A Lopsided Law

Impoverishment, Discrimination and Restrictions on Strike in Egypt's New Labour Law

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The Egyptian Initiative for Personal Rights (EIPR) has been working since 2002 to strengthen and protect basic rights and freedoms in Egypt, through research, advocacy and litigation in the fields of civil liberties, economic and social rights, and criminal justice.

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Introduction

More than 20 years after the issuance of the "Unified Labour Law No. 12 of 2003", and after nearly nine years of preparing and proposing various versions of an updated labour law, the government has put forward a new labour bill at a time of extreme instability, severe inflationary pressures, and a cost-of-living crisis for the country's wage earners.

Egypt's labour movement expanded in size and activity after the 2003 law was issued, reaching its peak during the 25 January 2011 revolution and its aftermath, which were centered around protests against low wages and anti-worker government policies. The 2003 law is widely seen as favoring employers over work and workers, and the new draft law embraces the same philosophy.

Law No. 12 of 2003 abolished a legacy of labour benefits and paved the way for the neoliberal policies that came into force with the inauguration of Ahmed Nazif's government in July 2004. Billed as a "flexible labour market," this new situation enabled employers to easily hire and fire while also boosting foreign and local investment by restricting the labour share of GDP—reducing real wages through low bonuses and allowing labourers to work long hours without job security or occupational health guarantees. While the law, like its new counterpart, spoke of creating a balance between the two parties to the employment relationship, its content was clearly biased towards employers at the expense of employees.

The new law likewise embraces a "flexible labour market" by lubricating hiring and firing processes and enabling various modes of exploitation. Indeed, instead of addressing the bias against workers, it extends the neoliberal approach of the 2003 law at a moment when Egypt has one of the highest rates of foreign (mainly Gulf) acquisition of productive assets. The new law thus puts workers up for grabs by existing and new employers, Egyptians and foreigners alike.

While the new law is not completely without gains, including improving recognition of some types of discrimination against female workers and of certain new work patterns, such as work for online platforms like Talabat or

Uber, it strips workers of collective bargaining rights by removing the only card they have to try to preserve their interests and protect their low wages: it restricts their right to strike to the point of an outright ban. Moreover, the mechanisms for ensuring implementation of some of the law's newly introduced policies are weak. One example is its reference to the application of the minimum wage, which has been set by the government in the public sector for years and more recently in the private sector, but which covers only a small percentage of workers. And although the law includes provisions on workplace harassment and bullying for the first time, they involve no mechanisms to protect workers' rights.

In addition, the new draft law has fundamental problems that violate the system of rights and freedoms guaranteed by the Constitution. It contains several forms of discrimination that clearly contravene the Constitution and international human rights conventions. For example, it discriminates against domestic workers and those in similar roles based on the nature of their work and their nationalities. It also discriminates against drug users or "addicts," both by setting conditions for hiring that are not constitutionally or legally provided for and by permitting direct dismissal without disciplinary investigation, a penalty disproportionate to the act of drug use. Setting conditions that are not stipulated in the Constitution or legislation, namely compulsory drug testing regardless of the nature of the job, is a clear violation of the right to work.

A lack of worker participation and an irregular legislative path

Under discussion for years, the draft law suddenly appeared on the government's legislative agenda in various successive versions over a short time period without public dialogue among all the major stakeholders. Employers and their representatives in Parliament and the chambers of industry and commerce were allowed to express their opinions on the draft law, but not civil society, political parties, independent trade unions, or even the government-run Egyptian Trade Union Federation, which has announced its objection to the law.

The legislative path of the new draft law was marred by multiple shortcomings and exceptional measures. Unjustifiably, the government successively submitted different versions within a short time, foreclosing any real dialogue. It then put forward its updated draft after the competent committees in the two houses of Parliament (the Senate and the House of Representatives) had discussed previous versions.

The most distorted aspect of the legislative process came after the General Committee of the House of Representatives approved the draft law in its entirety in March 2025. The Minister of Parliamentary Affairs announced on the same day that the government was asking Parliament to reopen discussion of certain articles. Although this undermines its own powers, Parliament agreed that the government could revisit the articles in question, approved the new proposals it made, and finally passed the bill.

