

# Labour Compliance in the Cement Sector in the Middle East and North Africa

Report on a field verification visit to:  
HeidelbergCement Egypt



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## Introduction

This study takes place in the context of the BWIs campaign on labour rights in the construction sector in the Middle East and North Africa (MENA) region. The study focuses on the two leading cement companies in the MENA region: HeidelbergCement Group and LafargeHolcim Group. Notably, three countries were selected for this research: Jordan, Lebanon, and Egypt. The choice for these countries was informed by the Dutch Ministry of Foreign Affairs' Dutch Good Growth Fund (DGGF) list<sup>1</sup> due to the countries links to BWIs affiliate Mondiaal FNV.

The overall objective of this study is to provide an overview of the business activities and a controversy scan of HeidelbergCement and LafargeHolcim, as a basis to conduct future in-depth research on their activities and labour rights commitments for the lobby, campaign and support work. This study seeks to answer the research question: *What are the labour conditions at the companies' sites and do these conditions comply with national and international labour standards?*

In this context, the present report lays out the results of a field visit to the HeidelbergCement Suez Plant in Egypt.

## Background

### The trade union situation in Egypt

The trade union situation in Egypt has been under considerable pressure and change during the last decade. The trade unions have existed in Egypt since 1957, however, under significant restrictions. In a period after 2005 up until the Arab Spring in 2010, there were changes in these restrictions and the formation of independent unions started. The revolution in 2011 created an unclear situation where several confederations were formed and tried to gain political influence through the union confederation framework. That led to a renewal of the restrictions to the formation of trade union and confederation formation and a law introduced in 2013 created a structure where 15 federations could form a confederation and only unions with more than 150 members at a company level would be recognised. In 2017, these thresholds were adjusted following a large number of complaints about the restrictions. At this moment, there is a 10-federation threshold to start a confederation and 50 members to get a union recognised.

Still criticised, restrictions and obstacles stand in the way of the formation of unions in the country. The process is lengthy and requires specific personal details of prospective members – including social security number, which is hard for many informal and private sector employees to obtain. At this moment, there is no official records or statistics of regarding the percentage of the working population that is unionized.

When it comes to social dialogue, there are no effective instruments for the process to take place. The labour law stipulates the rights to social dialogue, but there have not been any examples of any dialogue as defined by ILO since 2014. Previously, there were some regional and sectorial level examples in the period between 2011 and 2014, but these have since stagnated. The government tolerates the formation of social dialogue because they want to attract investments, and for that purpose, it is necessary to be aligned with international standards. However, for social dialogue to function, there needs to be capacity building, and the government is not supporting this. There is potential within the social dialogue to improve labour conditions if education and awareness-raising are provided.

Egypt has neither national nor sectorial CBAs. Agreements are only reached at the company level. There was a booming situation for these types of company-level CBAs between 2011-2016 in the private sector. Unfortunately, not all CBAs have been acknowledged by the Ministry of Labour (MoL), which is, however, a requirement for their validity. ILO tried to map CBAs formed but had no access to information through the MoL and could hence only access to 240 CBAs published between 2011 and 2017 that were published in the Egyptian Gazette; however, this seems not to be an exhaustive number.

There is little to no updated information of grievance mechanisms accessible to workers and unions. At the same time, there is a large number of cases at the labour court, with more than 1000 pending cases. The process can take up to five years, and this can bring high costs to the individual workers, which discourages employees from taking legal action. The labour law facilitates escalation pathways to conflict resolution. The unions play a role at awareness-raising, especially in the informal sector. When the new law came out, it stipulated that unions had to defend the rights of workers regardless of whether these were unionised or not – thus, in a way, leaving the responsibility of access to justice to unions.

With regards to the right to strike, unions can strike in theory but not in practice. Striking is constrained by the protest law that restricts public gatherings and requires that all protesters have to register protest/public gatherings and get a security clearance. Protests do however take place at the company level as there are no social dialogue mechanisms and no mechanisms to settle disputes to avoid resorting to protests and/or strike.

### **General Trade Union of Building and Wood Workers at HeidelbergCement**

It is estimated that 25% of all workers in the Egyptian construction sector are unionised, which is one of the most significant percentages of unionisation within any of the country's industries. In the HeidelbergCement plants, approximately 30-35% of the total workforce is unionised. The General Trade Union of Building and Wood Workers is considered to be an independent union.

