that. Then the Ministry of Manpower resorts to the court to object to the establishment of the union. The same text is almost stated in Article 15 of the Implementing Regulations.

Also, the administration of the electoral process begins upon a decision by the Minister of Manpower to determine the date of the elections in accordance with the Resolution No. 37 of 2018. Besides, the formation of the General Committee shall be issued by a decision of the Minister in accordance with Article 16 of the Implementing

Regulations, as well as the formation of sub-committees for elections in accordance with Article 17 of the said Regulations.

Sixth: Higher Trade Unions Controls Grassroots Unions

Articles 15, 16 and 17 of the Law listed the competencies of each level. The basic trade unions have been placed under the control of the higher organizations, where the board of directors of the federation establishes the code of ethics that will be applied and punished by unionists or unions of the federation. Important topics such as the discussion of draft regulations and laws affecting workers' interests and rights were also limited to the higher organizations.

These articles are abounded with vague expressions. Although the beginning of Article 14 provides for, "to defend the interests of its common members and to improve the conditions of work", we did not find an impact when it began to enumerate that it was working in particular to achieve the purposes it mentioned. Article 5 of the same article places an obligation on the trade union organization to increase the workers' efforts to implement the plans of the employer and even to contribute to their implementation. Noteworthy, the union is obliged to link this with the employer's commitment to implement collective labor agreements. In Article 14 the trade union organization is granted the right to participate in the Arab, African and international labor fields, but in the following articles, the organization is deprived of this right, and it became limited to the General Union and the General Federation; whereas it became clear, now, that there is no federation except for the pro-government federation. In this way, the relation between trade unions in Egypt and their Arab, African and international counterparts is broken off. Instead of clearly stipulating that the trade union organization represents its members to all parties, whether in individual or collective disputes relating to labor relations, both Articles 15 and 16 mentioned a vague phrase, "settling individual and collective disputes concerning its members". Moreover, issuing newspapers, magazines and publications is limited to the General Federation.

Article 5 of the Guiding Regulations of the establishment's union or professional union at the level of the governorate or the city came in the same manner as stated in Article 15 of the law, mentioning a number of tasks carried out by the General Union as well as the establishment's union. However, it did not say what would transpire if the trade union committee of the establishment does not join to a general union, will it be forced by a general union not bound to it, or will these tasks be delegated to the trade union committee alone? Examples for that are preparing draft

collective labor agreements, participating in the drafting and amendment of internal regulations related to the organization of labor and laborers affairs, and this is in coordination with the general union to which it is a party (this sentence was added to the text of Article 14 of the Law, as it was the competence of the union committee solely), in addition to carrying out the programs of services approved by the General Union affiliated to it.” Similarly, general unions are required by the General Federation to perform certain tasks, such as: participation with the General Federation in the drafting of collective labor agreements, and the implementation of service programs approved by the General Federation, as in Article 6 of the Guiding Regulations of the General Union.

Article 5 of the Guiding Regulations of the General Union and the General Federation has stated the objectives of each of them. Nonetheless, nothing has been mentioned in the trade union committee, such as raising trade union awareness as well as the cultural level of workers through educational courses and media publishing. Also, the objectives of the General Union included expressing opinion on laws and regulations affecting the rights and interests of workers, in addition to the issuance of newspapers, magazines and publications by the General Federation as stipulated in Article 6 of its Regulations.

Article 49 of the Law also breaches the legal personality of the trade union committee and the general union, and makes them subject to the unions federation. It makes the full-time job, in the agreement with the unions federation concerned and employers, depend on a law. In this case, the trade union committee or general union is obliged to join the pro-government federation if it wants to activate the full-time clause. As for the full-time work, despite being provided for in Article 63 of the Guiding Regulations of the establishment union, it said that it is according to the procedures in the Guiding Regulations, which, in its Article 33, stated that is regulated without prejudice to Article 49 of the law. It means that the employer is committed to the full-time member's entitlements in cases where employers agree with the federation. This brings us back to the federation's control over the grassroots trade unions. Similar to the previous article, Article 50 also violated the legal personality of the trade union committee and the general union, and makes them subject to the trade union. It links studying, training and educational courses, in agreement with the union federation concerned and the employers, to a law. In this case, the trade union committee or the general union is obliged to join the pro-government federation, if it wants to activate the educational, training and educational courses.

