

Book - 4
Collective Labour Relationships

Part - I

Consultation And Cooperation

Article : 145

A consultative council for labour shall be formed by a decree of the Prime Minister, comprising in its membership representatives for the concerned quarters, a number of the experienced persons, and representatives for each of the employers / businessmen organizations and workers organizations to be elected by their relevant organizations equally between them. The decree shall define the head of the council and the system of work in it. The council shall in particular assume the following:

- (A) Express the view in draft laws connected with labour relationships.
- (B) Express the view in international labour agreements before signing them.
- (C) Study the subjects connected with vocational and productive relations at the national level.
- (D) Propose the means for strengthening cooperation between labour organizations and employers organizations.
- (E) Propose proper solutions for prevention of collective labour litigations at the national level, particularly in economic crises that lead to interrupting the work of certain projects wholly or partially
- (F) Express the view in subjects referred to it by the concerned ministry.

Part – II

Collective Negotiation

Article : 146

Collective negotiation is the dialogue and discussions carried out between the trade unions organizations and the employers or their organizations toward:

- (A) Improving labour terms and conditions and employment provisions.
- (B) Cooperating between the labour parties toward realizing social development for workers of the establishment.
- (C) Settling the disputes between the workers and employers.

Article : 147

Collective negotiation shall be at the level of the establishment, the branch of the establishment, the profession, or the industry. It shall also be at the regional or national level.

Article : 148

Negotiation in establishments employing fifty workers or more shall be held between representatives of the trade union committee in the establishment as well as the general union, and the employer.

Where no trade union committee exists in the establishment, the negotiation shall be held between the employer and five workers to be elected by the concerned general trade union providing they shall include at least three among the workers of the establishment.

With regard to establishments employing less than fifty workers, the negotiation shall be held between the representatives for the concerned general trade union and the representatives for the concerned employers organization or the employer. The representatives of each party shall be

legally mandated in carrying out the negotiation and concluding the agreement resulting from it.

If one of the parties refuses to begin the collective negotiation procedures, the other party may request the concerned administrative authority to set in motion the negotiation procedures by notifying the businessmen organization or the trade union organization, according to each case, to carry out the collective negotiation on behalf of the refusing party. The concerned organization shall in this case be considered legally mandated in the negotiation and in signing the collective agreement.

Article : 149

The employer shall provide the data and information concerning the establishment as will be required by the representatives of the trade union organization in the collective negotiations.

The employer or the representatives of the trade union organization may request these data from their organizations, according to each case.

The General Federation of Egyptian Trade Unions, and the employers organizations shall provide all data and information concerning the branch of the activity, the profession, or the industry as necessary for the good process of collective negotiations. The General Federation and the said organizations may request these data and information from the concerned authorities.

It is to be observed in all cases that the required data and information shall be essential and necessary for proceeding with the negotiation.

Article : 150

The employer shall be prohibited during the negotiation to take procedures or issue decisions connected with the subjects tabled for negotiation, except in case of occurring necessity or urgency. In such case, the procedure or decision shall conditionally be provisional.

Article : 151

The agreement reached through the negotiation shall be recorded in a collective agreement according to the conditions and rules prescribed in the present law regarding the collective labour agreements.

If no agreement results through the negotiation, either party may resort to the concerned administrative authority to try reconciling between them and assist them in reaching an agreement.

Part – III

Collective Labour Agreements

Article : 152

The collective labour agreement shall be an agreement regulating labour 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.

Article : 153

The collective agreement shall be drawn up in Arabic, and shall be submitted within fifteen days from the date of signing it to the board of the general trade union or the General Federation of Egyptian Trade Unions according to the conditions prescribed in the Trade Unions Law. Its approval by either one shall be with the absolute majority of the board members, and within a period not exceeding thirty days from the date of signing the agreement.

The default of any of the foregoing conditions shall result in invalidating the agreement.

Article : 154

All provision set forth in the collective agreement contradicting the provisions of the law or public order or the public morals shall be null and void.

In case a provision in the individual labour contract contradicts the counterpart provision in the collective agreement, the provision realizing a better benefit to the worker shall exclusively apply.

Article : 155

Signing the collective agreement shall be for a determined period not exceeding three years or for the period necessary for executing a specific

project. If in the latter case the period exceeds three years, the two parties to the agreement shall negotiate to renew it every three years in light of the economic and social conditions that might take place.

