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LOW-COST AUTHORITARIANISM

**The Egyptian Regime and
Labor Movement Since 2013**

Fatima Ramadan and Amr Adly

SEPTEMBER 2015



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Summary

Authoritarianism under military auspices has been reimposed in Egypt since mid-2013. The state has outlawed protests, strikes, and sit-ins in the public sphere and has subjected public spaces and private media to tight surveillance. It also has mounted repression of the independent labor movement. When taken together, these factors suggest that the labor movement is likely to wane in the near future. Whether this will last over the long term remains uncertain.

An Independent Labor Movement Losing Ground

- Between 2004 and 2013, Egypt witnessed a wave of labor strikes and protest unlike anything seen since the late 1940s, peaking in the January 2011 revolution.
- After the revolution, the state offered no concessions in laws and institutional arrangements regarding freedom of association, the right to strike, or a minimum wage—which had been demands of labor activists and independent unionists.
- Since June 2013, the state has stepped up its repression of labor protest and strikes.
- The rising repression has gone hand in hand with calls for national unity against terrorism and in support of the current regime. Social protest and labor strikes are viewed as treasonous.
- The regime is adamant about reimposing the structures of the old Nasserist state. It seeks to bring together trade unions under a state-dominated federation of unions, while placing extraordinary restrictions on industrial action.
- At the same time, the state wants to liberalize the economy at the expense of workers, which would mean upholding political Nasserism but ignoring economic Nasserism.

The Future of Egypt's Labor Movement

- The current situation is unsustainable in the long term. The drivers of the January revolution remain entrenched. Workers are still economically and politically marginalized. Real incomes are declining and previous gains are threatened with future privatizing of state-owned enterprises, downsizing of the government bureaucracy, and increasing informal labor in the private sector.

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- The future of the labor and trade union movement is not clear. In the short term, the movement is weakened and likely to wane.
- There is no doubt that workers have gained a significant amount of experience in the past decade, and that the instruments of repression cannot erase that experience from their memory. This could someday form the basis for trade unions that truly represent Egypt's workers.

Introduction

After having made some gains for several years starting in the mid-2000s, Egypt's labor movement has come under severe restrictions since the reimposition of military-led authoritarianism in mid-2013. The state is appropriating the public sphere (by outlawing protests, strikes, and sit-ins, and by subjecting public spaces, universities, civil society, and the private media to tight legal and security surveillance) in tandem with growing suppression of dissidents from the Muslim Brotherhood and their allies in the Islamist movements, as well as some other groups and activists that were involved in the January 2011 revolution.

The labor movement has not been spared in this drive to quash protest. Successive legal restrictions were slapped on strikes and industrial action in general. More measures were adopted to place restrictions on independent trade unions and to delegitimize them in favor of the Egyptian Trade Union Federation (ETUF), the state-affiliated organization that has a legal monopoly on representing workers.¹ Many independent trade unionists have also been arrested, tried, and dismissed from their jobs arbitrarily.

The ETUF was established in the 1950s as a way for the state to control workers while purporting to represent their interests. The relationship between the state and the working class under Gamal Abdel Nasser (1956–1970) was based on a trade-off between freedoms and political rights on one hand, and economic privileges on the other. The state banned industrial action and imposed strict security surveillance on the labor movement, outlawing pluralistic trade unions.

In their place, the state created the ETUF, a government-controlled trade union framework that was little more than an extension of the administrative and security apparatus of the state. At the same time, the working class was able to secure many economic privileges, from job security to representation in boards, wages, and appointments in the public sector following waves of “Egyptianization” and nationalization, and the expansion of the public sector, which observed legally binding guarantees to provide employment to university graduates.

But developments concerning the relationship between the state and the working class in the aftermath of the July 2013 ouster of Mohamed Morsi from the presidency suggest that the new regime backed by the army is adamant about reimposing the structures of the old Nasserist state, in relation to unifying trade unions under a state-dominated federation of unions, while

Egypt's labor movement has come under severe restrictions since the reimposition of military-led authoritarianism in mid-2013.

placing extraordinary restrictions on industrial action. At the same time, the state wants to liberalize the economy at the expense of workers, which would mean upholding political Nasserism but ignoring economic Nasserism. In this way, political authoritarianism no longer offers economic privileges. In other words, it is a right-wing form of Nasserism, or what might be called “low-cost authoritarianism.”

In conjunction with the denial of political rights, and unlike what happened under Nasser, the current military-backed regime did not give the working class any economic privileges. Instead, it proceeded to reduce government support for this class, giving wage hikes to no one except administrative civil servants. Workers in state-owned enterprises did not benefit from this, nor did civil servants. A new civil service law was passed, greatly reducing the work benefits that the state had granted to civil servants for decades. Meanwhile, there are plans to pass a new labor law that would give employers greater leverage to use against workers and would increase restrictions on strikes and trade union activity.