Two decades of impoverishing wage earners

The labour force and migration survey released by the Central Agency for Public Mobilization and Statistics (CAPMAS) for the third quarter of 2024 indicates that Egypt's labour force has risen to 30 million, from among 67.9 million working-age people who are able to work. The number of cash-paid workers hit 21.8 million (18.6 million men and 3.2 million women), meaning 72.7% of the labour force, while the remainder consists of employers and shareholders in family-owned businesses. These figures reflect a massive employment crisis, as the labour force does not exceed 43% of working-age Egyptians (well below global average), and a huge bias against women in the labour market, as men's economic contribution rate is four times that of women, not to mention the wage imbalance between working women and men.

Since the current labour law came into force in 2003, real wages in Egypt have declined significantly due to a series of major inflationary shocks that began with the local currency devaluation in 2003, then the global grain crisis

of 2007–08, followed by successive waves of inflation and currency devaluation since 2016. Successive currency devaluations have been coupled with increases in the prices of public services, the state's withdrawal of education and health subsidies, and repeated hikes in prices of fuel, communications, transport, bread, electricity, water, and other basic commodities.

Real-wage growth rates have failed to keep pace with real GDP growth rates for years, resulting in a significant decline in the ratio of wages to national income in favor of profits and rents, primarily interest. In its 2015 diagnostic study of the Egyptian economy, the World Bank noted that the share of labour in national income had fallen from nearly 40% in 2000 to just 26% in 2013. The average real wage also fell from LE19.1 in 2018 to LE17.3 in 2023.

This has made poverty a defining feature of the lives of wage earners in Egypt. At least 66% of private-sector workers live below the poverty line, while the poverty rate among government workers increased from 13% in 2010–11 to 19% in 2017–18. The rate among private-sector workers in establishments increased from 22% to 28.5% and outside establishments from 33% to 43.1%.

The labour survey released by the Economic Research Forum in November 2024 indicates that wage distribution among wage earners is unequal and contributes to income inequality in Egypt. Gini coefficient values rose from 49.8% in 2018 to 50.1% in 2023, which is an extremely high rate considering that the proportion of households earning wage income fell from 72% in 2012 to 60% in 2023. Current wages contribute more to income inequality than past wages, contributing 48.9% in 2023 compared to 42.7% in 2012. The wages of workers in the informal sector have become the largest generator of income for Egyptian households, at 29% of total income, during a period in which there are almost no frameworks regulating work in this sector, and the percentage of participants in social insurance in general has decreased to about 40% of the labour force. Meanwhile, temporary jobs accounted for 36% of total jobs. This is the context into which the new labour law comes to make matters worse.

The unified law is not unified

Although the government has described Law No. 12 of 2003 and the new draft law as universal labour laws—comprehensive umbrellas to guarantee workers' rights and regulate employment relationships—both ignore multiple sectors, aspects, and types of labour.

1. Neither law covers government employees, who are covered by the Civil Service Law, which disrupts the logic of universal rights at work regardless of employer.

2. Both exclude workers in free and private economic zones, who numbered nearly 200,000 by 2020. The government considers free zones as attractive to foreign capital, so leaves such workers outside the guarantees and protections of the labour law; the investment incentives law is the law that applies to them. The law states that these exceptional conditions take "into account the economic dimension represented by these laws and how their provisions regulate the employment relationship, which have a special nature."

3. The new draft law excludes Egyptian domestic workers on the grounds that a special law will be issued for them later.

4. The new draft law maintains the condition that an employer must employ more than 10 workers for the minimum wage to apply within their enterprise.

Wages and allowances

Despite the central significance of the wage issue for workers in Egypt due to declining real wages and large wage disparities, the law does not give workers guarantees that would restore even a small amount of balance between labour and capital.

