Precarious Work in the Egyptian Employment Relations

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Introduction

The development of precarity in employment relations in the world dates to the 1980s as part of the attempt of business oligarchs to adapt to the global economic crisis that began in the mid-seventies. The bourgeoisie was trying to reduce labor costs and finish off its gains in terms of work stability, wage determination, and social protection. This was eventually paralleled with the current neoliberal regressive turn to capitalism without restrictions as it was in the nineteenth century.

In Egypt, the development of precarity was due to the government neoliberal policies and the increasing attack of neoliberal intellectuals and advocates who call for the comprehensive liberalization of economy and the abolition of labor laws, in favor of privatization.

The transition to precarious work was an effective way to avoid social opposition, whatever its forms, by limiting the duration of work and training contracts to deprive the worker of a stable independent job. As for the employer, it was his mean to ensure the worker's adhesion to his terms, and abandonment of every form of opposition and demand of rights; or else the latter is to lose his/her job and join the unemployment queue, which is growing by the day.

In this context, it is difficult, if not impossible, to carry out any form of union work, as transforming decent work into precarious represents an appropriate way to weaken trade unions, avoid sit-ins and exhaust the self-defense ranks of workers. As a worker cannot make a trade-off between staying in his/her job with a fixed-term contract and explicitly joining a trade union.

The extent and form of precarious work is also shaped by multiple facilitating factors mainly the laxity and ambiguity of some provisions of the Egyptian Labor Law (ELL), which were formulated under pressure from the Employers on the Legislative Council. This was furthered by the weakness, if not the absence, of trade union classifications at their highest levels, which participated in the discussion of these provisions, particularly the progovernment Egyptian Trade Union Federation (ETUF).

The use of employment agencies or labor suppliers has also played an active role in the transition to precarious work, as it is closer to labor brokerage where work is considered a commodity and the wage is its price. Particularly since such agencies are skilled in escaping state monitoring and evading any liability to workers.

All the above-mentioned has undoubtedly induced many forms of opposition on the part of workers- in terms of sit-ins, strikes and protests, to the huge authority of employers to downsize workforce, partially or completely close facilities, laying-off workers or arbitrarily dismissing them. This has had negative impacts on social dialog and collective bargaining.

The current study includes the following:

I. Concept of precarious work.
II. Forms of precarious work.
    1- Probationary work contract
    2- Professional apprenticeship contract
    3- Fixed-term/Permatemp contract
    4- Casual work contract
    5- Sub-operating agreement
    6- Private employment agencies
    7- Forced labor
    8- Bonded labor
    9- Domestic service workers
    10- Child labor
    11- Employment without written work contracts
III. Feminization of precarious work.
IV. Consolidating work precarity in Labor Law.
V. Extension of precarity to public service.
VI. Modern slavery and the Corona pandemic.
VII. Creating new patterns of work during the pandemic.
VIII. The impact of the Corona pandemic on employment conditions & the role of NGOs in mitigating it.
IX. Recommendations.

I. Concept of precarious work

Precarity is defined as the state of being extremely loose or weak, from the Latin *precarius* "obtained by begging or entreating". Work precarity is a phenomenon that affects- in many ways - a large proportion of young people and workers. From an economic point of view, it denotes insufficient income and instability in social conditions.

From another point of view, it means temporary work, permatemp employment, indirect labor, zero-hour contracts, i.e., there are many terms in use to describe precarious work. This type of work has been increasingly used to replace direct and permanent jobs, allowing thus employers to limit their liability to workers.

Precariat worker face greater difficulties in exercising their rights, particularly in joining trade unions, or negotiating collectively to improve wages and working conditions. Moreover, injury rates are higher among precariat labors, often due to the lack of training in the workplace. Joseph Rosinski describes work precarity as the absence of one or several guarantees that permit the individual or the family to secure fundamental needs and enjoy basic rights.

International trade union federations were the first to coin the term "precarious work" to describe indecent work. The International Labor Organization (ILO) and the Arab Labor Organization are still holding talks about decent work since its launching by the ILO Director-General in 1999 to meet the challenges of non-standard forms of employment in the era of globalization and the fundamental change in work relations. Four pillars of the decent work agenda were identified, namely:

1- Promoting jobs and enterprise,
2- Extending social protection,
3- Promoting social dialog, and
4- Guaranteeing rights at work.

In 2009, the ILO Director-General maintained that the economic crisis culminates decades of unfair globalization and increasing income inequality in policies that undermined the role of the state and failed to respect work dignity and the importance of basic principles and rights at work for decent work.

The UN Economic and Social Council has drawn up a general comment in which it defines decent work as work that respects the basic rights of the individual as a human being and respects the rights of workers within the framework of a set of safety rules and criteria for determining remunerative wages, taking into account the physical and mental integrity of the worker during the performance of his/her job.

According to the ILO, decent work "involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men."

II. Forms of Precarious Work

1- Probationary Work Contract

Article (33) of the ELL states that "The period of probation shall be determined in the labor contract. The worker shall not be appointed under probation for a period exceeding three months; nor shall he be appointed under probation more than once under the same employer."

The termination of work contract during the probationary period is conditioned by proving that the worker was not competent during this period, as the contract of work under probation gives the right to both parties to terminate it at any time during the probationary period. Shall the employer terminate the contract under probation for reasons other than incompetency, the dismissal of the worker is deemed arbitrary and requires compensation.

The legislator has associated the worker's incompetence to cases of grave error enlisted in article (69), which permits the employer to dismiss the worker if he commits any of them. I believe that the legislator did not intend to probation period to be one of the cases of contract termination or disciplining the worker. Neither do I agree with those who consider the probationary work contract as a contract concluded by the employer and the worker founded on the probation condition. Because if this is the case, the party that would find this condition to his benefit can test the suitability of the contract for him during the probationary period; shall he finds that the contract unsuitable for

him, can use the stipulated condition for his benefit to get rid of this contract during the period specified for the probation. (Dr. Ahmed Hassan Al-Borai. The Mediator in Social Law, Dar Al-Nahda Al-Arabiya 2003, p. 429).

This is evidenced by what was stated in the second paragraph of article (110) of the ELL, which states that "The employer may not terminate this contract except within the limits of the provisions prescribed in article (69) of the present law, or in the case the worker's inefficiency is established according to the provisions of the endorsed regulations."

The aforementioned article includes nine cases of serious error, by way of representation but not limited to, as examples of errors that allow the dismissal of the worker. It stipulates that "A worker shall not be discharged unless he commits a serious error." The following cases are considered by the Law as a serious error:

(1) If it is established that the worker has impersonated a false identity or submitted false documents.

(2) If it is established that the worker committed a mistake that resulted in serious damages to the employer, provided that the employer shall inform the competent authorities of the accident within 24 hours from the time he learns of its occurrence.

(3) If, despite warning the worker in writing to observe the instructions necessary to be followed for the safety of the workers and the establishment, repeatedly fails to observe them, providing they are issued in writing and put up at a prominent place.

(4) If the worker is absent without a legitimate justification for more than twenty intermittent days during the same year, or more than ten consecutive days, provided that a written warning by registered letter with acknowledgment of receipt from the employer to the worker ten days after his absence in the first case, and five days after his absence in the second case, shall precede his discharge.

(5) If it is established that the worker has divulged the secrets of the establishment at which he works, leading to the occurrence of serious damages and harms to the establishment.

(6) If the worker embarks on competing with the employer in the same activity.

(7) If the worker is found during working hours in a state of plain drunkenness or under the influence of narcotics.

(8) If it is established that the worker aggressed the employer or the general director, as well as if he commits a serious aggression against one of his superiors during or because of the work.
(9) If the worker does not observe the controls set forth in articles (192) to (194) of Book 4 of this Law.

Although the previous article provided mere examples of serious errors that allow the dismissal of the worker, i.e., there are other cases whereby the worker might be dismissed, it must be borne in mind that the role of the employer is limited to submitting a request to the labor court, in the company's district, to dismiss the worker, supported by documents that justify his request. The worker shall remain suspended until a final judgment is issued and the provisions of suspension contained in the article (66) of the law are applied in his regard. This is contrary to what actually happens as employers dismiss the worker after referring him to the company legal department, or without referring him in some cases. The worker must then resort to the Labor Office to settle the dispute amicably. If the company refuses to attend the amicable settlement, or its representative attends and is intransigent and not willing to resolve the dispute amicably, then the worker has to file a legal case before the competent labor court.

Employers often abuse this article from several angles:
1- Considering the under-probation period in the work contract as a probationary contract by analogy with sales contracts.
2- The employer has absolute authority to assess the worker's technical competency and moral suitability.
3- Considering the probationary work contract as a full-fledged contract grounded on a voided condition; that is the failure of the probation.
4- Putting the worker under probation more than once with the same employer.

Whereas article (33) links the incompetence of the worker under probation to committing one of the serious errors stipulated in article (69) and considered it an addition to these reasons.

2- Apprenticeship Contract

Article (99) of the ELL permits training of children when they reach twelve years of age, to enable them to acquire and develop the knowledge, skills, and abilities necessary to prepare them for a given vocation. In practice, this article

provides employers with cheap or free labor, whereby employers are exempted from social insurance and wages. Meanwhile, the apprentice performs all the roles that any ordinary worker can play, in return for a reward at each stage in an ascending manner, provided that in the last stage, it should not be less than the minimum wage specified for the category of workers in the vocation or industry in which he is apprenticed.

Article (143) also permits the employer to terminate the apprenticeship contact if it isestablished to him that the apprentice is unfit or lack the aptitude to learn the vocation or trade satisfactory.

There is no point of commenting on the law that gives the employer absolute discretionary power to employ the apprentice like any worker; the power to assess his incompetency or unwillingness to learn well; and the power to terminate the apprenticeship contract without supervision, although such a contract is concluded between two parties.

Moreover, the law does not specify the training period in the apprenticeship contract, which opens the door for the employer to hire the apprentice as long as he wants, without health or social insurance, although the apprentices are among the most exposed working categories to accidents, as article (144) states that "The provisions concerning the leaves, working hours and break periods stipulated in articles (47) to (55) and (80) to (87) of the present law, shall apply to the apprentices". The rest of the provisions shall not apply to them, i.e., only seventeen articles out of the two hundred and fifty-seven articles of the ELL shall apply to them.

3- Fixed-term/Permatemp contract

Article (104) of the ELL stipulates that a fixed-term work contract ends with the expiration of its period. Article (106) states that if a fixed-term work contract ends with the expiration of its period, it may be renewed by an express agreement between its two parties for one or more periods.