The labor movement in Egypt played a role in the uprising that led to the ouster of longtime president Hosni Mubarak in 2011, but state-labor conditions have not improved since then. Indeed, through a concerted state strategy of repression, particularly since the army returned to dominate politics in summer 2013, conditions for the labor movement in Egypt and its working-class constituency have deteriorated. Underlying grievances over wages, job security, and trade union freedoms, including the right to strike, persist. But the state’s increasingly harsh tactics cracking down on protests and leaving protesters with little legal recourse have taken a toll. Today it cannot be stated with certainty that the Egyptian labor and trade union movement has the influence or even public support to sustain itself in the near term. Over the long term, lessons learned and not forgotten during this period could give rise to real trade unions that stand up for the rights of the workers.

A Strategy of Suppression and Stonewalling

The Egyptian state has steadily pursued the same strategy vis-à-vis the labor movement for more than a decade. This strategy may be summed up as not offering any concessions in laws and institutional arrangements related to the labor movement, whether with regard to allowing pluralism in trade unions and freedom of association, legalizing the right to strike, or agreeing to a minimum wage. The goal has unabashedly been to preserve the institutional framework of the state-dominated trade union organization and authoritarian state corporatism, in which a single state-controlled and strictly hierarchical organization monopolizes the representation of labor interests.

This was Mubarak’s approach to dealing with the labor movement prior to the revolution, particularly following the eruption of labor protests from 2004

onward. It remained the state's approach after Mubarak's ouster in the 2011 revolution, and it continues to the present day. The state's strategy so far has been successful; even through multiple regime changes since the revolution, the legal and institutional labor framework has remained unchanged, with no concessions proffered to the labor movement.

Egypt underwent a wave of labor strikes and protests between 2004 and 2010 that was unprecedented since the late 1940s. The labor protest movement was driven by many factors, including intensifying privatization since 2004, soaring oil and food prices, and other developments that led to the virtual erosion of the real incomes of millions of laborers and middle-class Egyptians. On April 6, 2008, what started as a labor strike in the strong industrial center of al-Mahalla al-Kubra soon developed into riots in which for the first time Mubarak's picture was captured on tape being burned. The confluence of economic and political protests happened again in 2011 when massive nationwide strikes on February 10 delivered the final blow, forcing the longtime leader to step down.

Workers began to establish their independent trade unions a few years before the January 2011 revolution. Beginning in 2008, four independent unions were formed (for real-estate tax collectors, teachers, health technicians, and laborers), but the Ministry of Manpower and Migration rejected their articles of association.² They were thus denied recognition by the authorities as union representatives.

While the state's strategy against the labor movement stayed consistent, its tactics changed after the revolution. During the interim rule of the Supreme Council of Armed Forces (SCAF) between February 2011 and June 2012, the main approach to dealing with the labor movement was based on prevarication and stalling tactics. This was evident in the negotiations with independent labor activists and unionists over a new bill on trade union freedoms, which still has not been passed four years after being introduced. Even temporary concessions made in the form of ministerial decrees recognizing independent unions were later repealed, with no legal or constitutional guarantees proffered. The state maintained the same legal framework, which practically bans strikes except after obtaining permission from the ETUF—an extremely unlikely prospect given the state's domination of the federation. This is despite the fact that, practically speaking, the state was too weak during SCAF rule to repress the growing strikes, even though a law was enacted criminalizing industrial action.

During the short tenure of the Brotherhood-backed Mohamed Morsi (June 2012–June 2013), that same strategy continued. The constitution of 2012 theoretically opened the door to labor freedoms, with workers having the right to establish unions freely. However, the constitution did not give guarantees for trade union pluralism. Instead, the Muslim Brotherhood administration sought to preserve the state-dominated trade union federation as well.

The stalling persisted with regard to passing a law on trade union freedoms. The Muslim Brotherhood soon reached a deal with the old labor aristocracy affiliated with the former ruling party, the National Democratic Party. Members of the Muslim Brotherhood were brought into the ETUF board pursuant to decrees issued by the Brotherhood-aligned minister of labor. At the same time, the ETUF sought to put an end to strikes, on the pretext of needing to jump-start the economy.³ However, despite the legal restrictions on strikes, labor protests continued to grow and expand, as the state was generally unable to repress them.

The tactics pursued by the state changed greatly after June 30, 2013. This phase began with the army ruling the country indirectly, after Morsi's ouster, and was followed by the election of Abdel Fattah el-Sisi, the current president, in June 2014. This phase was marked by the continuation of some old tactics in

maintaining and preserving the ETUF, but with more stringent measures in relation to banning strikes and protests, including labor protests, in general. The security services were given the freedom to arrest labor and trade union leaders.