1. While the new law refers to the application of the minimum wage to all the workers it covers, and it covers an emerging segment of workers in online platforms and temporary workers by establishing

the idea of a minimum hourly wage, it does not give sufficient guarantees for implementation. Even though it has been set several times over the past two years, the minimum wage is barely applied in the private sector and is not applied to some public-sector workers, which prompted Mahalla workers and others to strike in 2024. Lacking clear legal enforcement or penalties for violators, the new law suggests that the minimum wage will remain a purely theoretical gain .

2. Article 11 of the new law, introduced by the House of Representatives, repeals the clause on the privilege of workers' rights, which prioritized the fulfillment of labour rights—that is, paying workers—in the event of liquidation or bankruptcy.

3. The new law changes the calculation of the annual bonus from 7% of the basic registered wage to 3% of the social insurance wage. The government says this does not much change bonus value, as the real value of 7% of the basic wage is equivalent to only 2.7% of the social insurance wage. At this rate, regardless of calculation method and even accepting the government interpretation, it will drive further erosion of the real wage, given that inflation rates over the past 25 months in Egypt have ranged between 23% and 35%, reducing the value of the real wage by a quarter to a third. Limiting the statutory minimum bonus (for those who receive salaries that may be slightly above the minimum wage, as is the case with many employees) will result in distortions in the wage structure. The bonus should be tied to inflation for greater consistency and fairness, as should the calculation of the minimum wage. The latest amendments introduced by the government also give the National Council for Wages the authority to create exemptions from receiving even that small bonus.

4. Article 11 sets the annual pay rise at only 3%, contradicting efforts to update the minimum wage according to inflation. While the National Council for Wages raises the minimum wage frequently and justifiably to put up with inflation rates above 20%, the entire wage structure must reflect this increase at all levels—as happens in the government sector with every increase.

5. The new law does not clarify a method for calculating the bonus if the National Council for Wages issues decisions to increase the minimum wage more than once per year.

6. Although the National Council for Wages requires restructuring, the new law does not change its structure or affiliation to the executive branch. The council should be headed by an independent labour market expert instead of by the minister of planning as at present. The minister of planning or a representative of the minister should be a member of the council's board of directors, which should also include representatives of all stakeholders in relation to wages. To have the necessary degree of independence, the council should be administratively separated from ministries; it could be affiliated to the parliament or presidency. It must also be required to adopt monitoring and evaluation measures, such as reporting on implementation and the impact of compliance on poverty, employment, and inflation, publishing these reports on its website. The council should provide technical assistance to the labour Office and trade unions to enable them to monitor employers' compliance with the minimum wage. Wage regulation in Egypt still lacks a prompt complaint mechanism and clear penalties for employers evading application.

7. In the amendments introduced by the government after the law was passed in principle, the period between each council meeting was increased from three to six months, on the grounds that short periods would not witness changes in the labour situation. In fact, three-monthly meetings have given the council flexibility in the face of the inflationary shocks that change the price situation within weeks, as we have seen over the past three years.

8. The new law does not address a key injustice in employment relationships in recent years, namely the delayed payment of wages, which in recent months has been the sole reason for workers' strikes at several private companies.

Regulation of the employment relationship

1. Job security guarantees have been made very weak to give capital the freedom to rid itself of labour. Among the fundamental flaws the new law reproduces from the current law is a blatant contradiction between articles that recognize the labour court's jurisdiction over dismissal and specify the cases that warrant dismissal, and other articles that recognize the employer's right to terminate an indefinite employment contract upon notification, without the worker committing any violation. The law also enables an expansion of fixed-term contracts, which undermine job security.

2. Accordingly, the new law's articles on the termination of an individual employment relationship serve to legalize arbitrary dismissals. These articles regulate the termination of an indefinite employment contract, a contract that can be terminated only in specific cases: by mutual consent of both parties, by the resignation of the worker, by dismissal of the worker through the labour court, by the employer (arbitrary dismissal), or by the worker's death, retirement, or inability to work.

3. The new law opens the door to increased exploitation of workers by increasing the maximum working hours from 10 to 12 per day, which the law refers to as the amount of time the worker can spend at work: Article 120 now states that "in all cases, the hours of the worker's presence in the establishment shall not exceed twelve hours," instead of specifying that actual working hours may not exceed 10, as per the old law.