In accordance with Article 37 of the Guiding Regulations stipulated that if the trade union committee joined the General Union, the board of directors of the trade union committee shall choose its representatives in the General Assembly in accordance with the rules and procedures specified by the Articles of Association of the General Union. And the same condition is set forth on the General Union in the event of joining the General Union, according to Article 12 of the Guiding Regulations of the General Union as well as the Regulation of the Federation. Article 38 further restricts the trade union committee, to which it is acceded. It obliges it to abide by the code of conduct of the trade union (that does not mentioned to whom it will be established or the person who will adopt it in the General Union or Federation), as well as the statutes and financial and administrative systems of the general union. The Trade Union Committee also undertakes to pay for the membership and contributions in accordance with the statutes of the General Union, which Article 42 specified by 40%. Also, Article 1 of the financial regulations of the Federation specifies 10% of the general union revenues as fees for joining the General Union.

With regard to the withdrawal from the General Union, it does not exist in the Guiding Regulations of the establishment union. However, it is stated in Article 9 of the General Union's regulations. And it stipulated that the General Union shall be notified of the intention to withdraw before presenting it to the General Assembly of the trade union committee for at least one month. The same applies to the withdrawal of the General Union from the General Federation, as stated in Article 9 of the Federation's regulations.

Seventh: Opening Door to the Control of Certain Leaders:

Article 40 of the Law opens the door to the control of certain leaders that reached the age of retirement, while – as is well known – that the membership of the union is that the member shall work in the facility. If we understand the position concerning the right of membership of the pensioner, we cannot interpret his continuation in executive responsibilities within the union. Accordingly, we believe that the pensioner should not occupy any executive positions within the union after his retirement, because he will not be existing at the work, to serve his colleagues or defend their interests. Article (25) of the Guiding Regulations of the establishment union confirmed the condition of submitting an approved employment contract within the same establishment. The question here is: Will the management of the facility give a contract for a union member demanding the workers' rights, while it can permanently dispose hereof? Accordingly, it means that the members of the union's board of directors will be those satisfied by the management of the facility. The same applies on General union and the General Federation in Article

29 of their respective regulations, with the exception of the facility's union and the right to nominate to the Board of Directors of the General union or the General Federation directly.

Article 40 contradicts with Article 41 of the same Law, as it allows the nomination to the Board of Directors of labor union organization from outside the representatives of the General union in the General Assembly. At the same time, Clause "3" of Article 41 of the conditions of candidacy states that the candidate shall be a member of the General Assembly of the labor union, which is the same conditions stipulated under Article 21 of the Regulations.

Article 17 of the Guiding Committee of the Union Committee provides for at least one monthly meeting of the Union's Board of Directors, other than the extraordinary meetings, to which the Chairman of the Committee or one-third of the members of the Board of Directors shall call hereof in writing. This Article stated that "the invitation for the meeting shall include the agenda and memorandums, except for the matters that the chairman of the meeting consider thereof during the meeting. This Article therefore grants the Chairman of the Committee the right not to include matters that may be important, to be considered during the meeting, and perhaps for the purpose of enforcing these subjects without serious discussion at the meeting or in the absence of some members of the Board of Directors for any reason. The same applies on the General union s and the General Federation in article 19 of their Guiding Regulations. Article 26 of the General union and the General Federation Regulations also gave the Chairman of the Committee the right to select his representative in the event of his absence when he has several deputies. It would be reasonable that this representative shall be selected by the whole Board of Directors and not by the Chairman hereof alone.