The termination of a fixed-term contract by the expiry of its period does not generate rights for either of its two parties to the other party, as this is considered a natural termination of the contract. If the original and renewed period contract exceeds five years, the worker may terminate it after notifying the employer three months before its termination (article 106). If the period of the contract expires and its two parties continue to work according to its terms,

it shall be then considered a renewal of the contract by them for an indefinite period. This does not apply to employment contracts for aliens (article 105).

Fixed-term/permatemp contracts are one of the most atrocious forms of precarious work, where the worker is contracted for a specific period of time, during which the worker loses any guarantee that he will remain in the work he is doing, and his seniority is not taken into account. Seniority is one of the most important gains for the worker, as it is an indicator of his experience and the position he deserves.

Not to mention the endless anxiety that the worker experiences with a temporary contract that only guarantees him a short period of work between two periods of unemployment. The expiry of the definite period contract means its natural termination and does not entail any of the two parties any rights from the other party, nor does it guarantee the worker to renew the contract again with the same employer or with the same conditions concluded in the previous contract.

4- Casual work contract

Casual work is, by definition, the work that does not fall within the activity of the employer, and its implementation does not require more than ninety days. However, in some companies, a significant number of workers are employed with casual work contracts, which are renewed upon expiry with the same conditions and wages. This is a circumvention of the law, whereby workers with casual contracts are employed in the main activities of the company.

5- Sub-contracting agreements

Subcontracting appeared in Egypt inconspicuously during the period of economic openness in the 1970s, although this does not mean that they did not exist before in simpler forms. It has become the habit of companies in the investment and private sectors, as well as the government sector in some professions.

Companies and some public organizations and bodies resort to this form of employment within the framework of their policy to restructure their employment, reduce labor costs and get rid of surplus employment.

Resorting to subcontracting has become a practical necessity dictated by some construction works and others, which are characterized by their largeness and need for a multitude of workers and technicians specialized in diverse fields.

The development witnessed by contemporary societies, especially in the commercial and industrial fields, resulted in labor division and specialization. The contractors are no longer one type, as there is a general contractor who contracts with the employer under a construction agreement to complete a project on specific conditions, and contractors for each process of excavation, backfilling, sanitary, electrical, and decoration works. This necessitated the spread of the phenomenon of subcontracting, as the general contractor cannot carry out all assigned works, so he subcontracts other contractors some of these tasks but retain liability before the employer.

Subcontracting extended to export, marketing, and manufacturing activities. Article (661) of the Egyptian Civil Code regulates the relationships arising from subcontracting agreements.

Some specialized international organizations have sought to set unified conditions for civil engineering construction contracts called "FIDIC conditions" to avoid the difference in national legislations that governs the relationships arising from these contracts.

6- Private Employment Agencies

They are companies that provide labor mediation services, as they provide companies with temporary workers. Thereby employment relations are established between these companies and workers in the form of temporary work contracts. Sometimes related employment relations are established between the agencies and the workers though the former is not linked to the companies where the latter perform their work. The gravity of this form of precarious work is the discrimination between the workers of the original employer and the workers of the employment agencies, and the violation of the latter's rights. The employment agencies exploit the need of the unemployed as means of political coercion and orientation, as well as social and religious discrimination.

On the other hand, monitoring these agencies by labor inspectors is not possible, as workers are scattered in various companies, and their employment

agencies (companies) can easily change their premises. This is contrary to the provisions of the Employment Agencies Agreement No. 181 of 1997.

The new draft labor law submitted by the government to the House of Representatives, which the Manpower Committee has finally discussed and approved, regulates the rules for the establishment and work of these agencies. Thereby the owner of an employment agency pays fees to be licensed by the competent authority, the Ministry of Manpower (MOM).

7- Forced labor

Forced labor is any work or service which people are forced to do against their will, under the threat of punishment. The imposition of any form of forced or compulsory labor on any person is a violation of the law, of human dignity and of his right to obtain decent work. There are two main international conventions prohibiting forced labor, namely: Convention 29 of 1930 and Convention 105 of 1957.

Women and girls represent more than half of the victims of forced labor, especially in domestic work, where sexual exploitation is for commercial purposes. Men and boys top forced labor exploitation in the fields of agriculture, construction, and mining. Most of forced labor occurs in the informal economy, yet Convention 29 of 1930 excludes the following from the definition of forced or compulsory labor:

- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

The Abolition of Forced Labor Convention no. 105 of 1957 provides for the immediate and complete abolition of forced labor in five cases:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilizing and using labor for purposes of economic development;
- (c) as a means of labor discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

8- Bonded Labor

Working to return a debt or debt bondage is a form of forced labor, whereby a person undertakes to work as a security for the repayment of a debt or other obligation. Since the terms of repayment are unclear or unreasonable, the creditor holds control over the worker for an indefinite period, as the services that it must be provided to repay the debt are not definite nor conditioned to a specific time. Bonded labor can be passed from one generation to another until the children repay the debts of their parents.

The ILO maintains that bonded labor is the most widespread form of labor slavery affecting about 8.1 million people around the world, and this practice is still prevalent mainly in South Asia and sub-Saharan Africa. Statistics show that about 84 to 88 percent of bonded labor are in South Asia, although most of the countries in those regions are members of the 1956 Supplementary Agreement to Abolish Slavery.

9- Domestic Workers

They are those who carry out physical or manual work to fulfill the needs of the employer or his relatives, and the place of work is inside a household.

There are five conditions are required for a worker to be considered a domestic worker, namely:
a- To practice physical work; the worker is not considered a domestic worker if the work he/she practices is mental work such as a private secretary, a private librarian, and a private tutor.
b- The material work practiced by the worker is related to the employee or his relatives.
c- The place of work must be a household prepared for private residence (Accordingly, those who serve in restaurants and clubs are not considered domestic workers).
d- The work permits him/her to see the personal secrets of the employer.
e- The work must be continuous (not casual or intermittent).

Domestic workers work without work contracts that protect their entitlements and preserve their dignity.

Article (1/a) of International Convention no. 177 and International Recommendation no. 184 in session (83/96) define the concept of domestic workers as follows:
(a) the term *home work* means work carried out by a person, to be referred to as a homeworker,

- in his or her home or in other premises of his or her choice, other than the workplace of the employer;
- for remuneration;
- which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used.

<u>Domestic workers rights</u>

- The right to a minimum wage.
- The right to leaves.
- Maximum working hours should not exceed 10 hours.

<u>Respecting the basic rights of the homeworker</u>
(Protecting private life and preserving dignity, not violating his/her privacy, enabling him/her to practice his/her religious rites, returning to his/her country at the expense of the employer, contacting his family, health care, equality, and prohibition of discrimination).

The female domestic worker is likely to lose many of her rights when she is forced to live in her employer's house to ensure her availability throughout the day. In so doing, she is isolated from the outside world and her relationship with the employer is turned into master-slave relationship, where all her rights are violated arbitrarily, discriminately, and forcefully.

10- Child labor

Article (98) of the ELL stipulates that "In applying the provisions of the present law, an infant/juvenile shall mean any person reaching fourteen years of age, or past the age of elementary education and not reaching eighteen complete years of age." Article (99) states that "Employing female and male infants/juveniles not reaching the age of completing elementary education or fourteen years of age, whichever is older, shall be prohibited. However, they may be trained once they reach twelve years of age."

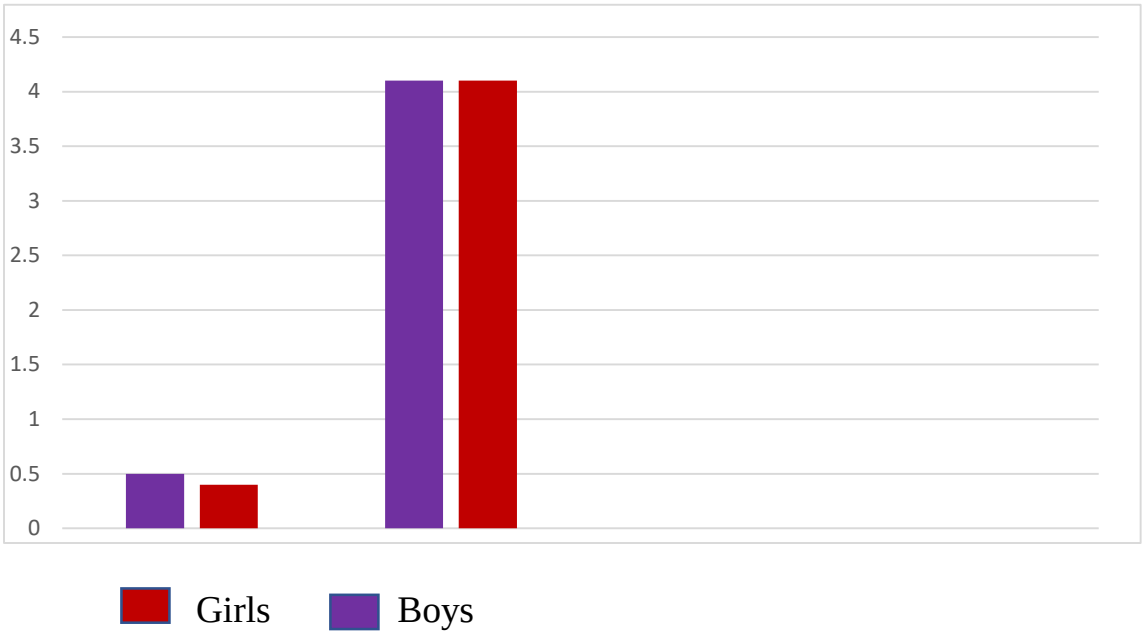
Child labor is considered one of the worst crimes against humanity, as it deprives children from their childhood. Despite the constitutional prohibition of the employment of children before they reach the age of completing primary education and despite the appeal of the National Council for Motherhood and Childhood for citizens to report cases of working children through the child helpline, child labor persists in Egypt.

Child labor is linked to dropping out of education in search of a livelihood, given the spread of social misconceptions and norms among destitute communities which encourage begetting many children to drive them into work to secure more sources of income for the family.

The national survey of child labor in Egypt, which was conducted by the Central Agency for Public Mobilization and Statistics (CAPMAS) and the International Program for the Elimination of Child Labor revealed that there are 1.6 million children whose work ranges between 12 and 17 years working in various labor sectors, representing 9.3 percent of the children of Egypt. The rate of child labor is higher in rural areas than in urban areas, and reaches its peak in rural Upper Egypt, then in Lower Egypt.

Agriculture comes at the top of the professions practiced by children, despite its hazards, at 63 percent, then in industrial sites such as mining, construction, and manufacturing industries at a rate of 18.9 percent.