4. The articles on working hours also contain various exceptions to the maximum allowed, as the employer can demand more than the 48 hours per week specified in the law—i.e., six working days and one day off—in cases of necessity and exceptional circumstances. Guards, cleaners, and workers engaged in preparatory and supplementary work are also excluded from all provisions of working hours and overtime pay.

According to CAPMAS, actual weekly working hours in the private sector amount to 51.5 hours, which increase to 52.7 hours for male workers. In exceeding the 48 hours per week set by law as a limit for normal activity, this reveals that the exceptions have been generalized.

5. The law covers what it calls "new labour patterns," which is commendable, but instead of giving such workers the right to be treated directly as workers, it places on them the burden of legalizing and proving their employment relationship through litigation.

6. In exchange for improved maternity rights (four months' paid maternity leave), Article 54 gives the employer the right to terminate the contracts of new mothers if the former provides a "legitimate reason."

7. The law fails to guarantee an hourly minimum wage for those under the age of 18, which will encourage companies to hire children.

Stripping workers of their main bargaining card: strike

Article 15 of the Egyptian Constitution stipulates that "peaceful strike is a right regulated by the Constitution." Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also links the right to strike to conditions and employment relationships that are fair and satisfactory to all parties, as well as the right to form trade unions and freely practice their activities, specifically the right to strike, with the aim of promoting workers' economic and social interests. Article 192 of the labour Law in place stipulates that:

> workers shall have the right to stage a peaceful strike. The strike shall be announced and organized through their trade union organizations in defense of their vocational, economic, and social interests, within the limits and according to the rules and procedures prescribed in the present law. If the workers of an establishment that has a trade union

> committee intend to stage a strike where it is allowed by the present law, the trade union committee shall—following approval of the board of the concerned general trade union with the majority of two thirds of its members—notify the employer and the concerned administrative authority at least ten days before the date determined for the strike, by registered letter with acknowledgement of receipt. If the establishment has no trade union committee, notice of the workers' intention to strike shall be sent to the concerned general trade union, and the latter shall—following approval of its board of directors with the majority prescribed above—attend to sending the said notice. In all cases, the notice shall include the reasons for the strike and the timeframe set for it.

This article is divided into several articles in the new draft law to regulate procedures for the exercise of a peaceful strike, which significantly restricts the right to strike:

1. Article 231 of the draft law retains the same text regarding notification to the employer and the competent administrative authority 10 days in advance by a registered letter with acknowledgement of receipt, including the reason for the strike and its dates. These conditions enable the employer, the strongest party, to exert any type of pressure and take precautions to confront the potential impact of the strike, thus removing a large part of the value of the strike as a tool of the weaker party in the employment relationship. Article 4 of the ICESCR allows states to subject the rights set forth in the Covenant to limitations determined by national law, provided that such limitations are compatible with the nature of each right. The requirement to give prior notification of a strike's end date is a restriction on the right to strike, not a regulatory measure aimed at ensuring that workers can exercise it. In order to work, strikes must continue until the workers achieve their demands or part of them as a compromise through collective bargaining. And workers cannot predict the flexibility of the other party or the date a compromise will be reached ten days before they start striking.

2. Article 193 of the current law stipulates that "workers shall be prohibited to stage or announce the strike through their trade union organizations with the aim of modifying the collective labour agreement during its validity period, and also during all stages and procedures of mediation and arbitration." The new law's amendments contain the same provision in Article 232, with only the last phrase deleted: "the stages and procedures of mediation and arbitration." No mechanism is set for amending a labour agreement if circumstances change, in the establishment or the economic context, while it is in force.

3. The most significant threat to the right to strike is in Article 234 of the new law, which bans calling for or announcing a strike in "exceptional circumstances," without specifying what such circumstances are—whether they relate to the establishment itself, to the sector to which it belongs, or to the political or security situation in the country. This short addition to the law is a very serious development that may lead to prohibitions of the right to strike throughout the country for indefinite periods and for vague reasons.