The procedures prescribed in article (156) of the present law shall be followed concerning the renewal.

Article : 156

The two parties to the agreement shall follow the course of collective agreement for its renewal, three months before expiry of its period. If the latter period lapses without agreeing on the renewal, the validity of the agreement shall extend for a period of three months and negotiation shall continue for its renewal. If two months lapse without reaching an agreement, either party to the agreement may then bring the matter before the concerned administrative authority to take steps as necessary toward following the mediation procedures according to the provisions of article (170) of the present law.

Article : 157

The employer shall put up on a prominent place at the lieu of work the collective agreement comprising its texts, those signing it, and the date of depositing it with the concerned administrative authority.

Article : 158

The collective agreement shall be operative and binding to its parties after depositing it with the concerned administrative authority and publishing such deposition in the Egyptian Wakaych / Government Bulletin shall comprise a summary of the agreement provisions.

The concerned administrative authority shall put the agreement on record within thirty days from the date of its deposition with the authority, and publish the recorded entry according to the provisions of the first clause.

It may, within the said period, object to the agreement, refuse recording it, and notify the parties to the agreement of its objection, refusal, and reasons thereof, by registered letter with acknowledgement of receipt.

If the said period lapses and the administrative authority does not record, publish or object, it shall proceed with recording and publishing the agreement according to the foregoing provisions.

Article : 159

If the concerned administrative authority refuses recording the agreement according to the provisions of the previous article, each of the parties to the agreement may resort to the Court of First Instance within the circuit of which lies the place of work, and request recording the agreement according to the usual procedures of filing the action, within thirty days from the date of notifying the refusal.

If the court rules for recording the agreement, the concerned administrative authority shall effect the entry in the special register and publish the summary of the agreement in the Egyptian Wakayeh / Government Bulletin free of charge.

Article : 160

The trade union organizations, the employers and their organizations, other than the parties to the collective agreement, may join the agreement after its publication in the Egyptian Wakayeh / Government Bulletin, upon the request of the two parties desiring to join it without need for the approval of the two original parties to the agreement.

Joining the agreement shall be through submitting a request signed by the two parties to the concerned administrative authority.

Article : 161

The concerned administrative authority shall mark in the margin of the register the different steps introduced in the collective agreement comprising renewal, joining, modification, and publishing a summary of the said marking steps in the Egyptian Wakayeh / Government Bulletin, within fifteen days from the date of occurrence of these steps.

Article : 162

The two parties to the collective agreement shall implement it in a way commensurate with good faith exigencies, and refrain from carrying out any deed or procedure liable to impede implementing its provisions.

Article : 163

In case exceptional and unforeseen conditions occur and their occurrence results in rendering the implementation of the agreement or one of its provisions encumbering to one of its parties, the two parties shall then follow the course of collective negotiation to discuss these conditions and reach an agreement realizing a balance between their interests.

If the two parties fail to reach agreement, either one may submit the matter to the concerned administrative authority to take steps as necessary toward following mediation procedures according to the provisions of article (170) of the present law.

Article : 164

Each of the two parties to the collective agreement, and also any interested worker or employer may request a court ruling for implementing any of the agreement provisions, or compensation for non-implementation, against the party refraining from implementation or contravening the obligations prescribed in the agreement. A ruling for compensation shall not be passed against the trade union organization or the employers organization unless the act resulting in the damage for which the compensation is payable was issued from the board of the organization or its legal representative.

Article : 165

The trade union organization and the employers organizations that are party to the collective agreement may file in the interest of any of their members all the actions resulting from violating the provisions of the agreement, without need for a retainer for that from him.

A member in whose interest the action is filed by the organization, may intervene in it. He may also file this action originally, independently from it.

Article : 166

Litigations concerning any of the collective agreement provisions shall be subject to the procedures the two parties will agree upon in the agreement.

If no such procedures are prescribed in the agreement, these litigations shall be subject to the provisions concerning the settlement of the collective labour litigations as prescribed in Book (4), Part (IV) of the present law.

Article : 167

The concerned ministry shall establish an administrative unit to be concerned with the negotiations and collective agreements affairs, and controlling their application.

The concerned minister, in agreement with the workers organizations and employers organizations shall issue a decree determining the levels and subjects of collective negotiation, and the procedures to be followed in its respect at the national and regional levels as well as the lower levels.