During this post-June 30 phase, the state went on the offensive against the independent trade union movement by delegitimizing it and confining labor

representation to the ETUF, in the boards of the Social Insurance Commission, the Emergency Fund, and the National Wages Council. A new tactic was also pursued to contain the leaders of the independent trade union movement. Two of them were even coaxed into joining the new government of then prime minister Hazem el-Beblawi.

All Egyptian governments, starting with Mubarak and continuing under his successors, have opposed legalizing workers' right to strike. Law No. 12 of 2003 contains many restrictions on industrial action. For example, Article 192 requires the approval of two-thirds of the general trade union's board members to strike, even if no union is active in the enterprise in question. It also requires notifying the employer and other relevant parties fifteen days prior to the strike.

Strikes are banned outright in strategic institutions that are listed in government Decree No. 1185 of 2003, which covers almost all enterprises. The law stipulates in Article 96 that violation of these conditions would be grounds for dismissal.

Despite legal restrictions on strikes, labor protests continued to grow and expand, as the state was generally unable to repress them.

The State and the Labor Movement (2011-2013)

Independent Trade Unions: Diminished Recognition and Restoration of the State-Controlled Union

After the protests succeeded in ousting Mubarak, Ahmed Hassan el-Borai, the minister of manpower and migration in the SCAF interim government, recognized workers' right to freely establish trade unions. He issued a decree on trade union freedoms, which was also signed by the director-general of the International Labor Organization in March 2011. Afterward, the Ministry of Manpower and Migration started accepting articles of associations filed by independent trade unions. However, the decree never translated into full recognition of the unions. They were thus not allowed to build their organizational bases or exercise the traditional role of a trade union in defending their members' rights.

Nor did the decree lead to the government changing its decisions with regard to the representation of trade unions in various councils and commissions, including in the National Wages Council, which was created under Law No. 12 of 2003 (Article 34). Although the council was reestablished under a decree issued by the cabinet ministers (No. 1133, on September 6, 2011), representation of the workers remained the exclusive prerogative of the ETUF. Furthermore, independent unions were not represented in other councils and boards such as the Emergency Fund and the boards of state-owned enterprises.

State labor officials also set their sights on negotiating directly with independent unions on behalf of workers. Nahed al-Ashri, the current manpower and migration minister who at the time was chairman of the Central Administration for Collective Bargaining, successfully reduced the representation of independent unions in any state negotiations with workers. The grounds, once again, were that the labor law limits this right to unions affiliated with the ETUF.

Bureaucracy in state-owned enterprises has had a key role in obstructing the work of trade unions from the beginning. Applications by members to pay their contributions to the independent unions to which they belonged were rejected, and subscriptions by members of independent unions continued to be forwarded to unions affiliated with the state-dominated ETUF. Furthermore, many employers refused to even recognize the independent unions.

All laws organizing labor relations still confined worker representation to the ETUF and the affiliated union. Indeed, Law No. 35 of 1976, which remains in place, does not recognize any unions except those affiliated to the ETUF.

The lack of a new trade union law helped the administrations of both private and state-owned enterprises to place restrictions on independent unions and unionists. Despite having been discussed more than three times in negotiations

attended by all sides, and despite being approved by the cabinet ministers in late 2011, the draft of this law was not approved by the SCAF during its tenure. It has yet to be issued as of September 2015.

In the absence of any official legal protection for independent unions, the clampdown on independent unionists in the private sector expanded. Law No. 12 of 2003 contains no effective protections for unionists or union freedoms. Those who tried to establish independent unions or demand more rights for workers were subjected to arbitrary dismissals from the outset.

Efforts to establish independent unions in some industrial cities with a low number of ETUF-affiliated unions were effectively halted when private-sector employers fired the unions' leaders. One of those cities was 6th of October City just outside Cairo. Arbitrary actions were taken against strike leaders in the city, and independent trade union leaders in many factories and companies were harassed.