Egyptian workers are facing problems at HeidelbergCement plant. In 2010, the company started to rely on subcontracting companies<sup>i</sup> for all types of services and core activities at the plants. Workers were informed that the company did not have enough means to hire workers and, in some instances, there were dismissals. Regarding the unionising of subcontracted workers<sup>ii</sup>, the bylaws of the unions allow for subcontractors to join the union. However, unionising does not happen in practice. That leads to a significant difference in working conditions between permanent employees at the plants that are union members and subcontracted workers.

Up until 2018, the relationship between the union and HeidelbergCement management was strained due to a long-term conflict concerning the workers right to profit shares. The conflict ensued from a CBA agreement that, in accordance with the Egyptian law, ensures employees the right to 10 percent of the profit share of the company. However, profit sharing did not take place after 2015, when Suez Bag Plant was still owned by HeidelbergCement. At that time, the union went to the labour court and got a final decision which confirmed the workers right to a percentage of the profit share.

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<sup>i</sup> The term service providers is used by HeidelbergCement

<sup>ii</sup> The term service providers and its contracted labour is used within the HeidelbergCement group.

On 6 August 2018, HeidelbergCement completed the sale of its shares in Suez Bags Company S.A.E., to Mondi Group.<sup>2</sup> Despite of the contracts between Mondi and Suez Bag, which confirm that the workers, according to the CBA, have the right in sharing 10% of the profit, Mondi group has refused to comply with its duties vis-à-vis the workers. Therefore, the General Trade Union of Building and Wood Workers has gone to court again, filing another case against the new management of Suez Bag (Mondi Group). All workers remained union members, but the new management is refusing to renew the CBA that expired in December 2019. After the sale of Suez Bag Plant to Mondi Group, the union's relation to the management of HeidelbergCement improved.

## Methodology

Fieldwork was conducted in Egypt from 8 to 13 December 2019. During this period, the research team conducted face-to-face interviews and focus group discussions (FDGs) with workers, and other stakeholders including trade union officials, government officers, and representatives from national and international non-governmental organisations (NGOs).

Interviewees and FDGs participants were identified in close collaboration with the local trade union affiliate. These interviews took place at Suez Cement owned by HeidelbergCement. The interviews were complemented with transect walks to the different working stations in each of the visited plants. The list and number of persons interviewed, were applicable, at each of the plants are presented in Table 1.

**Table 1 List of stakeholder groups and number of persons interviewed**

Stakeholder group	Heidelberg Suez
Management Staff	3
Supervisors at the project level	2
Construction workers / Union members	13
Union leaders	4
Government officials	1
NGO representatives	2
<b>Total</b>	<b>25</b>

The labour and social practices at the construction sites were assessed based on ILO labour standards and other international norms as well as labour laws. In total, nine issues were covered: four core labour issues (child labour, forced labour, freedom of association, and collective bargaining and discrimination) and five labour and social issues (wages, ethical hiring and contracting, working hours and overtime, gender equality, occupational health and safety). Table 3 shows the list of labour issues and topics assessed during the site visits.

**Table 2 List of labour issues and related issues**

Labour issues	Topics considered for the assessment
Child labour	<ul style="list-style-type: none"> <li>Child labour policy</li> </ul>

	<ul style="list-style-type: none"> <li>• Child protection measures</li> </ul>
Forced labour	<ul style="list-style-type: none"> <li>• Coercion</li> <li>• Violence</li> <li>• Non-voluntary overtime</li> <li>• Debt-bondage</li> </ul>
Freedom of association and collective bargaining	<ul style="list-style-type: none"> <li>• Freedom to join/form unions</li> <li>• Support for union operations</li> <li>• Interference/discrimination against union members and leaders</li> <li>• Collective bargaining agreement (CBA)</li> <li>• Strikes</li> </ul>
Discrimination	<ul style="list-style-type: none"> <li>• Race and origin</li> <li>• Gender-based discrimination</li> <li>• Disability</li> <li>• Others; HIV and AIDS, religion, political affiliation</li> </ul>
Wages	<ul style="list-style-type: none"> <li>• Minimum wage</li> <li>• Overtime payment</li> <li>• Deduction</li> <li>• Other benefits</li> </ul>
Working hours	<ul style="list-style-type: none"> <li>• Regular hours and overtime</li> <li>• Leave</li> </ul>
Ethical hiring and contracting	<ul style="list-style-type: none"> <li>• Recruitment procedures</li> <li>• Contracts, payslips</li> <li>• Training</li> </ul>
Gender equality	<ul style="list-style-type: none"> <li>• Gender policy (esp. including sexual harassment and abuse)</li> <li>• Equal opportunity for women</li> <li>• Maternity leave and nursing time</li> </ul>
Occupation safety and health (OSH)	<ul style="list-style-type: none"> <li>• OSH management system (incl. policy and procedures)</li> <li>• Health services (esp. First Aid, medical checks, HIV and AIDS)</li> <li>• Chemical and hazardous materials</li> <li>• Worker safety</li> <li>• Facilities</li> <li>• Emergency preparedness</li> </ul>

For the assessment, we have used a traffic light system assigning colours to the company's level of compliance with the labour issues above (Table 3). The findings of this study (including individual assessments for each of the plants) are discussed, and conclusions are provided in Chapters 1-3. Chapter 4 provides recommendations.