The concerned minister shall issue a decree comprising a model collective labour contract to be consulted by the parties to the negotiation.

Part – IV

Collective Labour Litigations

Article : 168

Subject to the right of judicial litigation, the provisions of the present part shall apply to all litigation arising between an employer or a group of employers and all workers or a team of them in connection with work conditions, terms or employment provisions.

Article : 169

In case a dispute of those prescribed in the previous article arises, its two parties shall enter in a collective negotiation to settle it amicably.

Article : 170

If the dispute is not settled wholly within thirty days from the date of beginning the negotiation, the two parties or either one, or those representing them may submit a request to the concerned administrative authority to take mediation procedures in respect thereof.

Article : 171

A list of mediators to be issued by decree of the concerned minister in consultation with the General Federation of Egyptian Trade Unions and employers organizations shall be provided at the concerned ministry.

A decree of the concerned minister shall be issued determining the conditions for entry in the list of mediators.

Article : 172

The dispute mediator to be selected from the list of mediators shall fulfill the following requirements:

- (A) He shall be well experienced in the subject of the dispute.
- (B) He shall have no personal interest in the dispute.
- (C) He shall not have previously participated in any form in studying the dispute or trying to settle it.

The concerned administrative authority shall determine, on the occasion of each dispute, the quarter(s) that will bear the mediation costs, and the period during which the mediator shall terminate his mission shall amount to a maximum forty five days.

Article : 173

The two parties shall elect the mediator from among those recorded in the list of mediators prescribed in article (171) of the present law and notify the concerned administrative authority with him, within eight days from the date of submitting the request. This authority shall notify the mediator they have chosen.

If it transpires to this quarter that the elected mediator lacks any of the conditions prescribed in article (172) of the present law, or the period referred to in the previous clause has expired without the two parties selecting the mediator, the concerned administrative authority shall appoint him from among those recorded in the said list, within the next ten days.

Article : 174

The mediator's mission shall begin from the date he is notified of being chosen or appointed by the concerned administrative authority. The papers concerning the dispute shall be attached to the notification.

The mediator shall accomplish his mission within the period determined for him according to the provision of article (172) of the present law. In performing his mission, he may seek the assistance of whoever is necessary among those experienced.

Article : 175

The mediator shall have all powers toward examining the dispute and thoroughly cognizing its elements. He may in particular hear the two parties to the dispute and review the relevant necessary documents. The two parties shall submit to the mediator the data and information that will help him in performing his mission, as requested by him.

Article : 176

The mediator shall exert his endeavors to narrow the viewpoints of the two parties. If he fails in realizing that end, he shall submit to the two parties, in writing, the recommendations he suggests for settling the dispute.

Article : 177

If the two parties accept the recommendations submitted by the mediator, or part thereof, it shall be recorded in an agreement to be signed by the two parties and the mediator.

Refusing the said recommendations, wholly or partly, by both parties or one of them, shall be substantiated. The mediator may in this case grant a period of maximum three days to the party refusing the recommendations, to change his refusal, before the mediator submits his report to the concerned administrative authority.

Article : 178

The mediator shall, within one week from the expiry date of the period referred to in the previous article, submit a report to the concerned administrative authority comprising a summary of the dispute, a substantiated statement of the recommendations reached by him, and their acceptance or refusal by the two parties or one of them, as well as the reasons of the refusal.

Article : 179

If the two parties or one of them refuses the recommendations submitted by the mediator, either party may then submit to the concerned administrative authority a request for taking the arbitration procedures.

Article : 180

The request for arbitration, as submitted by the employer, shall be signed by him or by his authorized deputy.

If the request is made by the workers, it shall be submitted by the head of the trade union committee (if any) or by the concerned general trade union. This shall all be following approval of the board of the general trade union.

The concerned administrative authority shall refer the file of the dispute to the arbitration panel, within two days from the date of submitting the request.

Article : 181

Either party to the dispute in the strategic and vital establishments referred to in article (194) of the present law, in case of non-settling the dispute amicably through negotiation, may request the concerned administrative authority to refer it directly to the arbitration panel, without following the course of mediation. A memorandum explaining the subject of the dispute shall be attached to the request.

The concerned administrative authority shall refer the dispute to the arbitration panel within at most one week from the date of submitting the request for arbitration.