Dropout rates from primary and middle education, 2015/16, 2016/17, according to gender are as follows:



Dr. Iman Abdullah - a consultant in psychology and family therapy - describes child labor as a violation of children's rights and a form of human trafficking and abuse at the most critical stage of their lives. It leads to psychological distortion of young people, as she maintains that child labor is a time bomb that results in an increase in crime rate, given that the child is naturally aggressive because he/she feels that he/she is a victim of society.

According to Dr. Hassan Shehata, professor of methodology at the Faculty of Education, Ain Shams University, the law does not criminalize employers for allowing child labor and assigning them with jobs that are incompatible with their rights to life and enjoying their childhood. He maintains that the Ministry of Solidarity has no role in facing the phenomena of dropout and child labor or standing up to employers. He also questions the role of the National Council for Childhood and Motherhood in this concern and calls upon media to shed light on these significant groups, which are an easy prey to be recruited by terrorists and extremists.

11- No written contracts of employment

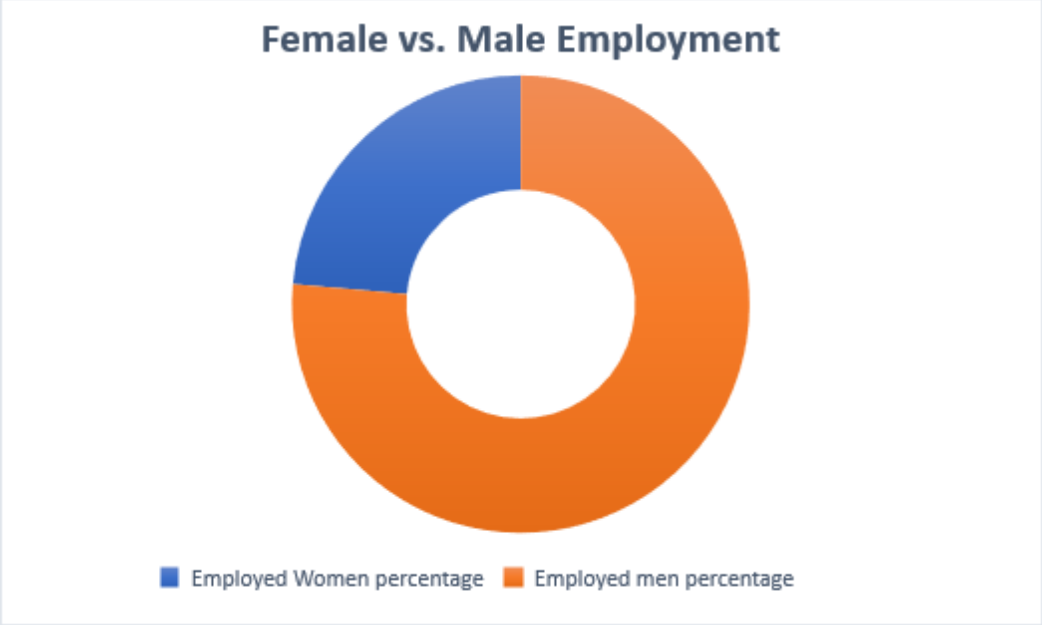
Article (32) of the ELL obligates the employer to write three copies of the work contract in Arabic, of which one copy shall be kept with the employer, another shall be delivered to the worker and the third shall be deposited to the concerned social insurance office.

The contract must in particular comprise the following data:
(a) The name of the employer and the address of the workplace.
(B) The worker's name, qualifications, profession or craft, insurance number, place of residence and all that is necessary for his identification.
(C) The nature and type of work subject to the contract.
(D) The agreed wage, method, and time of its payment, as well as all other agreed cash and in-kind benefits. If no written contract exists, the worker may alone establish his rights by all methods of evidence.

The Egyptian work environment witnesses numerous violations of this article, as many investment companies and the private sector take advantage of the high rate of unemployment and recruit workers with verbal work contracts in several sectors, including, but not limited to, the following:

Port workers: they perform work that is not permanent in nature in the seaports within the territorial and dry waters and river ports.
Farm workers: they carry out work in the field of agriculture, irrigation, drainage, and water wealth under the management or supervision of an employer in return for a wage, whatever the type of work in question.
Fishing workers: they carry out fishing work on boats for others, fish farming and the like.
Construction workers: They perform work related to construction activities, regardless of the duration or type of this work.

Article (17) of the 2014 Constitution stipulates that the state provides social security services. All citizens who have no access to the social security system have the right to social security to ensure a decent life, if they are unable to support themselves and their families in the event of incapacity to work, old age or unemployment. The state works to provide appropriate pensions to small farmers, agricultural workers, hunters, and informal labor in accordance with the law.



III. The Feminization of Precarious Work

With the spread of communication technology and its astounding progress, the number of homebased working women has increased. Yet they work without legal protection or rights whatsoever such as social and health insurance, and without a guarantee to receive a pension that meets their needs in old age. Even though they are the most vulnerable to the diseases of poverty, regardless of their different educational levels.

This segment, which is increasing by the day, works away from the supervision of concerned authorities, like the rest of female workers in shops, concert halls, exhibitions, or even in rural sectors. This segment suffers from exploitation and work precarity with various social and health hazards that surround working women, in the absence or neglect of the supervisory bodies concerned with monitoring and controlling informal work and parallel economy.

Government statistics indicate that the percentage of employed women does not exceed 23.6 percent compared to 76.4 percent of men. This means that unemployment and gender inequality are among the factors that caused the

emergence of this type of work which the technological improvement has promulgated.

The emergence of new precarious work types is keeping up with the settings of the global market, its technological and competitive changes, and the speed of their transmission to all countries of the world. Moreover, the classical image of the educational system is no longer the same, as new methods of teaching and learning through online platforms have emerged and which are subject to the laws of parallel labor market and precarious professions.

Occupational precarity in the developing world manifests the harsh exploitation that accompanies its rentier economy, in which the female worker cannot come to terms with the employer through a legal work contract. She thereby does not aspire any professional advancement, and her ambition remains confined to maintaining her invisible work in a newly developed semi-industrial field.

There are other groups of women who assist in agricultural, handicraft and domestic works, often without pay or sometimes with low wages. They may become the breadwinners if the family caretaker dies or is imprisoned. With the deterioration of economic and living conditions, these groups sought working opportunities in labor market.

In parallel economy, male workers are equal in the precarious state and in their regression to more miserable conditions to female workers. The wars and pandemics that befell the world had a profound effect in highlighting work precarity in the third world countries, the feminization of poverty and the hazards of informal work.

IV- Consolidating precarity in labor laws

It is worth noting that the current ELL integrated various laws related to different establishments into one legislation to make it handy and easy to use, believing that the legislative reform is the way to economic reform.

This law applies as the general law that governs employment relations for workers in the public sector, the public business sector, the private sector, the investment sector, and workers in schools, institutes, private universities, or workers at sea and others. In other words, the ones who are not addressed with this law are the following:

1- Employees of state agencies, including local administration units and public bodies.
2- Domestic service workers and the like.
3- Family members of the employer who are dependent on them.

We were aspiring that the new law would transcend all practices contravening international conventions, agreements and covenants ratified by Egypt. However, many articles consolidate work precarity, namely:

(1) Article 2 of the Promulgating ELL

Article (2) states that "The provisions prescribed in the legislations enacted concerning certain labor categories shall remain valid pending conclusion and enforcement of the collective agreements reached in respect thereof according to the provisions of the attached Law. The benefits prescribed in these legislations shall represent the minimum limit on the basis of which negotiations shall take place."

This entailed the conclusion and enforcement of collective agreements before the current labor law came into force on April 7, 2003. However, since the legislator did not set a deadline in which the concerned establishments were obliged to conclude and enforce these agreements, they have continued applying the work regulations laid down before the issuance of referred to law.

It is worth noting that the law, according to the previous article, has specified one way to set the provisions governing employment relations, i.e., collective labor agreements. Article (152) defines a collective labor agreement as "an agreement regulating labor conditions and terms and employment provisions. It shall be signed between one or more trade union organizations and the employer or a group of employers, or one or more of their organizations."

In other words, the collective labor agreement is the legal tool that must replace the organization's personnel regulations. Legally, the agreement is a contract concluded between two parties, namely the employer or the organization that represents him, and the workers or workers' representatives, meaning their trade union organization.

Pressure should be thus exerted on the legislator to set a deadline for all establishments to conclude collective agreements to govern work in

agreement with trade union organizations and with the procedures and conditions specified by the law, instead of the enforcement of the regulations in use prior to the issuance of the ELL or setting regulations unilaterally by the management of the establishment in violation of the law.

(2) Article 110

Article (110) of the ELL states that "Subject to the provision of article (198) of the present Law and the provisions of the following articles, if the labor contract is for an indefinite period, each of its two parties may terminate it on condition of notifying the other part in writing before such termination. The employer may not terminate this contract except within the limits of the provisions prescribed in article (69) of the present Law, or in case the worker's inefficiency is established according to the provisions of the endorsed regulations. The worker, in terminating the contract, shall base himself on a legitimate and adequate cause related to his health, social, or economic conditions. In all cases, the termination shall be observed to take place at a time commensurate with the work conditions."

An indefinite term contract is a contract that is concluded without specifying its duration, and without specifying the work that the contract ends with its completion, that is, it is a contract that has a start but no end date.

The article stipulates the termination of the indefinite contract should not violate the provisions of article (198) related to the total or partial closure of the facility at the request of its owner or to reduce its size or activity. It allows the parties of the contract to terminate it at any time in order to preserve the individual freedom of the worker from the relationship of dependency imposed on him by the work contract, and the interest of the employer, who may be forced by economic necessities, to get rid of employment surplus.

The worker is *only* obligated to notify an employer before termination for the period specified by law, provided that the worker furnishes a legitimate and sufficient justification. But if the contract is terminated by the employer, it takes the form of dismissal within the limits of what is stated in article (69). It stipulates that it is not permissible to dismiss the worker unless he commits a grave mistake, and nine cases are mentioned by means of examples, in addition to the case of proving the worker's incompetence.

Despite the good reputation and acceptance of this type of employment contract in the labor community in Egypt, it is bounded by many matters that make it precarious like all other contracts:

1- Not specifying exclusively the serious errors that allow the dismissal of the worker.

2- The lack of impartiality of the investigation agencies.

3- The tendency of employers to dismiss workers in a manner other than the one established by law. As the employer resorts to reduce time and dismiss the worker upon conducting an investigation with him, or without conducting one in some cases, usurping thereby the authority of the labor court to dismiss the worker and in violation of the article (68) of the law, which states that "The jurisdiction for imposing the sanction of discharge from the service shall lie with the committee referred to in article (71) of the present law".