4. Article 233 of the current law stipulates that "staging or calling for a strike shall be prohibited in strategic or vital establishments where interrupting work will disturb national security or the basic services they provide to citizens. A prime-ministerial decree shall be issued determining these establishments." Article 234 of the new draft law retains the same prohibition for several sectors, with minor amendments in wording. This article explicitly restricts the constitutional right to strike, in contravention of the Constitution and Egypt's obligations under international human rights conventions, which, once ratified, constitute an inherent component of Egyptian law. The prime-ministerial decree in question permanently bans workers in establishments classified as strategic or vital from staging strikes—without any link to states of exception such as war, natural disaster, or the declaration of a state of emergency—which violates Article 15 of the Constitution and undermines Egypt's commitment to Article 8 of the ICESCR.

5. The right to strike is currently subject to prime-ministerial decree No. 1185 of 2003, which identifies "the vital or strategic establishments in which strikes are prohibited" as: national security and military production facilities, hospitals, medical centers, pharmacies, bakeries, mass (sea, land, and air) transport, goods transport, civil defense, drinking water, electricity, gas, sewage, and telecommunications facilities, seaports, lighthouses, airports, and educational institutions. The fact that multiple service establishments, public and private, are designated as strategic or vital with no differentiation between establishment or job type indicates that the goal is not to protect citizens' daily life from turmoil but to evade the constitutional obligation altogether. In using the criterion of sectors rather than establishments, it bans strikes, for example, in the entire telecom sector, so that telecom engineers who provide vital internet service become equal to post-office employees whose work may be limited to opening savings books and disbursing dues.

6. Working in strategic or vital establishments should not deprive workers of any of their rights. If there is a real need to exclude certain highly sensitive sectors from the right to strike, it should be limited to workers in certain establishments or jobs, in a limited manner, and for clear and specific reasons. These exemptions should be stated in the law itself, not by an administrative decision, so that Parliament can amend them, including the list of such establishments and jobs. The referral of the whole matter to an administrative decision unsupervised by Parliament violates this constitutional right, as does making the prime minister the decision-maker. is As an employer—the government owns many of the establishments included in the long list of sectors prohibited from striking—the prime minister cannot be an impartial judge of the employment relationship.

7. Article 230 of the new law gives the labour commissioner of the relevant trade union the exclusive right to declare a strike. If there is no trade union, the draft law defines the labour commissioner as "an

employee at the establishment whom the employees agree to authorize under an official document to represent them before the employer." This text, which does not exist in the current law, represents an attempt by the government to avoid the current law's contradiction of the law on trade union freedoms. It slightly relaxes the restrictions in the current law, which requires the existence of a union committee in the establishment to take over the strike decision, with the approval of two-thirds of the board of directors of the general union concerned. This condition has always been insurmountable as all trade union committees have been forcibly incorporated under the historically pro-state General Union of Workers.

8. The new draft law recognizes the so-called labour commissioner as an alternative to the trade-union committee if no such committee exists in the establishment—a common situation due to the severe restrictions on union work in the private sector. Yet linking the right to strike to a trade union or labour commissioner is in itself unjustifiably prejudicial to the right. Significant pressure may be placed on the trade union committee or labour commissioner to withdraw their approval of a strike.

Discrimination against drug users and people living with addiction

Unlike previous labour laws, the new draft law includes an article (No. 135, according to the report of the competent committee) that obliges workers to undergo drug testing whenever their employer requests it, and if confirmatory analysis proves a sample positive the worker in question shall be referred to the competent court.

This article is derived from Law No. 73 of 2021, which concerns the filling or continuation of jobs and contains explicit violations of the Constitution by undermining the principle of equality, allowing discrimination among cit-

izens, and violating their privacy. Article 148 of the new draft law should have sufficed, as it specifies cases of serious misconduct that allow a worker to be dismissed—such as being found clearly drunk or affected by a drug used during working hours.

As the new law obligates employees to undergo drug testing at the request of the employer without providing them with any mechanism for dealing with arbitrary repeat requests, the use of requests to suggest a worker's incompetence or put them in bad repute among colleagues, or to pressure them to terminate their employment relationship.