Labor Strikes: A De Facto Reality, but One That Remains Illegal

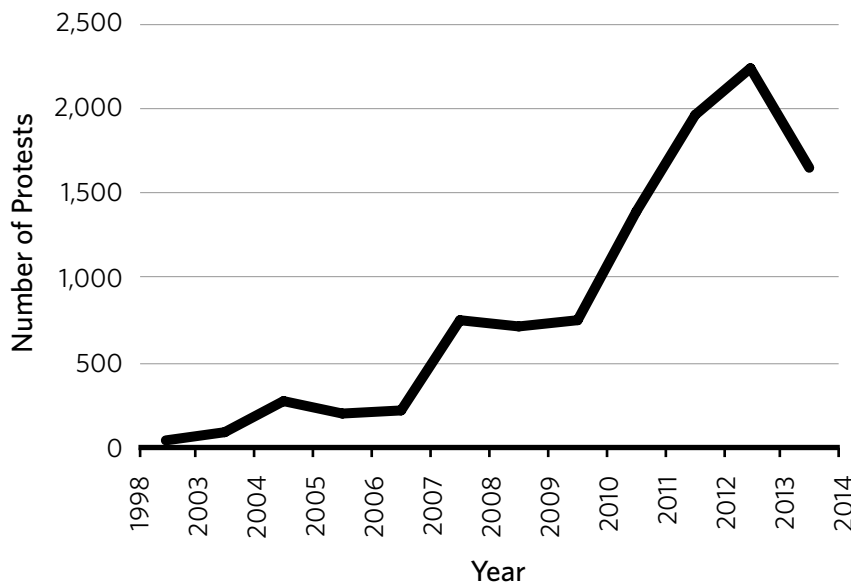
After the ouster of Hosni Mubarak, the government's attempts to end labor strikes began in earnest, first by launching smear campaigns accusing striking workers of disrupting production,⁴ and then by issuing more laws criminalizing industrial action such as Military Decree No. 34 (later Law No. 34) of 2011. Because the state was in disarray after the January revolution, these restrictions were not translated into systematic repression of labor strikes.

Labor protests in Egypt are not new, especially since the turn of the millennium. They increased markedly in the wake of the January revolution, with the opening up of the public sphere and the paralysis (which later proved to be temporary) of the police state.

Workers in state-owned enterprises increasingly rejected the consequences of privatization policies, which had led to more layoffs and forced retirements and to reduced labor rights and benefits. Protests ramped up throughout the latter years of Mubarak's tenure, especially with increased privatization under then prime minister Ahmed Nazif (2004–2011), and peaked in 2012 (see figure 1). They have run the gamut from assemblies and sit-ins to walkouts and full-blown strikes.

Protesters' demands were varied and included calling for raises or permanent contracts, increasing overtime hours, and ending arbitrary dismissals or transfers. The workers also called for accountability for renationalization of certain enterprises and criticized the outdated trade union system, which they said did not represent them.

In general, the state no longer had the ability to engage in comprehensive repression of strikes and other protests, despite their being illegal. At the same

Figure 1. Labor Protests From 1998 to 2014

Sources: data collected by the authors from reports by the Land Center for Human Rights in Cairo: *Labor Protest in Egypt 1998-2000 [in Arabic]* (June 2001); *Labor Condition in Egypt in 2003 [in Arabic]* (January 2004); *Labor Strike in the Face of Looting and Corruption in 2006 [in Arabic]* (July 2007); *Labor Protest: Government Negligence and the Reform Talk: The First Half of 2005 [in Arabic]* (August 2005); and *What Have Workers Gained From Privatization: The Second Half of 2005 [in Arabic]* (2006); see www.lchr-eg.org/archive.

time, however, the state did not offer concessions that could have legitimized or legalized strikes. Rather, things proceeded in the opposite direction, with the state tightening legal restrictions on industrial action even as it was unable to implement them. This made the freedom to strike arbitrary and vulnerable to state repression in the future.

Labor Gains: Stalling and Segmentation of Labor Demands

Demand for a minimum wage began in 2008, when several political and labor groups sought to calculate a minimum wage, and it occupied the forefront of labor demands prior to the January 2011 revolution. In March 2010, the Supreme Administrative Court ruled to force the government to raise the minimum wage to 1,200 Egyptian pounds (\$153) a month for all workers in state-owned enterprises and the private sector.⁵ The ruling did not include civil servants, which the court said were subject to another law.

In the aftermath of the January revolution as well, setting a minimum wage was at the top of the labor movement's agenda. The state, however, stalled and did not immediately act on the court's ruling.

In October 2011, the government did implement a minimum wage, but only for a subset of state-owned-enterprise workers. The National Wages Council issued a decision imposing a minimum wage of 700 Egyptian pounds a month

for state-owned-enterprise workers in companies employing more than ten people, provided that no insurance contributions are paid out of this sum. The law exempted workers in some sectors whose competitiveness would otherwise be affected.

The Labor Movement and the State Since Mid-2013

After June 30, 2013, the state went on the offensive against trade union freedoms and labor protests. On trade union freedoms, the state grew increasingly heavy-handed against independent unions. The head of the General Federation of Egyptian Chambers of Commerce even publicly said the goal was to scatter and weaken workers.⁶ Employers said explicitly that they would not negotiate except with the ETUF. At the same time, negative media coverage of independent unions was on the upswing, with pro-regime media outlets accusing them of treason and collaboration.⁷

Delegitimizing Independent Unions and Shoring Up the ETUF

As Ibrahim Mahlab became the premier on June 9, 2014, the government's intentions appeared clear, in terms of limiting the representation of labor interests to the ETUF and revoking any representative capacity granted in the past to independent trade unions. Independent trade union representatives were completely excluded from the National Wages Council (in the Beblawi government, from July 2013 to April 2014, they were not permitted to vote on the council but at least they were represented).