**Table 3 The categorisation of the level of labour compliance**

<b>Colour code</b>	<b>Level of compliance</b>	<b>Definition</b>
	Very low	The company does not comply with several key issues under the topic and does not appear to be taking any concrete actions towards compliance.
	Low	The company does not comply with some key issues under the topic. The company is conscious of the issues but remains lax on concrete actions towards compliance.
	Medium	The company complies with several critical issues under the topic with concrete actions. However, it still needs to take some actions towards continuous improvement.
	High	The company complies with most key issues under the topic with concrete actions and has established good continuous improvement measures.

## HeidelbergCement Egypt – Suez Cement Plant

HeidelbergCement has 1,540 direct employees (FTEs) spread over its four plants in Egypt. Out of these 1,540 direct employees, 243 work at the Suez plant. In addition to the direct employees, 231 subcontracted employees work at the plant.

Since 2018, Heidelberg is reducing the number of staff (i.e. not extending the contract of fixed-term workers). This is done as a measure to reduce losses (2000 workers lost their job since, which represent ca. 50% of the total workforce). Upon dismissal, each of the conditions was negotiated on an individual basis. The workers did not want to go to the union because they were content with the compensation they received from the company. The company is trying to coerce workers to go into early retirement.

### 1.1 Child labour

The Egyptian government has established laws and regulations related to child labour *ILO C. 138, Minimum Age* and *ILO C. 182, Worst Forms of Child Labour*. No evidence suggests underage workers at the plant sites. Workers ensured that children are never allowed within the plant, and there are clear safety measures to keep non-authorized from entering the premises. There are no active programs to provide benefits for employees with children such as childcare, But there is a scholarship program to support excelling students through high school and university.

### 1.2 Forced labour

Egypt has ratified *ILO Conventions 29 and 105 on the Elimination of Forced Labour and Compulsory Labour*.<sup>3</sup> There is no evidence of forced labour taking place at the Suez Cement plant.

### 1.3 Freedom of association and collective bargaining

Egypt has ratified both *C098 - Right to Organise and Collective Bargaining Convention, 1949* and *C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948*. All direct employees at the plant are unionised. When it comes to subcontracted workers, there is no right to join the union. However, the union assists subcontracted workers who face problems at the workplace.

### 1.4 Discrimination

There are signs of gender discrimination as there are only 10-12 women employed at the plant conducting finance, HR, talent management, laboratory tasks. However, there is no clear evidence that this is due to discriminatory practices at the point of hiring or if it is connected to cultural customs.

There are no demonstrated efforts by the company to change the gender quotas among the employees.

There is significant but hidden discrimination between direct and subcontracted employees. There is no clear division of the activities that are performed by subcontracted employees. However, there are still considerable differences in employee benefits provided, from wages, right to leave, access to health care, and ethical hiring practices. There is no freedom of association for subcontracted workers. Financially, the system has set subcontracted and regularly hired workers against each other (i.e. there is no incentive for stable workers to fight for the rights of subcontracted workers). The unions argue that they have very little room for action, and by fighting for the subcontracted workers' rights, they would be jeopardising these workers' job security. Subcontractors do not fall into the jurisdiction of HR either and are therefore not covered by actions taken to improve the conditions of the human resource.

## 1.5 Wages

The direct employees are all receiving a salary substantially higher than the Egyptian minimum wage. It is paid regularly by a monthly bank transfer, and there is a legible payslip available to each employee. Additional benefits that are provided by the company include a daily meal and medical insurance that also covers their family members (up to 24 years of age).

For subcontracted employees, the wages keep close to the national minimum wage of 2000 Egyptian pounds (128,52 USD)<sup>4</sup>, for a 42h work week (seven hours a day, six days a week). This is a breach of *ILO C. 100 Equal Remuneration*, which Egypt has ratified.

## 1.6 Working hours and overtime

Working days are of eight hours, five days a week, 40 hours in total for direct employees. Workers are not obliged to do overtime, but the regular overtime reaches a maximum of 2-4 hours a day which is compensated with a 200% salary compensation.