Article 148 of the draft law bars competent courts from deciding how to handle a worker who has tested positive through confirmatory analysis by stipulating that the penalty of dismissal may be imposed directly, without gradation or an assessment of the nature of the job.

The articles proposed to deal with drug users constitute a glaring human rights violation on four levels:

1. Egypt's Constitution and the conventions signed by the government prohibit discrimination among citizens on any grounds. The Egyptian Supreme Constitutional Court has consistently considered any rights restriction that includes discrimination as violating the principle of equality. In one appeal, the court found additional conditions to those stipulated by law for job applications in the public or private sector as unlawful discrimination (appeal No. 3 of the judicial year 16, dated 4 February 1994). The penalty of dismissal for drug use, regardless of the nature of the worker's job, is disproportionate to the nature of the administrative offense and applied to only one category of people: drug users. Other offenses are dealt with proportionately and gradually. Thus the penalty in this case constitutes unconstitutional discrimination. This is also a well-established principle for the Supreme Constitutional Court (appeal No. 2 of the judicial year 15, dated 4 January 1997), which set criteria for testing the degree of proportionality and whether it contains discrimination; the criteria include

exhausting the available alternatives to achieve the desired outcome, and not violating the right it is supposed to regulate. These criteria are absent in the current bill.

2. The right to work: Mandatory drug testing violates a key element of the right to work, namely accessibility, as per general comment No. 18 on the interpretation of Article 6 of the Covenant of the United Nations Committee on Economic, Social and Cultural Rights (CESCR). Lawmakers may regulate access to work through certain conditions related to safety and fitness, depending on the nature of the job, protecting the privacy of job applicants, and non-discrimination, all three of which are overridden by enforced drug testing regardless of job type, as is the case in the current draft law.

3. Workers' rights: The labour Law and the Civil Service Law set out conditions for employment termination, similar to the fatwas (judicial opinions) of the General Assembly of the State Council's Fatwa and Legislation departments. The fatwa issued on 16 September 2020 regarding the application of Article 177 of the Executive Regulations of the Civil Service Law conditions drug abuse as a reason for termination of service on obtaining a decision by the Medical Council, meaning that it considers drug abuse a health problem that may lead to termination of service and requires that procedure be accompanied by a Medical Council decision. The Medical Council is absent from the current bill, which escalates directly from suspension after testing to dismissal.

4. The right to health: According to the High Commissioner for Human Rights' 2018 report commissioned by the UN Human Rights Council, disproportionate criminalization or administrative sanctions constitute intimidation that impedes access to advice and health services and encourages falsification of medical reports to avoid losing a job or being deprived of one's liberty. The report considers such practices a violation of access to healthcare and thus a violation of the right to health, as interpreted by the CESCR (general comment No. 14 on the interpretation of Article 12 of the ICESCR).

The draft law could have proposed the following alternative measures which would not prejudice workers' rights:

1. Limiting mandatory drug testing to specific well-defined occupations, during the job application process and subsequent surprise tests.
2. Applying proportionate and gradual administrative penalties when the drug tests are positive, based on the abovementioned proportionality criteria.
3. Applying the recognized disciplinary methods (based on Medical Council decisions) when imposing administrative sanctions; entrusting the Medical Council with identifying the drug user's problem and whether they should be treated, dismissed, given a warning, or subjected to any other administrative sanction.
4. Adopting policies that encourage drug users to seek medical advice and treatment within government institutions and other legally mandated bodies, rather than intimidating them.

Other forms of discrimination

The new law's Article 5 is important, as it prohibits any act, conduct, or procedure that causes discrimination between persons in training or in the advertisement and filling of jobs. Yet it does not provide for all prohibited acts of direct discrimination, indirect discrimination, harassment, restriction, and exclusion, nor does it criminalize discrimination, set out a legal path to redress those who have suffered harm, or provide mechanisms or remedies for victims. The draft law itself includes the following forms of discrimination:

1. Discrimination against domestic workers and those in similar roles based on the nature of their work and their nationalities, as the specific provisions on this matter in the law includes foreigners and excludes Egyptians. Repeated unfulfilled promises to promulgate a special law on domestic workers have left them, mostly women, without guarantees of their rights. These women experience compound discrimination, on the bases of their work and their

gender. The law excludes the domestic workers subject to it from the protective umbrella it prescribes because it only includes foreign domestic workers.