In addition, Article 23 of the Guiding Committee of the Union Committee stated the competencies of the Secretary-General concerning the development of the agenda of the meeting of the Board of Directors or the General Assembly, without expressly providing for consultation with the members of the Board as to what would be included in the agenda? What would happen if a member suggested a matter and was not included in the agenda by the Secretary-General and the Chairman of the Board refuses to include hereof? Does not that mean that the Chairman and the Secretary-General may agree to pass what they wish, and prevent the discussion and inclusion of any other matters that may be important to the workers of the facility? Accordingly, it transfers us from the control of the higher levels on the base, to the control of part of the Bureau to the rest of the members elected by the General Assembly. The same applies on General union and the General Federation in Article 26 of their Regulations.

Eighth: Loopholes Help Employer Escape Punishment if Infringed the Right to Organize

Articles 47 and 48 do not have an objective criterion for measuring the extent of the employer's obligation to meet thereof, both in terms of contact with workers and meetings with them, or on-site elections, in particular that the text gave the employer the opportunity to avoid using vague, ambiguous and unclear words. (A) and (b) of Article 47 (which does not affect the workflow in the facility). As for clause (c) of the same Article, concerning the failure to give the members of the union during the course of the collective negotiation correct information or failure to provide them with any information at all. The legislator eased in applying the penalty on him by stipulating a minimum fine of 5000 pounds, about US \$ 275, and a maximum fine of 10,000 pounds, about US \$ 550. At the same time, the failure to give the members of the union correct and true information, for example on the profits of the facility, may result in the loss of all workers in the facility to their right in profits, which may reach more than one million pounds, about US \$ 55,000.

As for Article 48, with the difficulty to prove hereof (how will the moral coercion of a worker due to his union activity, the failure to employ a worker or forcing the unionists to change their negotiating positions be proved). However, the penalty in case of proof is the same as we mentioned in the preceding paragraph.

Ninth: Opening the Door to Election Manipulation:

Article 42 of the Law stated that the Minister of Manpower shall form general committees in the governorates to supervise the electoral process in the whole governorate, headed by a judge or equivalent, with the membership of the director of the Manpower Directorate, and one member of the concerned union as a second member. It is no secret that the concerned union in this case will be the labor union belonging to the government and employers (actually in the union elections held in May and June, the third member was a government federation member), who will be one of the three members of the General Committee in an election, where union committees are elected under its supervision. Article 16 of the Executive Regulations adopted the same form, with an addition that the technical secretariat of the Committee shall be represented by one of the employees of the administrative apparatus of the State, the public sector, the public business sector, the labor union or one of its affiliated institutions. Article 17 of the Regulations specified the head of the electoral sub-committees among the facilities of the same categories referred to above.

Moreover, what made it worse is the transfer of all cases related to the law to the labor courts, after it was within the jurisdiction of the administrative court, where the workers had obtained in previous sessions of the union fair and equitable judgments that enabled them to run in the elections through the summary sessions. The appellant may

appeal to the labor court only after he has filed a complaint before the General Committee and the date of the decision is reached. In view of Resolution 37 of the Minister of Manpower on the dates of the union elections, we will discover that between the time of appeal and the commencement of voting is one day, which means that he will not follow the electoral process in all cases. He should wait if he gets a fair judgment to consider how to implement hereof, in particular the General Federation and the Ministry of Manpower have a history of non-implementation of such judgments.

In addition, the unionists in the labor unions were suffered in the previous elections to obtain a certificate from the General Union stating their membership, as the president of the General Union in some public unions disappeared after giving those desired to run the election their certificates, and preventing thereof from those not satisfied. The union member cannot submit his papers to the General Committee without this certificate. We found that Article 20 of the Regulations has added to this certificate another certificate from the employer, which opens the door widely for the intervention of employers in granting or preventing this certificate. If they wanted to make sure that the member was working and know his job, it would have been possible for the General Committee to address these parties to make sure hereof, rather putting the unionists under the mercy of the employer.