Subcontracted workers work six days a week with seven paid working hours as per the Egyptian Labour Law.<sup>5</sup> For packers, the work is built up in a special way where teams work for one hour and then have a one-hour break interspersed throughout a 14-hour shift. This is a particular practice of shift work which, arguably, has implications for the workers' health, but it is seen to be on the legal side within the grey zone of the labour law.

## 1.7 Ethical hiring and contracting

There is a transparent HR process when it comes to direct employees of HeidelbergCement. Every employee receives an individual contract. There are two types of contracts: temporary (for one year) and permanent. As of the last five years, all new contracts are renewed yearly. This is because companies want to reduce costs and, this way, yearly contracts allow them dismiss workers easier. Also, early retirement is increasingly encouraged by the companies.

There is a transparent payroll system from where every employee receives a payslip at the end of the month.

For direct employees, there are open grievance mechanisms in place. Individual complaints are solved in collaboration between HR and the union. The workers can go to direct management which refers to HR; other workers go to the union, which conveys the problems to HR. The HR aims to settle disputes discretely, but if this does not work, the disputes go to court, which is a very long-drawn process.

For subcontracted employees, the hiring practices differ significantly. The HR is not involved in the employment of subcontracted workers, nor the implementation of any policies concerning their labour conditions. Subcontracted workers interviewed by the research team, did not have any individual contracts but were instead given the news about their work prospects each month. One man gave accounts of working under this routine for more than 10 years. As the responsibility of contract compliance lays at the department of contracting, there is no transparent system of grievance for the subcontracted workers. However, accounts were given by management that contracts of subcontractors have been suspended due to lack of compliance to labour clauses in the contract. These subcontractors are excluded from joining future tendering processes.

## 1.8 Gender equality

As mentioned earlier, there are signs of gender discrimination as there are only 10-12 women who work at the plant (finance, HR director, talent manager, laboratory). However, there is no clear evidence that this is due to discriminatory practices at the point of hiring or if it is connected to cultural customs.

## 1.9 Occupational Safety and Health (OSH)

The cement sector is seen as a hazardous sector and therefore requires extensive OSH measures. These are generally duly respected at the Suez Cement Plant. There are security checks to enter the plant vicinity. Before accessing the area, all visitors must undergo a security induction, and there are clear demarcations for walking and non-walking areas. A LOTOTO system was introduced during the year of 2019 but still not fully functional on a personal level and for subcontracted workers.

With regards to social security and access to healthcare, there are significant differences between the direct employees of HeidelbergCement and subcontracted employees. For direct employees, a private health insurance is provided, and there is a clinic on site. In case of an accident, workers go to the company clinic where they can receive first aid. There are two doctors and two nurses per shift, and two ambulances at the clinic. Still, if it is a more severe accident, the ambulance takes them to the nearest hospital (15-minute drive away – Airforce hospital). The employees' direct manager writes an email explaining the accident to the doctor and the safety department. Workers who cannot return to their functions are given another task, and they get a compensation (according to Egyptian law, workers are entitled to all their benefits, plus compensation, and the company pays for medical costs).

For subcontracted workers, access to healthcare looks different. They have access to health insurance but cannot use the onsite clinic. When it comes to social security, many subcontracted workers face issues because they need to be given a social security number from their employers, which they do not have.

Not having a social security number is not only a constraint to organise in unions, but also to access other benefits. In the public sector, employers are very reluctant to give this to workers, and this is possible because different laws apply to this sector. In the private sector, women are more affected by this regulation: if they get any number at all, this is assigned to men. Most companies are SMEs (between 80-90 percent) each with an average of 12 workers. The atomisation of SMEs makes it challenging to enforce the workers' rights to social security. While healthcare is part of the workers' benefits by law, this one is very basic and not very efficient.

Weekly toolbox meetings are held. PPE, vest, glasses, helmet, earplugs, safety shoes, are distributed and obligatory for all workers but also here there is a difference in quality between the equipment received by direct and subcontracted employees.

Health checks are performed by the Ministry of Manpower (MoM), quarterly or yearly, depending on the risk assessment of the work that the employee performs. HeidelbergCement reports accidents to MoM for direct workers every six months, and subcontractors are responsible for reporting about their workers. Checks are random.

## 1.10 Conclusions from labour compliance assessment

In Table 4, an overview of the compliance to international and national labour standards is presented for the HeidelbergCement plant visited. Overall, it shows that the level of compliance is to a great extent med-level in the sense that there is an awareness of issues. However, there is still work to be done to reach full compliance with international labour standards and in order to show continuous improvement of the labour situation at the plant. The most severe non-compliance observed was connected to the use of subcontractors and the lack of implementations of labour policies and standards by these subcontractors and the lack of control mechanisms within the HeidelbergCement operation to monitor these actors.