2. The law's discrimination against domestic workers, which also manifests as gender-based discrimination, contradicts the CESCR general comment stating that worker protection must not exclude any workers, including domestic and agricultural (comment 23, para. 5).

3. The draft law does not exempt female agricultural workers but provides no special guarantees or effective mechanisms that do justice to this group, which needs more specific forms of regulation of their working conditions.

4. The law also excludes from protection all those who work without pay for family members who support them, as is the case for more than 15% of employed women (compared to 2% of employed men) according to the latest workforce data. This also contradicts the abovementioned CESCR interpretation on the legal protection of workers.

5. The draft law does not distinguish between refugees who reside in Egypt legally and are not linked to specific jobs, and foreign workers who have been recruited for specific jobs; all are subject to the same conditions for obtaining work permits, notifying employers and relevant authorities, and paying the prescribed fees. This belies the reasons refugees arrive in Egypt, their circumstances, and their right to work as per the Asylum Law. It also ignores the guarantees and protections granted to them, but not to non-refugee foreigners, by the 1951 UN Refugee Convention to which Egypt is committed. It should be explicitly noted that refugees' residence in Egypt is not linked to the continuation of certain jobs.

Status of women

In addition to the above points, which mostly impact women as part of Egypt's workforce, the new draft law carries some amendments related to the status of working women:

1. Among the advantages of the draft law is that it equates the women subject to it with those subject to the Civil Service Law in terms of the length of maternity leave and the number of times a woman is entitled to it. However, the prescribed leave (four months) is still below the minimum recommended by the World Health Organization and UNICEF recommendations for proper nutrition for newborns, who should be exclusively breastfed for their first six months where possible. Enabling women to breastfeed is particularly important in view of the recent government decision to downsize the distribution of baby formula. The new law also fails to provide stricter safeguards and controls that would guarantee women's right to breastfeeding times after returning to work.

2. Another positive point is that the new law amends Article 90 of the current law, which bars women from certain jobs for moral or health reasons. Article 55 (after the amendment introduced by the committee) guarantees women's rights after maternity leave.

3. In still tying the entitlement to workplace nurseries to the employment of at least 100 women workers, however, the law demotivates the hiring of women in larger numbers. It would have been better to tie the entitlement to nurseries, or an equivalent service, at a workplace to its total number of male and female workers. More importantly, entitlement to nurseries, established in previous labour laws without practical effect, should be guaranteed.

4. Nor does the law contain clear measures to address the fact that the private sector, compared to the civil service, is unwelcoming for women and systematically discriminates against them. It does not directly address problems of discrimination in recruitment, which are difficult to resolve without the promulgationof an equality and anti-discrimination law and the establishment of its own commission to tackle the forms of mass discrimination women face in employment and the gender wage gap in Egypt.

5. The labour law, which is a key part of the legislative infrastructure of the nation, should have carefully examined the real factors that lead to women's low participation in the labour market and to large-scale discrimination against women. Egypt ranked 175th among 190 countries on the World Bank's 2024 Women, Business and the Law Index, lower than its already modest rank in previous indexes. The World Bank report points to a crisis of implementation mechanisms, even in the women's rights that are legislatively guaranteed. This observation should have been useful for the legislators amending the labour Law, to ensure that the new law does not prolong the crisis by failing to clarify implementation mechanisms in its new guarantees for women's rights. Without clear implementation mechanisms, the law will not fulfill even its limited role in protecting workers' rights—while severely restricting the right to organize and strike.

We cannot therefore consider the inclusion of a few standard definitions in the law for harassment, discrimination, and bullying—in line with the Constitution—as a fundamental achievement as long as these definitions come within a framework that does not establish clear mechanisms for applying protections, lacks any broader view or real assessment of the women's work crisis in Egypt, and infringes upon the rights of workers, women and men alike, including the essential rights to strike and to job security.