Third paragraph of Article 52 of the law also reveals the possibility of transferring the worker who starts the establishment of a union from the facility inside or outside the city. This paragraph stated that the employer may not be authorized for more than two weeks or transferred from the facility inside or outside the city where he works during the period of the union session except after obtaining a written consent, which means that he may be authorized for two weeks or least with his written consent. However, the following paragraph of the same Article stated that the provisions of the two preceding paragraphs apply to the candidate for the membership of the Board of directors of the union during the candidacy period for this organization, as of the date of opening the candidacy until the announcement of the result. Accordingly, it means that he may be authorized during this period for a period not exceeding two weeks, which surely reduces the opportunities of success in the election. This Article further stated that (It is also applied on the worker who is preparing for the establishment and formation of a labor union, with a maximum period of one month starting from the date of notifying the administrative body hereof, in accordance with the provisions of the law). This means that the employer has the right to disrupt and intimidate the worker and his supporters by authorizing him for two weeks outside the city, and thus half of the period specified "one month" is passed. Accordingly, the attempt to establish the union is destroyed and all those who try to do so in the future are intimidated.

Tenth: Developing Basis for Transforming the General Assemblies into Formal Meetings:

Article 12 of the Guiding Regulations of the trade union committee developed the basis for transforming the General Assembly in any number, even if consists of the union 's Board of Directors only. This Article stipulated that the General Assembly shall be valid in the event of more than half of the members who have the right to attend hereof. If the quorum is not completed, the meeting shall be held after two hours by one-third of the members. If the quorum is not completed, it shall be adjourned and shall be held within one month, without specifying any quorum for such Assembly. If the union's board of directors did not call for the General Assembly, and held hereof within a month by its members only or by inviting a number of members of the General Assembly who would agree to their decisions, does this meeting is deemed a General Assembly, in particular it was stipulated in Article 13 of the Guideline Regulations that the invitation shall be sent by the union 's Board of Directors, without expressly indicating that the members of the General Assembly shall sign documents confirming their notification of the date of the General Assembly. In the same context, union s and General Association shall subject to the same provisions. Moreover, Article 14 of the General Association's Guiding Regulations stipulates that the date of the ordinary General Assembly shall be published in a daily newspaper at least ten days in advance.

Article 11 of the Guiding Regulations of the union Committee addressed the invitation for an extraordinary general Assembly, at the request of the Chairman of the Board of Directors, two-thirds of the members of the Board of Directors or one-third of the members of the General Assembly. However, this Article did not refer to the action to be taken if the Chairman or the Board of Directors refuses to implement the General Assembly's decisions. Accordingly, this action is referred to in Article 15 of the Guiding Regulations for the General union and General Association, provided that such general Assembly has been invited by the Chairman of the Board of Directors, two-thirds of the members of the Board of Directors or one-third of the members of the General Assembly, and the signatures thereof shall be ratified.

In addition, the Guiding Regulations of the union did not contain an Article to specify the specializations of the General Assembly. The Guiding Regulations contained only a general sentence in Article (11) hereof, which stipulates: "The General Assembly is the supreme authority that sets the general policy of the Committee and supervises all its affairs." Article 13 of the union committee's regulations also limited the role of the general Assembly upon the invitation of the Chairman in the event of election, the supplementary election or the decision to dissolve the committee optionally. This Article did not contain any reference to other specializations, in ordinary or extraordinary meetings.

As for the General union and General Association, Article 16 enumerates in its both regulations the specializations of the General Assembly, including consideration of the reports and proposals submitted by the Board of Directors, and issuing resolutions concerning the members of the Board of Directors who are suspended from commencing the union 's activity by withdrawing confidence or dismissing them. This is a flagrant breach of the General Assembly's right, either by omission of proposals that may be submitted by members of the General Assembly or by forcing hereof to select among only two decisions on the suspended members, while it may consider that the suspended member has not committed a breach required this action, and may take a decision allowing him/her to recommence his union activities.

It is strange that the response to the observations received from the Central Auditing Organization financial violations committed by members of the Board of Directors is subject to the adoption of the General Assembly, Article 16 of the union 's general regulations, which may conceal attempts to cover up those who assault union funds or at least postpone accounting process.