4- The employer's disregard of the ruling of the labor court to return the worker to his work in the event that it is proven that he did not commit any grave mistake, and the employer is only obligated to pay the compensation stipulated in article (122) of the law. This matter needs a legislative amendment obligating the employer to return the worker to his work if the labor court issued a ruling in his favor, as is the case with a unionist worker.

5- Contracts whatever kind are terminated if the employer requests the closure of his facility in whole or in part, or to reduce its size or activity in a way that may affect the volume of employment in it, based on a decision of a committee formed for this purpose. He may substitute this right by amending the terms of employment contracts temporarily, by transferring workers to other jobs different from their original jobs, or by reducing their wages by no less than the minimum wage. If the worker terminates his contract without the obligation to notify the employer, the termination is justified by the employer, and the worker has no right to request compensation. Upon termination of the contract for economic reasons, the employer is obligated to pay the worker a remuneration equivalent to one month's comprehensive wage for each year of the first five years of service, and a month and a half for each following year.

(3) Article 56 G

Article (56) lists the duties of workers in eleven clauses. Clause (G) states that the worker must "Maintain the prestige and dignity of business and behave as befits the work."

This duty was to some extent consistent with the Public Sector Workers' Law, which requires a degree of trust and respect in the occupants of public sector

companies' jobs, and to stay away from suspicion and avoid acts that affect honesty and integrity and lead to contempt and alienation from people. However, the legislator transferred this duty to the current law to address all workers, not just those working in the public sector.

The gravity of such article that it interferes in worker's life both inside or outside the workplace, i.e., extends to his private life, and gives the employer an excuse to hold the worker accountable for matters that do not require strictness with the worker.

4) Article 68

Article (68) of the Labor Law states, "The jurisdiction for imposing the sanction of discharge from the service shall lie with the committee referred to in article (71) of the present law."

However, the authority stipulated in the previous Law 137 of 1981 granted to the employer, company manager, or chairman of the board of directors to impose the penalty of dismissal from service is still in practice. So far, no judicial ruling has been issued nullifying the dismissal decision issued by other than the labor court for lack of jurisdiction.

Therefore, it is necessary to amend article (68) by adding a paragraph stipulating the invalidity of the decision to dismiss the worker from service issued by other than the labor court and to consider it null and to thereby return the worker to his work in the light of article (69).

(5) Articles 70, 170, & 178

Articles (70, 170 & 178) include dates for settling individual or collective disputes amicably or judicially, but all of them are like organizational dates that the legislator intends to urge the official or judge to quickly resolve the dispute and violating them does not result in nullity.

Therefore, these disputes persist for years in courts, even though it relates to unfair dismissal, or negotiation, mediation or arbitration regarding a collective labor dispute affecting hundreds or thousands of workers in establishments whose activities affect national economy.

This requires a legislative amendment to turn these organizational dates into binding dates which failure to observe shall result in nullity in order to pave the way for a decent work environment.

(6) Article 196

Article (196) states that "The employer shall have, for economic necessities, the right to wholly or partially close the facility or reduce its size or activity in a way that may affect the volume of employment therein, according to the conditions, terms and procedures stipulated in the present law."

The employer has only to submit a request to an administrative committee formed for this purpose, together with the reasons on which it is based and the numbers and categories of workers who will be laid off. The employer may complain against the decision of this administrative committee before another administrative committee to stop its implementation.

The article adds to the employer's powers a new authority to get rid of workers whom he could do so for personal reasons. The worker thus might lose work safety, and therefore the sense of belonging that he must feel towards the facility in which he works. This is another form of work precarity.

(7) Part II of Book Sixth

Part II of Book Sixth includes a set of financial penalties (fines) that are imposed on employers if they violate the provisions of the present law. The value of these fines ranges from fifty to twenty thousand pounds. These penalties shall be imposed on whoever represents the employer in the establishment as personal guarantee.

According to article (242), whoever commits any of the following crimes shall be liable to imprisonment for a period of not less than one month and not exceeding one year and a fine penalty of not less than ten thousand pounds and not exceeding twenty thousand pounds or either penalty: 1. Exercising the activities of recruiting the Egyptians for work within the Arab Republic of Egypt or abroad, by other than the quarters determined in article (17) of the present law, without obtaining the license prescribed therein or by virtue of a license issued on the basis of false data; 2. Collecting amounts from the worker in return for recruiting him to work in the Arab Republic of Egypt or abroad, in contravention to the provisions of article (21) of the present law, or

charging amounts without due right on the worker's wage, or out of his dues in return for his work at home or abroad; and 3. Violating the provisions prescribed in the first clause of article (20) of the present law, or submitting to the concerned ministry or other concerned quarters false data on agreements or contracts for recruiting the Egyptians to work outside the Arab Republic of Egypt, on their wages, the kind or conditions of their work, or any other conditions connected with that work.

It is noted that article (242) is the only article that stipulates the penalty of imprisonment on the employer in the three previously mentioned cases, all of which represent criminal offenses punishable by the Penal Code.

This is because article (237) of the ELL states that "Subject to any stricter penalty prescribed in any other law, the penalties prescribed in the following articles shall be imposed on the crimes referred to therein." This means that the Labor Law may not prescribe a penalty for a crime that the legislator has already specified a more severe penalty for it in another law.

Article (375) of the Penal Code regulates the work relationship between workers and employers by stipulating that either party shall be liable to imprisonment for a period not exceeding two years and a fine penalty of not less than one hundred pounds should that party use force, violence, terrorism, threats, or illegal measures in assault or violation of one of the following rights:
I. The right of others to work.
II. The right of others to use or refrain from employing any person.
III. The right of others to participate in an association (the meaning extends to trade union organizations). The provision of this article shall also apply, in the event of restoring to force, violence, terrorism, or illegal measures with the spouse of the intended person or with his children.

Among the illegal measures are the following:
1. Stalking the intended person in a continuous manner in his coming and going or threatening near his home or any other place where he resides or works.
2. Preventing him from practicing his work or by concealing his tools, clothes, or anything else that he uses, or in any other way.

Whoever incites others in any way to commit one of the stipulated crimes shall be punished with the same aforementioned penalty. The article is

sufficient to restrain the employers from committing the following violations: to show hostility to trade union organizations and prevent workers from establishing or joining these organizations; dismiss workers arbitrarily; lay off workers collectively; withhold or reduce their salaries or delay their payment and deprive them of the benefits stipulated by laws; commit against them and against the state the crime of insurance evasion in its forms; assign them to additional work without compensation; failure to prepare occupational safety equipment and others.

V. Extension of precarity to public service

The state exercises its public activities and services through its employees, who are its tool to achieve its goals. The public office enjoys the care of the legislator and the jurists in various countries. The work scope of the public servant varies according to the economic and social philosophy of each country. The expansion of the state's activity, and not limiting its role to protecting internal and external security, resolving disputes between individuals, carrying out some public works, and increasing its interference in the economic and social fields necessarily led to an increase in the number of employees and the state's interest in organizing the administrative apparatus.

Some opinions (Hourou) say that a public servant is anyone who is appointed by the public authority under the name of an employee, clerk, agent or assistant worker who occupies a position in the permanent cadres of a public utility run by the state or other public administrations.

The Egyptian legislator contented himself with defining the employees who are subject to the provisions contained in the laws and regulations issued in the matter of public officials. As he considers an employee to be anyone who is appointed to one of the jobs included in the authority by virtue of a decree, a republican order, or a decision of the Cabinet or any other authority that has the power to appoint. A public employee is thereby every person who is entrusted with a permanent job in a public facility run by the state or, one of the other public law persons by holding a position that falls within the administrative organization of that facility.

Egyptian jurisprudence and the judiciary require the presence of two elements in the public servant:
First: Work in the service of a public utility or a public law person.
Second: Perform regular, non-casual work.

This means that the public employee's relationship with his employer is an organizational and regulatory relationship. However, the legislator has changed this opinion in Public Service Law No. 81 of 2016, in the following:

1- Fixing the term of leadership and supervisory management positions

Article (17) of the Civil Service Law stipulates that filling leadership and supervisory positions shall be through a competition announced on the Egyptian government portal website or publication in two widely distributed newspapers. The appointment shall be through a selection committee for a maximum period of three years, which may be renewed for a maximum of three years based on performance evaluation reports.

There is an exception to the provisions of this law; ministers may choose assistants or assistants for a specified period in accordance with the system in which a decision is issued by the Prime Minister based on the proposal of the competent minister and the proposal of the Central Agency for Organization and Administration.

The term of occupying leadership and supervisory positions shall expire upon the expiry of the period specified in the decision to occupy them, unless a decision is issued to renew them. At the end of this period, the employee occupies another job whose level is not lower than the level of the job he was occupying if he was a state employee before he occupied one of these jobs.

The employee may, within the thirty days following the end of his term of employment for one of the aforementioned positions, request the termination of his service, in which case his insurance rights are settled on the basis of the period of his participation in social insurance in addition to a period of five years or the remaining period of his reaching the legally prescribed age for leaving service, whichever is less.

It is worth noting that the legislator abandoned the term appointment to the job to the term occupy, which is an unquestionable evidence of his intention to fix its term. It is known that the public servant is appointed to the position on a permanent basis, according to what has been established by jurisprudence and the judiciary.

These articles which are outlandish to the public job environment has made the status of the employee who has a regulatory relationship with the employer similar to that of the worker who has a contractual relationship with the employer, tainted with precarity and disregard of decent work.

2. Infringing the employee's financial rights in favor of the administrative authority's financial gains

Article (50) of the Civil Service Law states that "The employee must apply for the full annual ordinary leave, and it may not be deported except for reasons related to the interest of the work and within the limit of one third at most and for a period not exceeding three years." If the employee does not apply for a leave in the manner referred to, his right to it or a financial compensation is forfeited. But if he applies for it and the competent authority rejects it, he is entitled to a monetary compensation, which shall be paid after the lapse of three years from the end of the year for which the leave is due on the basis of his salary at the time.

3. Encouraging early retirement pension requests

Article (70) of the law opens widely the door for those who are over fifty and wish to retire early and requires the administration to accept such requests. If the worker is not over the age of fifty-five, and his subscription period in social insurance exceeds twenty years, and more than one year has passed since he held the position, he shall be promoted to the next level from the day prior to his retirement, and his insurance rights shall be settled after his promotion, and five years shall be added to the period of his participation in insurance. If the period of his participation in social insurance exceeds twenty years, his insurance rights shall be settled by adding the remaining period for reaching the age prescribed for the end of service or five years, whichever is less, to the period of his participation in social insurance.

4- Dismissal without a disciplinary measure

On August 28, 2021, Law 135 of 2021 was issued amending the provisions of Law 10 of 1972 regarding dismissal by other than disciplinary methods and the Civil Service Law promulgated by Law 81 of 2016. Law 135 applies to workers in units of the state's administrative apparatus from ministries, departments, government agencies, and local administration units, public bodies and other agencies that have special budgets; workers whose

employment affairs are regulated by special laws and regulations; and workers in the public sector and public business sector companies.