The new labour law is an extension of decades-old policies that favor employers and investors over workers, at a time when wage earners' living standards are declining, their poverty rates increasing, and their share of GDP shrinking. Some of the proposed articles in the new law threaten to exacerbate this situation, creating an urgent need for the president of the republic to refuse to ratify the law and return it to Parliament to modify its philosophy, restore some balance to the employment relationship, and comply with constitutional labour rights and the international agreements to which Egypt is committed.

EIPR calls for the adoption of the following recommendations as a minimum to achieve this balance:

1. The article on the periodic bonus should be amended to make the bonus a percentage of the gross wage tied to the average inflation rate announced by CAPMAS, instead of 3% of the social insurance wage.

2. The articles regulating strikes should be amended to ensure that workers' right to all kinds of peaceful strikes, upon notification, and to start strikes without setting an end date. The article allowing the prohibition of strikes in unspecified exceptional circumstances should be repealed or amended to define exceptional circumstances more precisely.

3. No categories of worker should be banned from exercising their constitutional right to strike as long as it does not entail a threat to lives or to public and private property. If a real necessity for such a ban exists, it must be clarified in the law and should not be issued by administrative decisions unsupervised by Parliament. Specific facilities and jobs should be also identified, rather than depriving entire sectors of their constitutional right.

4. The articles regulating the termination of individual employment relationships should be redrafted, as they are confusing and contradictory, allowing arbitrary dismissal and reproducing the flaws of the current law. Cases allowing fixed-term contracts should be detailed in the law, such as seasonal work which ends when the agreed work mission ends, should be specified. These articles should be also amended to stipulate that a fixed-term contract is considered a permanent contract if it is renewed for a period of two years, based on the definition of temporary work given in the draft law submitted by the labour Ministry in 2016: "An individual employment contract shall be concluded for an indefinite period, and may be concluded for a fixed period in the case of seasonal work or other activities in which indefinite contracts cannot be resorted to by virtue of their nature or customs."

5. Article 120 should be amended so that the time a worker spends at

their work establishment cannot exceed 10 hours a day. It should not exclude certain categories of worker in absolute terms from all guarantees and protections it prescribes, as is the case in the current bill, which excludes those engaged in cleaning and guarding (security) work from all provisions on working hours.

6. The new law should elabourate the mandate of the proposed Informal Workers' Protection and Employment Fund, and clarify how its funds will be managed, as well as explicitly stipulating the rights of irregular workers and minimum acceptable working conditions, all without any recourse to administrative decisions taken outside the scope of the law.

7. The new law should cover female domestic workers, many of whom are considered informal workers. Legal protection should extend to those who work without pay for family members who support them.

8. Family childcare benefits should be provided to both men and women as partners in family tasks, and establishments that employ workers with children should provide these benefits. Also, the amendment proposed by the minister of labour to reduce paternity leave during childbirth to one day should be repealed.

9. The article that ties the provision of nurseries at workplaces to the employment of 100 female workers should be amended so that it ties the entitlement to the total number of male and female workers.

10. The law should differentiate between refugees or asylum seekers; whose legal residence in Egypt is not linked to a specific job, and the foreign worker who is recruited under a specific employment contract, to become consistent with the new Egyptian asylum law and the international conventions to which Egypt is constitutionally committed, foremost the Refugee Convention.

11. Mandatory drug testing should be limited to specific well-defined occupations, during the job-application stage and in subsequent surprise tests.

12. The law should stipulate applying proportionate and gradual administrative penalties when a drug test is positive, taking into account the proportionality criteria and applying recognized disciplinary methods (based on Medical Council decisions) when imposing administrative sanctions. The Medical Council shall be entrusted with determining the drug user's problem and the appropriate administrative or punitive course of action.

13. Instead of intimidating drug users, the law should enable the adoption of policies that encourage them to seek medical advice and treatment within government institutions and other legally mandated bodies.