

ISSUE BRIEF

The FLA is a multi-stakeholder organization combining the efforts of businesses, universities, and civil-society organizations to improve conditions for workers around the world. Occasionally, the FLA publishes briefs on current issues in the global supply chain. We intend for these briefs to provide an overview of the various perspectives on a given issue. At all times, the FLA expects its business affiliates to comply with all legal requirements, as well as the provisions of its Workplace Code of Conduct.

REPRESSION OF INDEPENDENT UNIONS IN EGYPT

May 2016

THE ISSUE:

How should FLA affiliates respond to the effort to curtail the rights of workers and independent trade unions in Egypt?

INDEPENDENT TRADE UNIONS IN EGYPT:

After contradictory signals from the Egyptian government on the status of independent trade unions following the revolution of 2011, recent actions by government ministries indicate that the labor rights environment in Egypt may soon revert to pre-revolution levels of repression.

Prior to the revolution, the government permitted workers to belong only to unions affiliated with the state-controlled Egyptian Trade Union Federation (ETUF), established in the 1950s. The government affirmed its stance against independent unions in its 1976 Trade Union Law, and from 1962 to 1986, government control of the state-controlled union federation was so strong that the president of the ETUF customarily served simultaneously as the country's Minister of Labor.¹

During this time, the right to strike in Egypt was tightly controlled but in the years leading up to the revolution, labor rights advocates nonetheless began organizing workers to participate in strikes and protests. More than 1.7 million workers participated in nearly 2,000 unofficial strikes and protests from 2004 to 2008,² demonstrating the insufficiency of the state-controlled union federation in protecting workers' rights and advocating for their wellbeing. Between 2008 and the 2011 revolution, workers began submitting articles of association to form independent trade unions. Most of these were rejected by the government.³

¹ http://www.solidaritycenter.org/wp-content/uploads/2015/02/pubs_egypt_wr1.pdf

² Ibid.

³ <https://www.hrw.org/news/2016/04/30/egypt-unshackle-workers-right-organize?platform=hootsuite>

THE GOVERNING ELEMENT OF THE FLA CODE: FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING*

“Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.”

BENCHMARK 1

“Employers shall comply with all national laws, regulations and procedures concerning freedom of association and collective bargaining.”

BENCHMARK 2

“Workers, without distinction whatsoever, shall have the right to establish and to join organizations of their own choosing, subject only to the rules of the organization concerned, without previous authorization. The right to freedom of association begins at the time that workers seeks employment and continues through the course of employment, including eventual termination of employment, and is applicable as well to unemployed and retired workers.”

* <http://www.fairlabor.org/our-work/labor-standards>

AFTER THE REVOLUTION:

Following the revolution of 2011, then-Minister of Labor Ahmed Hassan El-Borai stated publicly that Egyptian workers should have the right to organize their own unions and federations.⁴ He pointed to Egypt's ratification of ILO conventions 87 and 98 in the 1950s as an existing government commitment to protect workers' freedom of association and their right to organize and bargain collectively.⁵ A law drafted around that time to formally establish these rights was never passed, but workers emboldened by his pronouncement nonetheless began to form unions unaffiliated with the official ETUF, and the government allowed these new unions to register.⁶

Workers established two primary alternative union federations — the Egyptian Federation of Independent Trade Unions (EFITU) in 2011, and the Egyptian Democratic Labor Confederation (EDLC), in 2013 — along with several smaller independent federations.⁷ By 2013, Egyptian labor expert and Stanford University professor Joel Beinin estimated that as many as 1,000 new independent unions in Egypt had been established.⁸

In 2015, the official government federation, ETUF, began to push back against the proliferation of independent unions, filing a court case asserting that independent unions are illegitimate and unrecognized by Egyptian law.⁹ The ETUF bases its court case on the Trade Union Law of 1976, despite this law's contradiction of Egypt's earlier ratifications of ILO Conventions No. 87 and 98. An Egyptian court began to hear the case in February of 2016 but a ruling has been postponed. In the meantime, the Ministry of Interior decreed on March 1 that the stamps of independent trade unions would no longer be valid on official documents.^{10 11}

4 <http://english.ahram.org.eg/NewsContent/1/64/7652/Egypt/Politics-/Egypt-Labor-minister-declares-the-end-of-governmen.aspx>

5 http://www.solidaritycenter.org/wp-content/uploads/2015/02/pubs_egypt_wr1.pdf

6 <http://www.industrial-union.org/archive/icem/icem-encouraged-by-draft-labour-law-in-egypt>

7 <http://www.madamasr.com/sections/politics/whatever-happened-egypts-independent-unions>

8 <http://www.merip.org/mero/mero011813>

9 <http://www.madamasr.com/sections/politics/why-are-egypts-independent-trade-unions-trial>

10 <http://arabtradeunion.org/node/1364/founding-congress>

11 <http://www.middleeasteye.net/news/dormant-volcano-battle-egypt-s-independent-unions-913451722>

ILO REACTION AND THE EGYPTIAN CONSTITUTION:

The ILO has determined that the March 1 decree effectively revokes the fundamental right to negotiate and publish collective bargaining agreements, and exposes union leaders to the risk of dismissal or arrest.¹² In an April 8 letter to the president of Egypt, the ILO Director-General called on the recent ban on official recognition of independent unions to be revoked.

More recently, the Egyptian Constitution of 2014 also guarantees Egyptian workers' right to form independent unions. Article 76 of the constitution establishes a legal right to democratically organize federations and trade unions, and states that unions may operate freely, advocate for their members' rights, and protect their members' interests.¹³

FLA RECOMMENDATIONS:

The FLA strongly urges the Egyptian government to respect ILO conventions on freedom of association and to respect the rights articulated in the 2014 constitution. This should include engagement with representatives of Egyptian civil society and with all union federations on legislation that clearly recognizes the right of independent unions to organize.

As many as 1.2 million people work in the ready-made garment industry in Egypt,¹⁴ and protecting their freedom of association and collective bargaining rights is core to the mission of the FLA and its affiliates. Without the ability to organize themselves and advocate on their own behalf, workers remain vulnerable to workplace abuses of many kinds — especially in a labor environment where private sector businesses remain exempt from minimum wage requirements, as in Egypt.¹⁵

To protect workers, FLA-affiliated brands should urge their suppliers to honor any collective bargaining agreements negotiated by independent unions, and to treat worker representative bodies as legitimate, consistent with the constitution and ILO commitments. Furthermore, the FLA encourages brands sourcing from Egypt to join with civil society organizations to communicate collectively their strong support for freedom of association to the Egyptian government.

Finally, the FLA calls for the government to restore recognition of the validity of unions' stamps on official documents.

12 http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_468116/lang--en/index.htm

13 <http://www.sis.gov.eg/Newvr/consttt%202014.pdf>; <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>

14 http://enid.org.eg/Uploads/PDF/PB11_RMG_industry.pdf

15 <http://www.albawaba.com/business/egypt-private-sector-wage-530915>