Article (2) of this law stipulates that the dismissal of the worker in the cases set forth in article (1 bis) of this law shall be by a reasoned decision issued by the President of the Republic or his authorized representative based on the presentation of the competent minister.

Article (1 bis) stipulates that the worker shall be suspended by force of law from work for a period not exceeding six months or until the issuance of the dismissal decision, whichever comes first, with the suspension of payment of half a rank for the period of suspension.

It added that it is not permissible to dismiss employees of the entities referred to in article (1) by any other disciplinary method, except in the following cases:
(A) If he breaches his job duties in a way that seriously harms a public utility in the state or its economic interests.
(B) If there are serious presumptions about him that he has committed something that affects the national security and safety of the country, and the inclusion of the worker on the list of terrorists in accordance with the provisions of Law No. 8 of 2015 regulating the lists of terrorist entities and terrorists with a serious presumption.
(c) If he loses confidence and credit.
(D) If he loses one or more of the reasons for his validity to occupy his position, with the exception of health reasons.

Article (3) of this law stipulates that without prejudice to the provisions of article (1), the Administrative Judiciary Court is exclusively competent to decide on requests submitted by employees of the entities referred to in article (1), in an appeal against final decisions issued for dismissal by other than disciplinary means in accordance with the provisions of this law. The court may order compensation instead of rescinding the contested decision, for reasons of interest.

Thus, the legislator approached with Law 135 the worker who is subject to the ELL and was arbitrarily dismissed by a decision of the employer, and the competent labor court ruled that he should return to his work. However, according to article (111) of the ELL, the employer may refuse to implement

the judgment and at that time is obligated to compensate the worker for his arbitrary dismissal.

It goes without saying that an employee who is dismissed without a disciplinary measure is in a worse position than a worker whose service has been arbitrarily terminated by the employer. This is because the legislator deprived the administrative judiciary of ruling to annul the administrative decision to dismiss the employee by other than the disciplinary path, which is the inherent competence of the administrative judge. Moreover, the article made the ruling on compensation in this case a permissive matter for the administrative judge.

Not to mention the reasons for dismissal by other than the disciplinary method, all of which are formulated in loose and undisciplined terms that release the hand of the administration in cases of dismissal. Thereby the legislator codified precarity to the scope of the labor law, where the contractual relationship controls employment relations to the field of public office, which is characterized by the permanence of its cadres, and links its employees to their workplace with an organizational or regulatory relationship.

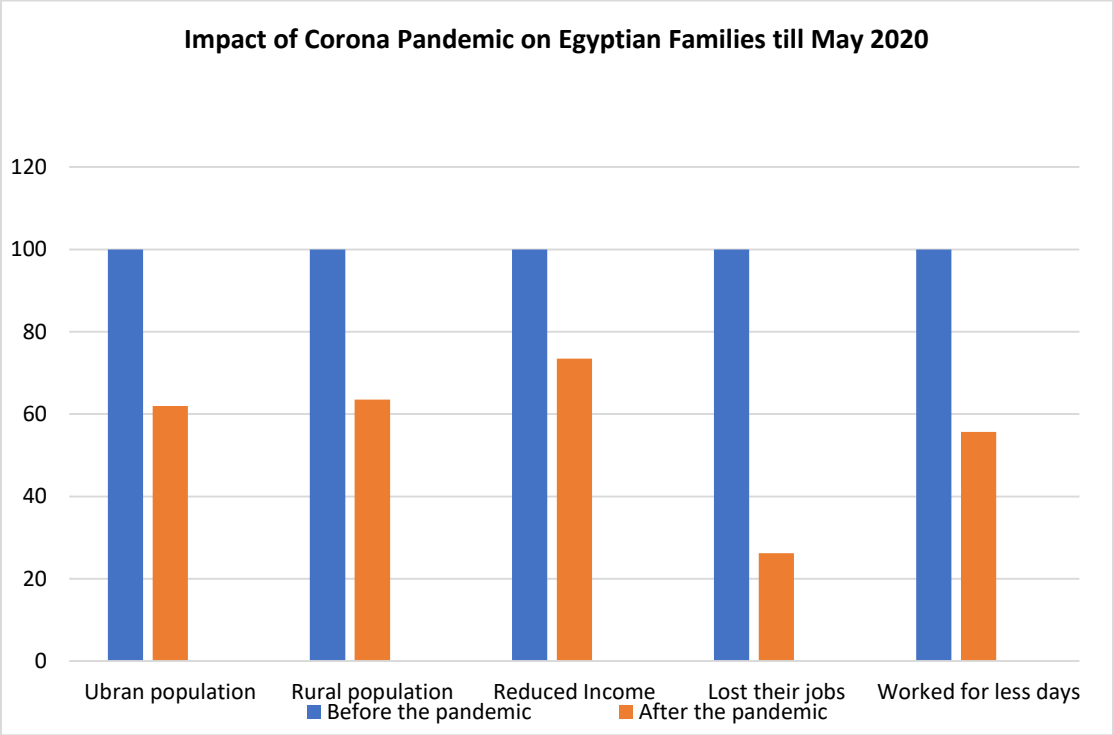
VI) Modern slavery and the Corona pandemic

The World Bank has set poverty rates in Egypt specifying that a person whose daily income is less than 3.2 dollars, equivalent to 51.5 pounds, is considered poor, and the person whose income is less than 1.9 dollars, equivalent to 30.4 pounds, is below poverty line. Whereas CAMPAS- in its study of income expenditure and consumption, which it implements every two years - sets the extreme poverty line for the individual at 491 pounds per month, and the poverty line at about 736 pounds per month.

CAMPAS' published reports indicate that poverty rates rose to 32.5 percent in 2017/2018, and extreme poverty rates rose to 6.2 percent in the same year.

Another CAMPAS' study entitled "The Impact of the Corona Virus on Egyptian Families until May 2020" concluded the following:
1- The living conditions of 62 percent of urban population has changed due to the Coronavirus.
2- The situation of 63.5 percent of rural population has changed for the same reason.

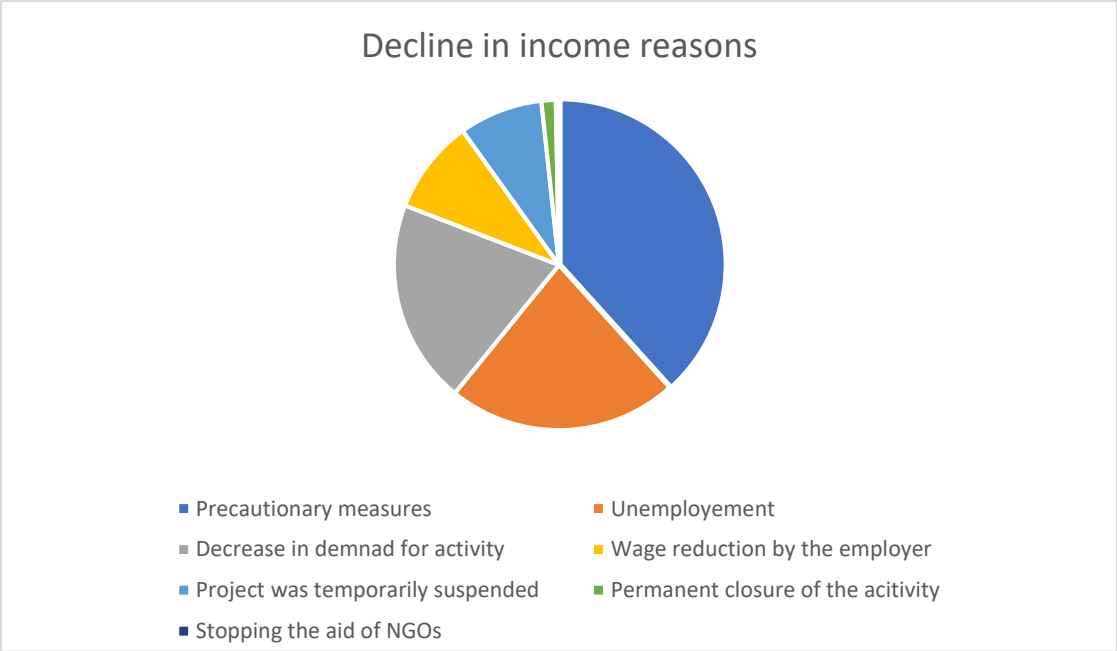
3- The income of 73.5 percent of the employed decreased due to the pandemic.
4- 55 percent of the employed work fewer working days or fewer working hours than the usual.
5- 26.2 percent lost their jobs and joined the queue of the unemployed, with high rate of unemployed females.



By asking the sample participants about the reasons for the decline in income, they attributed it to the following:
- 60.3 percent due to precautionary measures.
- 35.5 percent due to unemployment.
- 31,5 percent due to decrease in demand for the service.
- 14.5 percent due to wage reduction by the employer.
- 12.9 percent due to suspending the project temporarily.
- 2.2 percent due to closing of the activity permanently.
- 49 percent due to stopping the aid of NGOs.

In another study announced by the CAMPAS on August 17, 2020, on the results of the labor force examination for the second quarter of 2020, the unemployment rate reached 9.6 percent of the total labor force, compared to 7.7 percent in the first quarter of the same year, with an increase of 2.1 percent compared to the same quarter of the previous year. This increase is due to the

repercussions of the Corona pandemic and related precautionary measures such as the suspension of schools, flights, partial closure of shops and the ban of transportation.



The number of the unemployed reached 2.5 million, with a rate of 8.2 percent among males, 16 percent among females. Unemployment rates in urban areas increased by 12.5 percent, compared to 7.4 percent in the countryside. 2.3 million workers lost their jobs due to the pandemic during the second quarter of 2020. The study identified the activities and the number of people who lost their jobs in each activity. That is to say that 4.8 million workers were affected by the pandemic in just three months (April, May & June), which is reflected in poverty and extreme poverty rates.

The pandemic has had grave repercussions on the Egyptian society, namely:

- Unemployment prompted some workers to accept forced labor and other forms of exploitation, and to shift from the formal economy to the informal economy, where risks and absence of protection provided by the specialized agencies within the limits of what is available prevail.
- Since informal work represents a percentage ranging from 70 to 85 percent of the workforce, many of them lost their jobs, and they had no choice but to accept any work regardless of its conditions.
- The increased demand for work on the part of the unemployed due to the pandemic led to the exploitation and abuse of workers, while the

government chose to suspend employment and social protection in order to face the economic effects of the pandemic.