Article : 182

The arbitration panel shall be formed of :

- 1- One of the courts of appeal circuits, as determined at the beginning of each judicial year by the general assembly of each court, and within

the area of its jurisdiction lies the head office of the establishment. The chief of that circuit shall be the head of the arbitration panel.

- 2- An arbiter for the employer.
- 3- An arbiter for the trade union organization to be elected by the concerned general trade union.
- 4- An arbiter for the concerned ministry to be elected by the concerned minister.

Each of the employer, the trade union organization, and the concerned ministry shall elect a standby arbiter to substitute the original arbiter in case of his absence.

Article : 183

The arbitration panel within the area of jurisdiction of which lies the head office of the establishment shall assume the examination of the dispute. Where no special provision in respect of that dispute is prescribed in this part, the provisions of the Arbitration Law in civil and trade matters and of the Civil and Commercial Procedure Law shall apply.

Article : 184

The head of the arbitration panel shall determine a session for examination of the dispute, the date of which shall not exceed fifteen days from the date the panel receives the file of the dispute. The members of the panel, the representative of the concerned ministry, and the two parties to the dispute shall be notified with the scheduled session at least three days before its date, by registered letter with acknowledgement of receipt.

Article : 185

The arbiter, before assuming his work, shall take the oath before the head of the arbitration panel, that he shall perform his mission honestly and truthfully.

Article : 186

The arbitration panel shall decide the dispute tabled before it within a period not exceeding one month from beginning its examination. The panel may decide hearing the witnesses, delegating the people of experience, surveying the places of work, reviewing all documents concerning the dispute, and taking the procedures enabling it to decide the dispute.

Article : 187

The arbitration panel shall apply the laws in force. Where there is no legal text applicable, the judge shall rule by virtue of judicial usage and custom. If no such usage exists, he shall rule according to the principles of the Islamic Law, and where no such principles exists, he shall rule by virtue of the principles of the natural law and the rules of justice according to the economic and social conditions prevailing in the area of the establishment.

The arbitration award shall be issued with the majority of views. In case of equal voting the head of the panel shall have the casting vote which shall be substantiated and the arbitral award shall in this case be tantamount to a ruling passed by the court of appeal after footing it with the executive wording.

Article : 188

The arbitration panel shall notify each of the two parties to the dispute with a copy of the arbitrament, by registered letter with acknowledgement of receipt, within three days from the date of passing the arbitration award.

The panel shall send the file of the dispute, after notifying its parties, to the concerned administrative authority, for recording the pronouncement in a special register. Each interested party shall in this case have the right to obtain a copy of that arbitrament.

Each of the two parties to the dispute may challenge the arbitrament before the court of cassation.

In the notification and contestation the conditions, terms and procedures prescribed in the Arbitration Law in civil and commercial matters shall be followed.

Article : 189

The rules concerning the correction and explanation of pronouncement as prescribed in the Arbitration Law in civil and commercial matters shall apply to the arbitrations passed by the arbitration panel.

Article : 190

The arbitration panel shall be concerned with examining the complications in execution of the arbitrations passed by it, according to the rules prescribed in the Arbitration Law in civil and commercial matters.

The Minister of Justice shall issue a decree in agreement with the concerned minister determining the number of the arbitration panels within the jurisdiction area of each court of appeal. The general assemblies of these courts shall determine at the beginning of each judicial year the circuits entering in the formation of these panels.

The said decree shall comprise the determination of the sessions attendance allowance for arbiters of the employers, the trade union organization, and the concerned ministry.

Article : 191

With the exception of the strategic and vital establishments referred to in article (194) of the present law, the employer or the trade union organization - in case none of them accepts the recommendations reached by the mediator in the dispute arising between them - may agree on resorting to the private arbitration instead of the arbitration panel prescribed in this part.

The two parties shall determine in the arbitration document signed by them the subject of the dispute and the conditions and procedures to be followed in the private arbitration and the number of arbiters, providing their number shall be an odd number.

The arbitration award shall bind the two parties after the arbiter(s) deposit the original arbitrament and the original arbitration document with the clerks office of the court within the area of jurisdiction of which lies the head office of the establishment. This arbitrament shall be executable by virtue of a warrant to be issued by the justice of the execution at the court where the original arbitrament is deposited with its clerks office upon the request of any of the interested parties.