The same thing happened in the board of the National Insurance Commission. Originally, only the head of the ETUF was allowed to represent workers. Under Beblawi, a decree allowed workers to be represented by four members chosen by the most prominent unions. After the sacking of the Beblawi government, however, Mahlab issued a new decree reinstating the head of the ETUF as the sole representative of workers.

As part of the same drive, the Civil Service Law No. 18, passed in 2015, restricts the right of workers to organize in general and does not guarantee the appointment of representatives of civil servants to the National Civil Service Council. The law was passed without input from any trade union, be it state-controlled or independent. Furthermore, none of the civil servants were consulted on how funds raised through fines should be disbursed. The law did not take into account pluralism in trade unions in many government administrations either.

It came as no surprise that on the most recent Labor Day (May 2015), the state invited only the head of the ETUF to attend the celebrations with the president and the prime minister at the National Police Academy.⁸ Leaders of

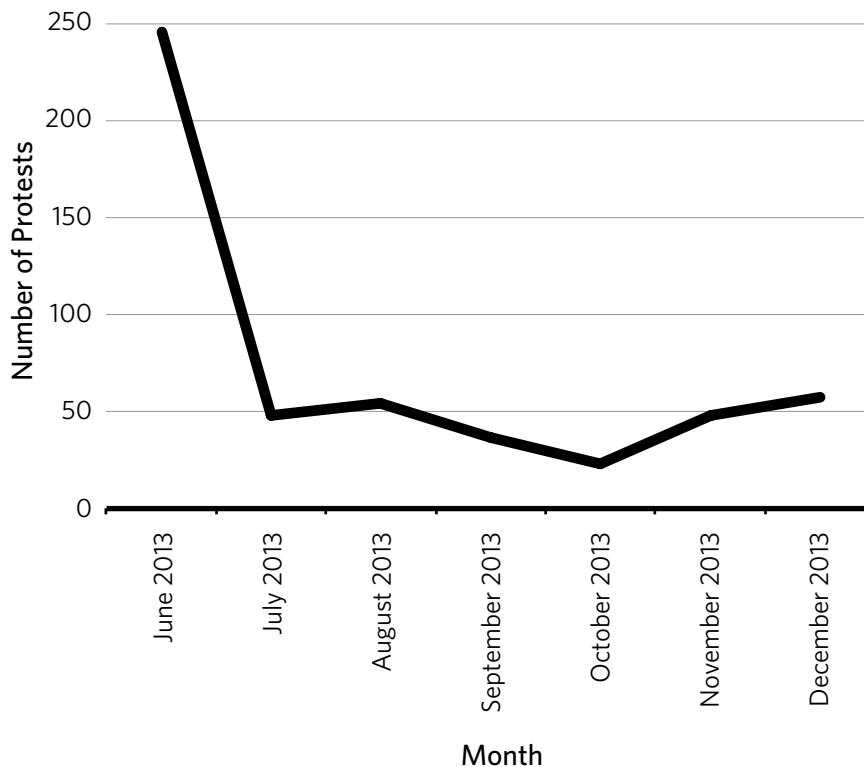
many independent unions, labor rights organizations, and leftist groupings had already decided there was nothing to celebrate on Labor Day.⁹

Growing Repression of Strikes

Labor protests declined sharply after June 30. This may have to do with the *carte blanche* given to the police and the army to suppress strikes and protests in general. It was especially apparent as penalties were stepped up under Law No. 107 of 2013 for protesting without a permit from the authorities. The following year, Law No. 136 on Securing Public Installations declared roads and bridges to be “strategic institutions”; any trespassing on them, such as conducting protests there, became grounds for military tribunals.

Meanwhile, calls for rallying around the state were intensified. After June 30, the state used the ETUF and loyalist independent unionists who had become supportive of the government to claim that workers were opposed to strikes. In May 2014, the ETUF launched an initiative to end all strikes in Alexandria for one year, a move that many independent trade unionists denounced as a

Figure 2. Labor Protests From June to December 2013



Sources: Egyptian Center for Economic and Social Rights in Cairo, *Annual Labor Protest Report 2013 [in Arabic]* (July 2014) and *Annual Labor Protest Report 2014 [in Arabic]* (May 2015).

disgrace.¹⁰ A year later, the head of the ETUF once again presented the initiative to the president in a show of support for the government.