- The temporary school closure led to an increase in child labor after forcing their parents to pay increased tuition fees mandated by the Ministry of Education before the temporary closure decision.
- The phenomenon of workers shifting from the formal economy to the illegal economy took another turn, as the unemployed turned to earn their living by resorting to illegal activities, such as begging, trafficking in contraband and theft.
- The demand for goods and merchandise has decreased on the part of consumers whose incomes have been affected by the pandemic, which has led to the suspension of work in many companies. Work in companies has shifted to the production of personal protective equipment, the dispensation of some jobs, and the replacement of others to work in the new product.
- Some production sectors were forced to maintain their employment, such as the agricultural sector and food industries to meet the increasing demand for their products. This led to the neglect of the application of all precautionary measures such as social distancing, and the application of harsh working conditions such as canceling vacations that led to the infection of many workers with the Covid-19 virus.
- Cutting wages or reducing them to less than half and forcing workers to take unpaid leave.
- Frontline workers such as doctors, nurses, janitors, and security workers have been subjected to increasing pressures and work long hours in unsafe, hazardous conditions, and many of them have contracted the virus.
- Informal workers and those working in some economic activities that were severely affected, such as workers in tourism, received governmental or non-governmental cash or in-kind payments, but it occurred one-time or several times in a way that does not meet their needs.
- Activating precautionary measures and social distancing was difficult in some popular neighborhoods and densely populated slums, which increased morbidity.
- Some companies have abandoned their liability to provide safety measures for workers, whether during commuting or working.
- The activities of trade unions were affected in improving working conditions during the pandemic due to the closure of some companies and the operating conditions in some of them.
- Arbitrary dismissal of some workers without compensation in accordance with the law.

VII. Introducing new patterns of work during the Corona pandemic (telework)

What is telework?

It is the use of information and communication technology such as smart phones, tablets, laptops, and desktops for work that is carried out outside the employer's premises (ILO EUROFOUND 2017). In other words, it is the use of information and communication technology to carry out work remotely. Telework is done by agreement between the employer and the worker on the place and hours of work, communication tools between the two parties, the work to be performed, supervision mechanisms, and how to report on the work that has been accomplished.

Since the WHO announced in March 2020 the spread of the Coronavirus, it has called on governments to prepare for the first wave by implementing several measures. These measures varied between general ones like partial or complete closure and home isolation, or personal ones as the use of masks, physical distancing, washing hands, disinfecting surfaces, and applying health rules related to the respiratory system. Governments were forced to expand remote work according to the nature of jobs. Further expansion in and dependence on working from home augmented after the second and third waves of the pandemic, and as the world standing on the cusp of the fourth wave, and the return of preventive measures; especially since no conclusive results have been reached with regard to the circulating vaccines, despite the small number of those who obtained them.

The International Labor Office has published a training guide issued by the ILO in mid-2020 entitled *Practical Guide on Teleworking during the COVID-19 pandemic and beyond*, which has been translated into Arabic by the Arab Institute for Occupational Health and Safety. Given the closure and stay-at-home measures, the government has instructed a large percentage of the workforce to continue working remotely if possible, according to the nature of their jobs. This has proven the importance of telework for business continuity by reducing commuting time, increasing opportunities to focus on work tasks away from conflicts in the office, achieving a better balance between work and private life, implementing a flexible work schedule for workers, and the freedom to work from a location far from the employer's headquarters.

However, this pattern can present risks for employees, such as isolation and loss of communication with co-workers. The matter requires the rehabilitation of all workers to carry out their work remotely if the nature of their jobs allows this, including temporary workers and trainees, not for a temporary period, but for long periods to face all emergency situations.

However, the ability to work from home increases with the high level of economic development. The sectors of information and communication technology, professional services, finance, and insurance are widespread, whereas the manufacturing, agriculture, construction, and tourism sectors remain less able to adopt this type of work. It was even more difficult for working parents, who were unable to balance their work responsibilities with their parenting roles.

Telework will remain necessary for a significant number of workers even in the event of the pandemic recess. As it is normal for basic and industrial sectors to reopen, provided that health rules are observed, but it may not be possible for all workers to return safely to the employer's headquarters with the continued application of physical distance rules in elevators, offices and meeting rooms.

As the pandemic continues to spread, its consequences on the labor market endures significantly. Moreover, physical distancing, closures and other restrictions have had dire consequences on leaves, reduced working hours, wage cuts, layoffs, job losses, and facility closures.

Organization of work

Switching to telework requires taking into account the organization of work and ensuring the health and safety of the teleworker. The European Framework Agreement on Telework 2002 provides guidance on regulating the employment relations of people working remotely. Thereby the teleworker manages the regulation of his working time (time management); accomplishes a workload with performance standards equivalent to workers at the employer's premises (UEAPME, CEEP, BUSINESS EUROPE, ETUC 2002); enjoys the same legal protection as his counterparts at the employer's premises; and has access to training.

Teleworkers with children, or others who need care at home, need extra time to complete their work, either by starting their work very early in the morning, or working late in the evening, and splitting the workday with periods of caring for dependents and housework.

One of the characteristics of telework is that managers do not face their subordinates at work sites. So, it is necessary to agree on individual work schedules, to understand their responsibilities, and to mitigate the harmful impact of this type of work on their health. This is doable through effective communication on realistic expectations and achievable deadlines.

The acceleration of digitization

Digitization is an evolving socio-technical process that occurs globally at the individual, organizational and societal levels (2017, Legneretan) and across all sectors. It refers to the use of tools that transform analog information into digital information. The pace of digitization accelerated with the onset of the pandemic, which led to increased opportunities for working from home, and thus led to substantial changes in the way employment and workplaces are organized, with significant changes in skills, work standards and expected mortality (2019, ILO).

It is certain that digitization has not spread at the same pace all over the world, as some countries suffer from poor Internet connectivity, and lack of ICT tools available to enable telework. It is also difficult to communicate via emails or electronic platforms and work remotely in countries that suffer from regular power outages and poor internet service.

Many tools and software have emerged that help to track and monitor the activity of workers away from the traditional work context. Workers should not be charged additional costs when performing their work from their homes, as the employer must bear the necessary equipment and tools, and ensure that they have access to technology, tools, and training. The employer should provide, install, and maintain equipment needed for regular telework unless the teleworker uses his own equipment (OSH WIKI 2020, OSH WIKI).

It is the employer’s responsibility to protect the occupational health and safety of the worker from home, just like the workers in the establishment, and this includes identifying and managing the occupational risks of teleworkers.

Telework differs from its counterpart in the institution in terms of psychological and social risks, where workers work remotely for a long time, which raises higher levels of concern due to the necessary health, social and economic impacts.

A survey conducted by the Kaiser Family Foundation showed that stress and anxiety caused by the Corona pandemic negatively affected the mental health of about half of adults in the United States as well as employers, workers, and occupational safety and health professionals. So, they should be aware of the hazards associated with full-time teleworking, which have been exacerbated by the pandemic and the requirements resulting from physical distancing, the most important of which are:

1) Stress due to technology addiction, and the inability to drop out of work.
2) Increased abuse of drinks and drugs that aid performance, as they increase negative emotions and aggression.
3) Sitting and working in one posture for long periods increases the risk of health problems, musculoskeletal disorders, visual impairment, obesity, and heart diseases.
4) Inadequate home furnishings for long-term teleworking, and employers should train workers on key compatibility issues.
5) Providing support to teleworkers; to dislodge the effects of prolonged isolation and sense of neglect.
6) Ensuring good tools for performing telework, as slow and erratic internet can lead to frustration or irritation.
7) Increasing the intensity of the conflict between work and life, and the inability to reconcile work time with personal obligations, in addition to the inability to leave work; especially among workers who are responsible for the care of parents or children of school age.

Legal and contractual effects

Telework requires clarification of its conditions in terms of location, labor costs, and risk management in the event of obstacles to the performance of work, illness, or work-related accidents, as well as with regard to the terms and conditions of employment during teleworking.

Teleworkers must be aware of the responsibility for the tools that are used at work- whether it is their property or the property of the employer, if it is lost, damaged or stolen. As the worker should not be held responsible unless his

negligence is proven, by setting regulations that control telework and indicate the rights and duties of workers from home.

Telework environment inspection

The employer must assess the home working environment, such as indoor air quality and lighting, tripping hazards and exposure to chemicals (2020, OSH WIKI), with regular on-site reviews continuing with physical distancing rules in mind.

The constant need to work remotely

After the effects of the three waves of the pandemic abated, employers are prepared to return their workers to their offices, factories, and workshops, despite the warning of the WHO in April 2020 of the dangers of rapid return to the workplace. As the early lifting of physical distancing measures is likely to lead to the re-spread of the virus, lack of control over its transmission, and the surge of cases (WHO, 2020B).

Given the uncertainty surrounding the development and deployment of a safe and effective vaccine, the choice between working in the premises and working remotely might be limited, as rates of teleworking are likely to remain much higher than they were before the pandemic (Eurofound, 2020 a).

VIII. The impact of the Corona pandemic on employment conditions & the role of NGOs in mitigating it

1. The impact of the pandemic on employment conditions

Egypt, like the rest of the world, went through an economic and social crisis due to the outbreak of the Coronavirus and the precautionary measures taken by the state represented in closing some state establishments such as companies, factories, schools, universities, and tourist places; quarantine; social distancing; banning public transportation and others.

These measures had economic and social repercussions that have affected the entire community, and at the heart of it the workers in the private, investment and informal sectors who have lost their main sources of livelihood.

In this context, employers took many arbitrary measures, which ranged between arbitrary dismissal, collective layoffs, reducing wages or stopping payment, increasing working hours or keeping them as they were before the pandemic, and ignoring social distancing, which resulted in an increase in the rate of morbidity and mortality.

As previously explained, some sectors that represent the line of defense during the pandemic, such as healthcare and security workers, were affected the most. Deaths among doctors reached more than 500 cases (according to the announcement of the Ministry of Health), and deaths in the nursing sector exceeded 270 cases (according to the Nursing Syndicate and as stated in the lawsuit filed to cancel the negative decision to refrain from considering the deceased as a result of infection with the Coronavirus, including doctors, specialists, nursing technicians, ambulance workers, and all health sector workers as martyrs), in addition to the thousands of infected healthcare workers.