Eleventh: Restricting the Right to Strike, Particularly for the Establishment Union:

Although Article 54 of the Guiding Regulations of the establishment's union stated the right to strike, it has linked the declaration and organization hereof by a decision of the Board of Directors of the union committee and the approval of two-thirds of the members of the General Assembly. It is a condition difficult to achieve, as it is difficult to sign two-thirds of the members of the General Assembly on the strike, especially under laws that criminalize hereof in various forms. In addition, many of the workers who called for the strike have been arrested, most probably 6 employees of Bisco Misr, including a female employee, who are arrested under the record No. 1111, Administrative 2018, Al Ameriya. The charges against them include strike and incitement to strike.

Article 55 had also charged the union committee with the burdens of the strike. It did not specify these burdens, but stressed that there would be other burdens – the employer may ask the committee in this case for its losses, which are natural consequences of the strike – stating that it includes the employees salaries and dues during the period of strike. There is no parallel in the Guiding Regulations of the General union and General Association, as they are completely assured of their control of the General union and General Association that they will not strike or call hereof. It is appeared that they are from the basis committees, which in many cases adopted a strike and stand with its workers. The following Article of the regulations may be sufficient, which provided for the establishment of a strike fund, could have been satisfied. The fear is that all these Articles on the strike will be adopted and stipulated in the labor law, under development. The strike in the General union and General Association was mentioned in Article

51 of their regulations with the consent of two-thirds of the General Assembly and in agreement with the boards of directors of the unions joined with the General union .

Article 8 of the Executive Regulations makes it even more difficult, as it allowed the competent minister and any concerned person to appeal to the court to dissolve the Board of Directors of the union . This Article enumerates the reasons for this action, include, inter alia, issuing decisions or instructions to use or incite the use of force and violence, terrorism, threats or other illegal measures to attack the right of third parties in the work. The problem is that the other illegal measures are not specific, and therefore any action can be taken to dissolve the Board of Directors of the union .

Twelfth: Opening the Door to Government to Control Unions:

The subsidies that the government allocates for the unions annually are mentioned in Article 54 of the Law, Article One of the financial regulations of the union of the establishment. The Law or its executive regulations did not contain any rules for this subsidy, which reveal the intention to use thereof without rules. Intending to subject the unions to the government to obtain this subsidy, which will mostly be given only to those who are satisfied by the government. The same applies to the General union and General Association in article 40 of their respective regulations.

Thirteenth: Chairman of Board of Directors Receives Remuneration, contradicting the rest of the Provisions of the Regulations:

Although Article 50 of the Guiding Regulations of the union 's Committee stipulated that the member of the Board of Directors shall not be entitled to any remuneration or reward under any name for the conduct of the union activity. However, the administrative regulations of the union 's Committee had stated in Chapter I hereof – called provisions of the union ' Committee workers – Article 4 stipulates that:

"An organizational structure shall be formed for the union's Committee as follows: The Chairman of the Board of Directors, the Supreme Chairman of the Committee sections, and the legal representative hereof before all parties, supervising all its technical, administrative and financial works ...", in addition to the chartered accountant and legal counsel.

This is more evident for the General union and General Association in articles 1, 2, 3 and 4 of the Administrative Regulations, which regulate the work of the administrative staff of the union , establish a structure for all their levels

of employment and subject them to the provisions of the Law No. 12 of 2003. Thus, they are paid for their non-union work carried out. Although the chairman of the Board of Directors of the union and the members of the union, under the text of the executive regulations in Article 50 thereof, are not entitled to receive any remuneration of the union's works, which is essentially deemed voluntary, the law goes back to the four mentioned articles of the administrative regulations and determines a remuneration for the chairman of the Board of Directors of the union, placing hereof at the head of the structure of the workers of the union. To avoid doubts, it shall be stipulated that "the chairman of the Board of Directors of the union is not entitled to any remuneration for this supervisory position," for example.