At about the same time, the Supreme Administrative Court ordered the retirement of three employees who had exercised their right to strike and postponed the promotion of fourteen others accused of the same charges.

Unrest in Libya, Syria, Iraq, and Yemen all had an impact. Instability in the region made the Egyptian government nervous and prompted a more severe crackdown on political activists, including independent labor unionists and protesters.

By the second half of 2013, worker protests declined suddenly and sharply (see figure 2). In the last six months of the year, the number of protests was only 18 percent of the total number for the year.

Assimilation and Co-optation of Independent Trade Unionists

Among the tactics used by the state with the independent trade union movement after June 30 was assimilating a number of its figures into the government. Kamal Abu Eita, head of the Egyptian Federation of Independent Trade Unions, became minister of manpower and migration in the Beblawi government after Morsi's ouster. Kamal Abbas, another independent trade unionist, was appointed to the National Council for Human Rights, as part of deals between the military and some liberal and Nasserist political forces.

The authorities after June 30 reaped many benefits from these deals, weakening resistance after dissidents defected to the loyalist camp. Opportunistic elements as such were recognized by the regime in return for supporting it.

This explains the presence of independent trade union leaders in conferences calling on workers to vote "yes" on the constitution of 2014, despite the huge controversy surrounding its clauses related to workers' rights.

And the flip side of the government's use of some trade union leaders is that those who defected to the government lost credibility in the eyes of the labor movement.

Segmentation of the Demands of the Labor Movement and Appeasement of Civil Servants

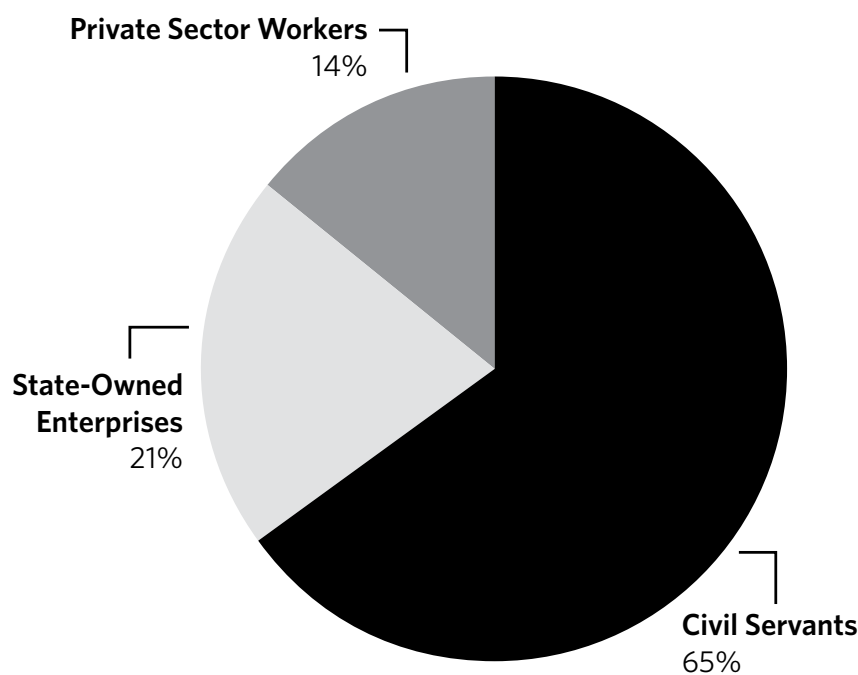
After June 30, the Beblawi government tried to cajole the Egyptian people by answering one of the labor movement's long-held demands: a minimum wage for civil servants. After a debate that lasted more than two months, during which ministers made many conflicting statements regarding the minimum wage, the government approved a minimum wage of 1,200 Egyptian pounds a month for civil servants on September 18, 2013.

By doing this, the state sought to segment the demands of the labor movement. It implemented a minimum wage only with respect to civil servants and did not adhere to the Supreme Administrative Court's 2010 ruling that a

minimum wage should be set at 1,200 Egyptian pounds a month for all workers in state-owned enterprises and the private sector.

After the government approved the minimum wage for civil servants, the prime minister issued Decree No. 22 of 2014 implementing the 1,200 figure as a raise rather than setting it as the minimum wage. Furthermore, it is known that a decree is weaker than a law and can be easily repealed by another decree.

Figure 3. Sectorial Distribution of Labor Protests From 2013 to 2014



Sources: Egyptian Center for Economic and Social Rights in Cairo, *Annual Labor Protest Report 2013 [in Arabic]* (July 2014) and *Annual Labor Protest Report 2014 [in Arabic]* (May 2015).