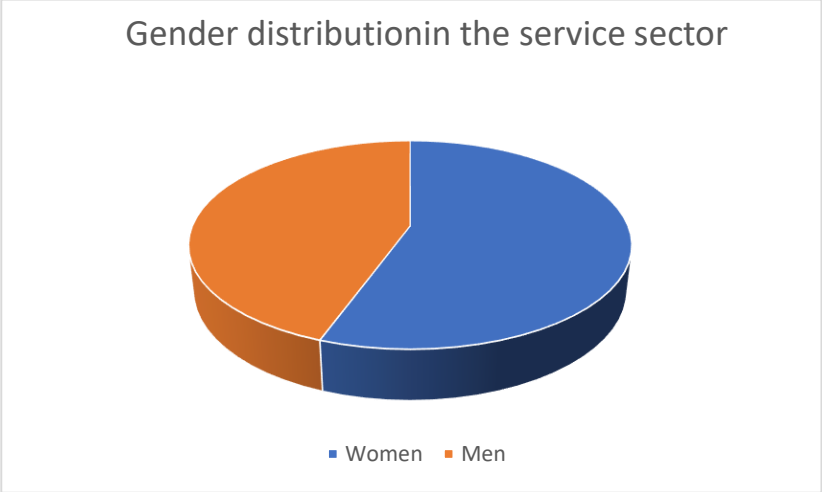
The closeness of these segments to infection in hospitals and quarantine areas was not the main cause of their morbidity, nor mortality in some cases, but rather the absence of basic means of prevention such as medical masks, gloves, and protective suits, in addition to the weak PCR testing to detect infection, not to mention the shortage of doctors and nurses who migrated from the government health sector because of their low salaries. The crisis also revealed the fragility of the conditions of the informal sector workers, who total about 5.6 million workers (277,000 daily workers, 233,000 seasonal workers working in government facilities, 609,000 seasonal workers, and 370,000 informal workers in the private sector) according to CAMPAS' estimates. Their hardship resulted from shutting down entertainment and tourism shops and markets.

Many Egyptian families have dispensed with domestic workers for fear of infection. The latter suffer from the precarity of their conditions in normal circumstances due to the absence of legislation that provides them with any legal protection.

The Coronavirus crisis revealed the precarious living conditions of the informal sector, where poverty, unemployment, dependence on aids, the inability to obtain health services, the absence of legal protection and the inability of the state to include them in the health and social security system.

2. The impact of the pandemic on women

Working women were the biggest losers during the pandemic, as economic stagnation resulted in the loss of many of their jobs, and reduction of their salaries due to precautionary measures. The outbreak of the pandemic revealed the weakness of social and economic systems, particularly the majority of working women are employed in hazardous jobs with low incomes. It became evident - according to CAMPAS - that about 55 percent of women, compared to 44 percent of men, work in the service sector which is one of the sectors most affected by the pandemic.



Lockdown, mobility restrictions and social distance measures have also caused more women to enter the informal labor market, where insurance, social and health protections are absent. Unemployed women also represent the largest segment that is not covered by health and social insurances.

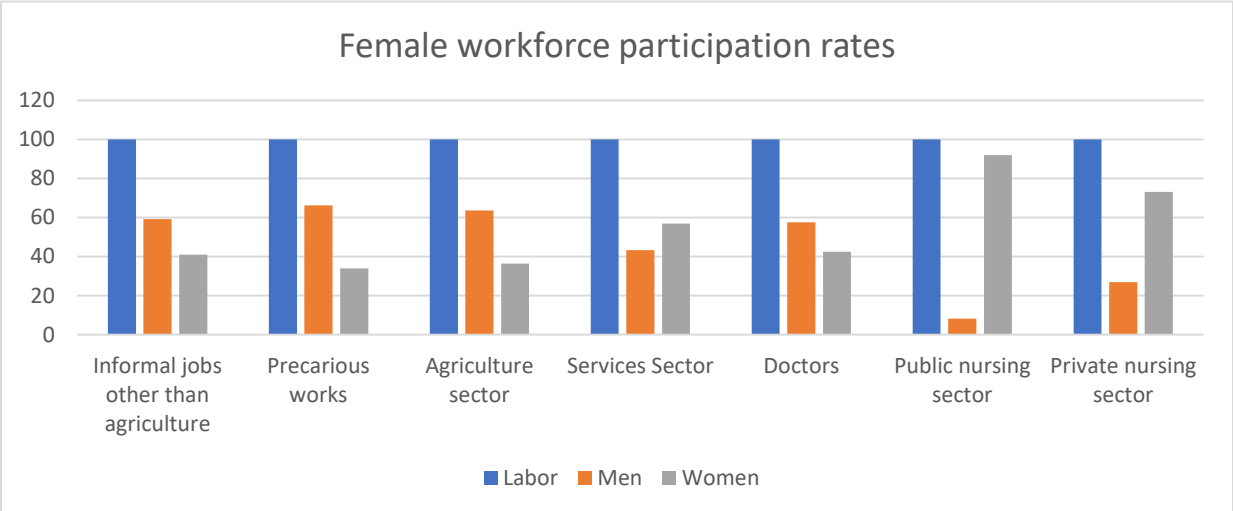
Regardless of what some studies have concluded, which indicate that the repercussions of the spread of the virus are more severe on women than on men, it is certain that their presence on the front lines of confronting the virus is the biggest of these challenges, as women represent 70 percent of healthcare service providers (doctors, nurses, technicians & administrative workers) compared to 30 percent of men, according to the data of the World Health Organization (WHO), with wages less than men's wages by more than 10 percent.

Women are responsible for 75 percent of the unpaid domestic work and unpaid care work in normal conditions. Thus, more free burdens were added to them due to the outbreak of the pandemic, the increase in infection, and the impact of the precautionary and preventive measures imposed by the government. The statistics of the ILO indicate that women bear 76.2 percent of the total hours of unpaid care, compared to 23.8 percent of the share of men.

The suspension of schools was a major reason for doubling the suffering of women as the primary responsible for the children. As if it was a punishment for women who doubled their efforts during this period in addition to taking care of infected cases among the family, along with their regular duties.

The WHO confirmed that the new Coronavirus will affect women, as they bear the economic and social impacts disproportionally. The Arab Women Organization predicted that the percentage of women breadwinners will increase due to the pandemic, and the precariat daily working women will lose their jobs due to the precautionary measures. Among the professions that they predicted to suffer most were the domestic workers, agricultural workers, and street vendors, which are mostly simple jobs, yet they support entire families.

According to the statistics of the CAMPAS, the percentage of working women is distributed as follows: 18.1 percent female breadwinners, 40.9 percent work in informal jobs other than agriculture, 33.9 percent work in precarious jobs, 6.7 percent in the industrial sector, 36.4 percent in agriculture 56.8 percent in the service sector, 42.4 percent are doctors, 91.10 percent work in the public nursing sector, and 73.10 percent work in the private nursing sector.



III. The impact of the pandemic on the tourism economy

Tourism is a major driver of the global economy, accounting for about 7 percent of international trade. Tourism was one of the first sectors to be severely affected by the measures to contain the emerging coronavirus, and it may be one of the last sectors that will recover from the repercussions of this crisis with the continued restrictions imposed on travel, and the looming global recession. International tourism has declined by between 60 percent and 80 percent from 2020, and more than 100 million direct jobs are at risk. In addition to this direct impact, the tourism economy is linked to many other sectors, including the construction sector, agro-food, distribution services, and transportation.

The effects are disproportionately multiplied on women, youth, rural communities, and workers in the informal sector, which are the groups that often work in small tourism businesses.

The crisis has shown that there are gaps in the preparedness and ability of governments and the tourism sector to confront it. As there is a need to take political measures at the national and international levels, and for intensive coordination between sectors and across borders to restore the confidence of travelers and institutions, stimulate demand and accelerate the tourism recovery.

At the national level, the tourism sector in Egypt suffered exceptional circumstances due to the repercussions of the pandemic. The year 2020 was the most difficult year for it, despite the positive start that was constantly achieving the targeted tourism growth. Three million people work in the tourism sector inside Egypt, i.e., about 12.6 percent of the total Egyptian workforce, and tourism revenues represent 20 percent of the total hard currency output.

Egypt is one of the most prominent touristic countries in the world, with the number of incoming tourists and the abundance of tourist attractions of all kinds and given the proliferation of temples, museums, monuments and historical buildings, and its infrastructure that serves the tourism sector, including hotels, tourist villages, resorts, tourism companies, and airline offices. UNESCO has chosen from Egypt six diverse cultural heritage sites to be included in the World Heritage Sites.

The Ministry of Tourism and Antiquities has taken several relief measures on tourism and travel in mid-2020, after suspending air traffic as of March 2020. The most important of these measures are:

- Setting requirements to allow hotel and tourist establishments to re-operate.
- Preparing health safety controls for operating facilities.

With a year passing since resuming the incoming tourism movement, several decisions were issued on July 1, 2021, the most prominent of which are:

- Cabinet decisions to exempt hotel establishments from real estate taxes from April 2020 until the end of October 2021.
- Postponing the payment of debts owed by hotel establishments since April 2020, to resume payment scheduled over thirty-six months starting from November 2021.
- Postponing the collection of electricity, water, and gas consumption fees from April until December 2020.
- Reducing the percentages of due payments, starting from January until the end of October 2021, to 40 percent, and postponing the payment of the rest of the percentage.
- Postponing the payment of social insurance contributions, including the share of the worker and the establishment, for a period of six months.
- Extending the deadline for the income or value-added tax returns for a period of six months.
- Postponing the payment of fees and dues on hotel and tourist establishments to government agencies for a period of six months without interest or delay penalties.
- Extending the deadline with regard to fees for accessing river anchors, fees for determining licenses for desalination plants, and fees for usufruct of state properties on the banks of the Nile.
- Extending the deadline for canceling administrative seizure for another year, ending at the end of 2021.
- Reducing landing fees by 50 percent and ground services fees by 20 percent.
- The Central Bank launched an initiative, in cooperation with the Ministry of Finance, worth three billion pounds, with the guarantee of the latter, to support workers in the tourism sector by lending tourism

and hotel establishments at a low interest of 5 percent so that they can pay the workers' salaries.

- The Cabinet decided to regularly disburse the subsidy provided by the Emergency Fund at the MOM to workers in the tourism sector from April to October 2021.
- The initiative of the Ministry of Social Solidarity to provide support to tour guides.
- The Hotel Establishments Chamber allocates support for owners of touristic horse carriages and Nile boasts in Luxor and Aswan.
- Decisions of the Council of Ministers for Tourism and Travel (WTTC) to allocate Egypt with the Safe Travel Seal on June 18, 2020, and before the resumption of international tourism movement.
- Workers in the tourism sector in South Sinai and the Red Sea governorates received anti-virus vaccines.

This is in addition to many measures that cannot be listed. Although they all tend to support the tourism sector to cross the novel Corona crisis, yet the sector has witnessed many cases of arbitrary dismissal and collective layoffs without compensation, in addition to wage cuts and delays, and other actions in the interest of the owners of hotel and tourist establishments and not the workers.