The justice of the execution shall be concerned with all matters connected with executing the arbitration award.

The provisions prescribed in the Arbitration Law in civil and commercial matters shall apply where this article and the arbitration document are void of relevant applicable provisions.

Article : 192

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

In case the workers of the establishment that has a trade union committee intend to stage a strike where it is allowed by the present law, the trade union committee shall - following approval of the board of the concerned general trade union with the majority of two thirds of its members - notify each of the employer and the concerned administrative authority, at least ten days before the date determined for the strike, by registered letter with acknowledgement of receipt.

If the establishment has no trade union committee, the notification of the workers' intention to stage the strike shall be sent to the concerned general trade union, and the latter shall - following approval of its board of directors with the majority prescribed in the previous clause - attend to sending the said notification.

In all cases, the notification shall comprise the reasons prompting to the strike and the time-limit determined for it.

Article : 193

Workers shall be prohibited to stage or announce the strike through their trade union organizations with the aim of modifying the collective labour agreement during its validity period, and also during all stages and procedures of mediation and arbitration.

Article : 194

Staging or calling for a strike shall be prohibited in the strategic or vital establishments where interrupting the work therein will result in disturbing national security or the basic services provided by them to the citizens.

A decree of the prime minister shall be issued determining these establishments.

Article : 195

The strike referred to in article (192) of the present law shall result in counting the period of which as a leave to the worker without wage.

Article : 196

The employer, for economic necessities, shall have the right to close down the establishment wholly or partially, or shrink its size or activity which might affect the size of labour therein, according to the conditions, terms and procedures prescribed herein in the present law.

Article : 197

In applying the provisions of the previous article, the employer shall submit a request for closing down the establishment or shrinking its size or activity, to a committee to be formed for that purpose.

The request shall comprise the reasons it is based on in doing that, as well as the numbers and categories of workers to be dispensed with.

The committee shall issue its decision duly substantiated within at most thirty days from the date the request is submitted to it. If the decision is issued accepting the request, it shall comprise an indication of the date of its execution.

The concerned party may complain against that decision before another committee to be formed for that purpose. The complaint against the decision accepting the request shall result in staying its execution.

A decree of the prime minister shall be issued forming each of the said two committees and determining their powers, the quarters represented on them, the procedures to be followed before them, and the dates and procedures of submitting the complaint.

It shall be observed that the formation of each of the two committees shall comprise a representative of the concerned trade union organization to be nominated by the General Federation of Egyptian Trade Unions, and a representative of the employers organizations to be nominated by the organization concerned with the activity of the establishment.

Article : 198

The employer shall notify the workers and the concerned trade union organization of the request submitted by him and the decision issued for total or partial closure of the establishment or shrinking its size or activity.

The said decision may be executed effective the date to be determined by the committee examining the request or the complaint, according to each case.

Article : 199

In case of partial closure or shrinking the size or activity of the establishment, if the collective agreement in force at the establishment does not comprise the objective criteria for choosing the workers to be dispensed with, the employer shall in this respect consult with the trade union organization, after the issue of the decision and before its execution. The seniority, family burdens, age, and vocational abilities and skills of the workers shall be within the criteria that may be drawn upon in this respect.

In all cases, these criteria shall observe balancing between the interests of the establishment and those of the workers.

Article : 200

The employer shall be prohibited to submit the request for total or partial closure of the establishment or shrinking its size or activity during the stages of mediation and arbitration.

Article : 201

Subject to the provision of article (198) of the present law, and in the cases where the employer has the right to terminate the labour contract for economic reasons, he may - instead of using that right - modify the conditions of the contract temporarily. He may in particular charge the worker with performing a work not agreed upon, even if it differs from his original work. He may also reduce the wage of the worker up to not less than the minimum wages.

If the employer modifies the conditions of the contract according to the previous clause, the worker may terminate the labour contract without being committed to send a notification. The termination of the contract in this case shall be considered a substantiated termination on the part of the employer, and the worker shall be entitled to the compensation prescribed in the following clause.

In terminating the contract for economic reasons according to the procedures indicated in articles (196) to (200) of the present law, the employer shall pay to the worker whose contract he terminated a compensation equivalent to the comprehensive wage of one month for each of the first five years of service, and one and a half months for each year after the first five years.