In addition, the government did not implement the minimum wage rise for all civil servants, excluding those employed in economic and service authorities, and workers at state-owned enterprises. The exclusions led to further protests in those sectors and to strikes in vital sectors such as the mail service and public transport. The government was forced to appease some sectors separately, including teachers and doctors, by issuing specific decrees for them. The state's move to placate the administrative civil servants specifically can be understood in light of their high participation in labor protests (see figure 3).

After the minimum wage decision was issued for the administrative departments of the state, the National Wages Council held several meetings to study

the possibility of implementing a minimum wage for private-sector workers, who account for 71 percent of the national workforce. The meetings did not lead to any outcome, however, and ended when Beblawi left office in 2014.

The Erosion of Labor Gains and Privileges

The post-June 30 period saw a steady decline in workers' gains vis-à-vis both private and public employers. This was evident in the Civil Service Law, the 2014 constitution's abolition of the political representation of workers, and the leaked draft of the new labor law.

The Civil Service Law No. 18 of 2015, which replaces Civil Service Law No. 47 of 1976, was issued without consulting any of the relevant stakeholders. The law enables the regime to control those who occupy senior and executive administrative posts by allowing these high-tier positions to be filled by appointment.

The new law also makes it easier to fire civil servants by making them accountable to directors of their department. Under the previous law, firing was the exclusive jurisdiction of the Supreme Administrative Court. In addition, the law encourages early retirement and places the burden of workers' pension payments on the National Insurance Commission.

As for the constitution of 2014, it did away with the 50 percent quotas set aside for representatives of workers and peasants in the National Assembly, which was one of the gains of the Nasserist era. The constitution of 2012 had kept the quota for one time only, in the subsequent elections as stipulated in Article 229. At the time, the justification used by the regime was that a permanent quota was included in the Economic and Social Council under Article 207. The council, however, is advisory, and in any case, the 2014 constitution abolished it.

The representation of workers in the committees that drafted both constitutions was weak. For the constitution of 2012, only three out of one hundred members of the drafting committee represented workers; for the constitution of 2014, the share was one out of fifty. And in both instances, labor's representatives were chosen from among those close to the regime or loyalists.

The decline of workers' gains in the public and private sectors was also evident in the labor law draft to replace Law No. 12 of 2003. The drafting of the law was marked by the absence of transparency under the Mahlab government and the current minister of manpower and migration. Social dialogue over the law was halted, with no drafts of the law being publicized. At the end of the dialogue, journalists were barred from attending, and the talks ended with independent trade unions withdrawing from the dialogue, claiming that their opinions were ignored. The Egyptian Trade Union Federation and the Egyptian Federation of Industries representing employers also objected to the draft law, but to no avail; as of this writing, it has been referred to the government for approval.

The draft law would allow employers to dismiss workers arbitrarily without bringing the matter to the court, as is the case under the current law, and without any guarantees. It also would increase the number of violations that constitute grounds for dismissal.

As for the all-important right to strike, the draft law would place further restrictions. Other forms of worker protests would be banned and criminalized. The draft law follows the example of the current law with regard to having no clauses compelling employers to negotiate or to abide by anything that had previously been agreed to. In general, the draft law's penalties are not deterrent enough to employers and do not guarantee implementation of the provisions. This is not to mention that the draft law continues to deny legal protection to domestic workers and children employed in farming.

Conclusion

The Egyptian government since June 2013 has pursued an economic policy of liberalizing the markets and encouraging investors. Part of that approach seeks to eliminate the remnants of the Nasserist economic legacy in relation to state ownership of the public sector by pressing ahead with privatization, including services.

However, neither the regime nor employers are playing a role in achieving the kind of real economic development that creates jobs and reduces poverty. Therefore, there is no clear path to achieve stability in this manner, because the causes that led to the 2011 revolution remain extant if not also more entrenched.

And in the process of charting economic change, the state has chosen to eliminate any state guarantees won by workers over the years, by altering laws organizing labor relations in all sectors and allowing employers to freely hire without adhering to longtime binding guarantees of workers' rights.

In the process of charting economic change, the state has chosen to eliminate any state guarantees won by workers over the years.

The regime has gone to new lengths in restricting the labor movement, by denying workers the right to organize freely and denying unions the right to be present in the general social dialogue, whether with the government or employers. It is coming up with new obstacles seemingly every day, passing legislation, for example, that makes it an offense for workers to strike. And even when workers resort to a strike, the police intervene to break it. Where workers were ensured a quota of representation in the legislature, that time-honored part of the Nasserist legacy has been scrapped.

Ever since June 2013, the wind has run decidedly against the labor movement. The state has mounted its repression of labor protest and strikes. Hundreds and even thousands of labor activists and unionists have been arbitrarily fired in the past two years. The rising repression has gone hand in hand with calling for national unity against terrorism and in support of the current regime.