IV. The impact of the pandemic on informal employment

Informal workers are forced to work without legal protection, whether under the Labor Law, the Health and Social Insurance Law, and the law regulating union work. Designating this segment as informal employment is more precise than calling it irregular, as they work in the informal sector of the economy, or what is known as the shadow economy. In addition, the public sector companies, the public business sector, and the private sector hire irregular workers and replace them with their workers who have been laid off with the early retirement measures.

The informal economy contributes about 40 percent of the gross domestic income, although it is not subject to any regulation or law. There is no correct census of the number of workers in this sector, or their locations as the statistics of the MOM are characterized by inconsistency and lack of credibility. The MOM indicates that informal workers number 1.2 million after the emerging Corona crisis, at a time when the Minister of Manpower

stated that their number is no less than ten million workers. Whereas other statistics of civil and international organizations indicate that their number is about twelve million workers, including agricultural workers, street vendors, tuk-tuk drivers, domestic workers, unlicensed factories labor, and fishing workers. The percentage of female workers among them is not less than 25 percent.

Informal employment has been exposed to a grave crisis with the application of precautionary measures, as the doors of their livelihoods were shut due to the lockdown and transportation ban. Thus, the government was forced to make inaccurate and deliberate attempts to inventory and register informal workers, as no government agency has any data on their numbers and distribution. The registered workers represent only a negligible percentage compared to their real numbers, as they did not exceed two hundred and twenty thousand workers until 2013 through the ETUF. They, moreover, can no longer participate in social insurance under the current Social Insurance Law No. 148 of 2019.

The efforts made by the MOM - albeit with a limited effect - to list the informal workers to provide financial aid decreed by the Cabinet, could only count 1,200,000 workers out of total number ranging between 10 to 12 million. The majority of whom were unable to register on the MOM's online application, and even some of the registered did not receive the allocated subsidy of 500 pounds at each stage of the distribution. While some others failed to prove their profession through the Manpower Department or were not be able to prove the measurement of their skill, which is dominated by the general unions of the ETUF, so they were denied receiving the subsidy as well.

On the other hand, many establishments operate without a license or registration in the registry of merchants or companies, and do not abide by any law, whether the Labor Law, the Trade Unions Law, or the Social Security Law, and monopolize 40 percent of the national economy.

It is worth noting that the matter requires concerted efforts to develop a comprehensive definition of the informal employment, to set the characteristics that designate the workers of this sector, and to stress that small landowners and micro-enterprises, and everyone whose monthly or annual income does not exceed the minimum wage, and everyone working in the informal economy are considered among the informal employment.

V. The role of NGOs in facing the pandemic

The WHO declaration that the Coronavirus is a global pandemic was a test of the global community and its confidence in science and human solidarity. The WHO was quick in urging all countries to adopt an approach that is compatible with their respective circumstances and to develop a work guide for countries and international organizations through a strategy based on four axes:

First: Preparedness and readiness
To prepare individuals to accept preventive measures and to provide all means of healthcare.
Second: detection, protection, and treatment
To set tight procedures to find, isolate, examine, and treat all infected cases to break the chains of infection.
Third: transmission reduction
To investigate and examine the largest number of infected people and isolate them. Quarantine should be imposed on their closest contacts as well to reduce the speed of the disease's spread.
Fourth: transition and education
To give everyone in the world the opportunity to innovate and benefit from the expertise of others.

The situation in Egypt witnessed a state of anxiety, which some saw as unjustified, given the WHO praise for the institutions' handling of the crisis, starting with the armed forces backed by national media, which the WHO described as rational management and proactive performance.

In fact, the Corona crisis was and still is a real test of the societies' ability to confront it, and its success depended on the level of awareness in dealing with long-term crises. Responsibility in the face of crises with accelerating holistic repercussions is characterized as a collective, not an individual. The responsibility to achieve social security and peace, which, in addition to the efforts of the state, calls for the role of civil society organizations.

It is worth noting that the term civil society or NGOs refers to a group of non-profit organizations or associations that often do not aim for profit and include in their membership groups of volunteers for collective work and community service in public life and for providing social and humanitarian services, in

addition to implementing some development projects to serve the local communities in their field of work.

In view of the overlapping stages of the pandemic, where countries and administrative divisions within the same country were divided into safe counties and districts, others were in the preventive stage, and a third in which infection rates gradually increased. This prompted NGOs to create other tasks according to the needs of each governorate. The efforts of these organizations in managing the crisis ranged according to the stage the governorate or district are as follows:

Stage I: Before the crisis

It means the pre-infection or crisis stage, and requires NGOs to focus their efforts on the following:

a) Presenting public awareness programs about the crisis and how to prepare for it.
b) Spreading health awareness of the dangers of the virus.
c) Raising awareness of the importance of volunteering.
d) Coordinating between civil society organizations and between the unaffected governorates.
e) Cooperating between the executive bodies.
f) Providing self-financing to implement its initiative in the preventive phase.
g) Distribution of aid.
h) Developing an integrated plan to set up temporary camps for quarantine for suspected cases.

Stage II: Facing the pandemic

It means the stage of the limited outbreak of the virus. It calls for the following actions:

A) Transporting volunteers to the infection areas.
b) Providing direct aid in quarantine areas.
c) Communicating with disinfection units in the affected areas.
d) Assisting in defining the priorities of urgent measures to confront the pandemic.
e) Assessing needs in cooperation with the executive bodies in each governorate.
f) Providing in-kind and other aid to the financially and psychologically disadvantaged families.

Stage III: After the pandemic

It is the post-crisis stage in the regions that need rehabilitation after purification, by providing families, villages, and neighborhoods with urgent care to recover. By also supporting the needs of hospitals and visiting the infected in coordination with the Ministry of Social Solidarity.

However, after the end of the third wave and with the emergence of the fourth wave, no positive initiatives were observed that provide aid to the affected, except for some limited initiatives that provided some medical supplies.

It requires the concerted efforts of the faithful to confront the virus and mitigate the repercussions of its crisis. Professional unions and unions of investors and exporters can donate materially to provide for the needs of hospitals and quarantine centers.

Some recommendations can be suggested to activate the role of NGOs in facing future crises:

1) Inclusion of representatives of civil society organizations in the membership of the National Committee for Crisis Management
2) Developing a work guide to coordinate the efforts of NGOs in crisis management.
3) Establishing a qualitative union to coordinate between civil society organizations working in this field.
4) Amending the law of establishing civil society organizations.
5) Lifting the restrictions imposed on the work of NGOs.
6) Assisting NGOs to reach out to all governorates and shock-prone areas.
7) Forming a crisis management team in all civil society organizations.
8) Facilitating the access of these organizations to information related to each crisis.

Conclusion

It is not a secret to those who are familiar with the state of Egyptian employment relations what the representatives of the employers are willing to do and the violations they commit to undermine these relations, among them are the following:

I. Contract of Employment with Comprehensive Remuneration:

In this type of work contracts, employers contract with workers with an agreement that may extend for renewable years, in which the worker’s wages

is determined at the beginning of the contract at a fixed amount, to which no bonuses are added, taking advantage of the high rates of unemployment.

II. Insurance evasion:
In this form of violations, the worker is paid an insurance wage that is much lower than the wage he receives in the form of partial insurance evasion, or complete insurance evasion by not insuring the worker at all.

III. Forcing the worker to sign a prior resignation:
Some private and investment sector companies have been forcing workers to sign a resignation without a date along with the form insurance no. 6 at the time of signing the work contract. The workers succumb to this legal violation to escape the unemployment queue that affected holders of all kinds of qualifications, just like those without qualifications.

IV. Another faction of these companies violates the law by contracting with holders of higher qualifications from chemists and engineers on the basis of the minimum qualification, and the worker writes a declaration that he holds an intermediate qualification to be employed in a job that requires a cadre described as obtaining a high qualification.

V. Allocating a percentage of jobs to the workers' relatives or appointing the worker's eldest son upon reaching retirement age without a job announcement or examining their eligibility.

VI. Discrimination in wages:
Though the Constitution's stipulates in Article (12) that work is a right and a duty and given the state's obligation to protect workers from work risks, a barrier of confidentiality on employees' salaries is imposed in some sectors via disbursing them using ATM debit cards; to discriminate some workers in wages from others who have the same working conditions and responsibilities.

The previous images of legal violations represent different types of precarious work that must be monitored and eliminated.

IX. Recommendations

1- Establishing a liable social dialog on all dimensions of precarious employment relations.
2- Setting an action plan to address work precarity that should take into account the initial investigation, the questionnaire, and the formation of trade unionists.
3- Considering precarious work as a national issue that requires a unified position from the various trade union classifications.
4- Amending some labor-related legislation, such as the Labor Law, the Social Security Law, and the Law on Trade Union Freedoms to face crises.
5- Developing a plan to support the involvement in the current trade union organizations.
6- Establishing union organizations in companies that do not have unions for security reasons or due to the employer's objection.
7- Carrying out smear campaigns that expose the precarious patterns of work.
8- Increasing the percentage of government spending on the health sector and adhering to the percentage stipulated in Article (18) of the 2014 amendment to the Constitution.
9- Eliminating the reasons for doctors to migrate to work in the private medical sector.
10- Providing government hospitals with the necessary resources, capacities, and equipment to confront the crisis.
11- Considering infection with the Coronavirus at work as an occupational disease.
12- Compensating the families of medical staff members who died due to infection with the Coronavirus.
13- Speeding up the issuance of a law for domestic workers that guarantees their rights in general and during pandemics and crises in particular.
14- Establishing an insurance system that guarantees commitment to the payment of unemployment benefits during crises, and the closure of companies.
15- Extension of the social and health insurance umbrella to include informal employment.
16- Commitment to international labor agreements and conventions; especially C87.
17- Creating a disciplined mechanism for labor inspection and forced labor in particular.
18- Abolishing the penalties section in the Labor Code, and only imposing the penalty stipulated in article (375) of the Penal Code.

19- Handing over a copy of the work contract to the worker through a government agency.
20- Amending the text of article (110) of the ELL so that the ruling of the labor court to return the worker to work is obligatory.
21- Expedite the establishment of the specialized labor court; so, its first degree would be a labor court with a single judge to rule on workers' cases on an urgent basis.
22- Establishing a specialized police force for labor, similar to utility, tourism and public transport police, for all labor inspectors who hold the status of a judicial officer.

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Public Services International

Public Services International (PSI) is a global union federation that brings together more than seven hundred unions representing thirty million male and female workers spread over one hundred and fifty-four countries, including eleven Arab countries. Its affiliated workers provide basic public services in the areas of social services, healthcare, municipal services, central government, and public utilities such as water and electricity. The PSI defends the interests of public servants within the United Nations system and throughout the world and in partnership with labor organizations, NGOs, and other organizations.

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