The effect of this nationalist overtone is to render calls for social protest or labor strikes as acts of treason. Most of the repressive measures aimed at the labor movement have been implemented amid general popular consent or at least passivity and apathy. All of these factors combined suggest that the labor movement is likely to wane in the near future.

The long-term future of the labor and trade union movements is not at all clear, but there is no doubt that workers in the past decade have gained first-hand experience that the instruments of repression cannot erase from their minds. Moreover, despite the distorted early experience of independent trade unions, such unions still exist on the ground and are still fighting in many places. These could become the nuclei for future real trade unions that defend the rights of their members and whose loyalty lies solely with their bases, the workers, rather than the state.

Notes

- 1 The Egyptian Trade Union Federation is hierarchically structured, starting with factory unions that are put into larger unions based either on geography or industry; these are called general unions. General unions constitute the ETUF.
- 2 Under Article 4 of Law No. 35 of 1976, the legal personality of a trade union is acquired when the articles of associations are deposited with the administrative authorities, the general union, and the general federation of Egyptian trade unions. The trade union may begin practicing activity as of that date. The trade union in question has many rights, including litigation on behalf of its members in relation to labor relations (Article 5). Jurisdictions of Law No. 35 of 1976 were divided into three main areas: 1) General Federation-related jurisdictions such as improving the health, economic, and social conditions for members and their families; professional development for workers; and educational development and trade-union awareness up to participating in projects and plans for social and economic development (Article 8). 2) Trade union jurisdictions such as defending workers' rights and interests, improving working conditions, collective bargaining, contracts, and providing input on legislation concerning the occupation or the trade. The trade union would be the sole authority that approves or rejects strikes. 3) Trade union committee jurisdictions, related to the implementation of the decisions of trade unions.
- 3 Mohamed Al-Agroudi, "Gebali Al-Maraghi the President of ETUF: Halting Strikes Is Not a Media Show.... We Have Reservations on the Draft Law of Labor Union Formation" (In Arabic), *Al-Ahram*, August 11, 2013, <http://www.ahram.org.eg/NewsQ/225903.aspx>.
- 4 Sayed Saleh, "The Production Wheel Is Going Backward" (In Arabic), *Al-Ahram*, December 26, 2011, <http://www.ahram.org.eg/archive/Investigations/News/121009.aspx>.
- 5 After the promulgation of Law No. 203 of 1991, a new phase began in SOEs, with the expansion of financial and administrative independence, now subjected to the same regulations as the private sector with the legal basis established for these two sectors' future privatization. Law 203 brought new regulations related to wages, benefits, and leave, making them subject to the outcome of negotiations between boards and general trade unions.
- 6 Mohamed Abu-Aassi, "The Union of the Chambers of Commerce Rejects the Legalization of Independent Unions" (In Arabic), *Dotmsr*, October 21, 2014, <http://old.dotmsr.com/ar/11110/1/106336>.
- 7 Sayed Abu-Zeyd, "Watch Out for Sleeping Cells, Whoever They Are," *Albawabhnews*, September 14, 2014, <http://www.albawabhnews.com/788233>.
- 8 "In Unusual Break With Tradition, No Labor Day Celebrations in Egypt This Year," *Mada Masr*, May 1, 2015, <http://www.madamasr.com/news/unusual-break-tradition-no-labor-day-celebrations-egypt-year>; "For the First Time in the History of Celebrating Labor Day: A Special Gift for the President" (In Arabic), *Masrawy*, May 1, 2015, http://www.masrawy.com/News/News_Egypt/details/2015/5/1/551709/%D9%84%D8%A3%D9%88%D9%84-%D9%85%D8%B1%D8%A9-%D9%81%D9%8A-%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE-

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%D9%84%D9%84%D8%B1%D8%A6%D9%8A%D8%B3.

- 9 “In Unusual Break With Tradition, No Labor Day Celebrations in Egypt This Year,” *Mada Masr*, May 1, 2015, www.madamasr.com/news/unusual-break-tradition-no-labor-day-celebrations-egypt-year.
- 10 “Leaders of Independent Unions Sign a Document Rejecting the Halting of Labor Strikes” (in Arabic), *Westelbaladnews*, May 15, 2014, <http://www.westelbaladnews.com/archives/2014/05/15/59065-%D8%AA%D9%88%D9%82%D9%8A%D8%B9-%D8%B1%D8%A4%D8%B3%D8%A7%D8%A1-%D8%A7%D9%84%D9%86%D9%82%D8%A7%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B3%D8%AA%D9%82%D9%84%D8%A9-%D8%B9%D9%84%D9%89-%D9%88%D8%AB%D9%8A>.

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