**Table 4 Level of labour compliance at Suez plant**

Labour issues	Summary of findings	Summary of non-compliance /breach of local and int. labour law	Level of compliance
Child labour	<ul style="list-style-type: none"> <li>No child labour at the plant site.</li> </ul>		
Forced labour	<ul style="list-style-type: none"> <li>Overtime is voluntary.</li> <li>Subcontracted workers are kept for 14hours at the workplace but just paid for 7h of active work.</li> </ul>	<ul style="list-style-type: none"> <li>C029 - Forced Labour Convention, 1930 (No. 29)</li> <li>C105 - Abolition of Forced Labour Convention, 1957 (No. 105)</li> </ul>	
Freedom of association and collective bargaining	<ul style="list-style-type: none"> <li>Freedom to join/form unions</li> <li>Agreements are reached in court.</li> <li>Collective bargaining agreement (CBA) is regularly negotiated.</li> </ul>	<ul style="list-style-type: none"> <li>C098 - Right to Organise and Collective Bargaining Convention, 1949</li> <li>C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948.</li> </ul>	
Discrimination	<ul style="list-style-type: none"> <li>No evidence of gender-based discrimination.</li> <li>Equal employment opportunities for workers disabled during the course of duty.</li> <li>Discriminatory labour conditions for subcontracted workers.</li> </ul>	<ul style="list-style-type: none"> <li>ILO C111, Discrimination (Employment and Occupation) Convention, 1958.</li> <li>U/S 345 of BLA 2006.</li> </ul>	
Wages	<ul style="list-style-type: none"> <li>Minimum wages are provided to all workers.</li> <li>Subcontracted workers receive a much lower salary for the same work.</li> </ul>	<ul style="list-style-type: none"> <li>ILO C100 Equal Remuneration,</li> <li>ILO C131 - Minimum Wage Fixing Convention, 1970</li> </ul>	

Working hours	<ul style="list-style-type: none"> <li>Regular hours and overtime are limited for direct employees.</li> <li>Subcontracted employees are paid for 7h work even though that the shifts is spread over 14h.</li> </ul>	<ul style="list-style-type: none"> <li>Articles 2 and 6(2) of the ILO C001 - Hours of Work (Industry) Convention, 1919</li> </ul>	
Ethical hiring and contracting	<ul style="list-style-type: none"> <li>Turnover is low and new employees recruited as subcontractors</li> <li>Contracts and payslips are provided for direct employees.</li> <li>Training is provided.</li> </ul>		
Gender equality	<ul style="list-style-type: none"> <li>Equal opportunity for women but no encouragement for women at each type of work.</li> </ul>	<ul style="list-style-type: none"> <li>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979.</li> </ul>	
Occupation safety and health (OSH)	<ul style="list-style-type: none"> <li>OSH management system is in place.</li> <li>Some health services are provided (First Aid and medical checks).</li> <li>PPE is provided, but its use not sufficiently enforced.</li> <li>Subcontracted workers do not have access to the clinic on site.</li> </ul>	<ul style="list-style-type: none"> <li>ILO C155 - Occupational Safety and Health Convention, 1981.</li> </ul>	

### 1.11 Recommendations

Below are several recommendations on each of the topics assessed. HeidelbergCement should endeavour to work in partnership with independent experts and union leaders to develop an action plan for addressing the issues identified and implementing the recommendations outlined.

#### Child labour

- HeidelbergCement should ensure that there are childcare facilities and support the education of its workers' children.

#### Freedom of association and collective bargaining

- HeidelbergCement should implement higher standards of labour compliance for subcontracted workers, including the right to freedom of association and collective bargaining.

#### Discrimination

- HeidelbergCement should ensure equal treatment and the provision of similar welfare facilities for workers irrespective of their type of contract.
- HeidelbergCement should take concrete steps to ensure women's access to all positions within the company.

## **Wages**

- HeidelbergCement should strive to pay decent living wages to all workers on the project, based on well-researched studies on living wages in the construction sector in Egypt. The company should commence the implementation of a wage scale for all categories of workers.
- HeidelbergCement should ensure that workers can earn a decent wage within ordinary working hours, without engaging in extensive overtime.

## **Working Hours and Overtime**

- HeidelbergCement management should establish and enforce a policy that workers' overtime should not exceed the legally allowed maximum. A mechanism for recording and monitoring workers' overtime should be established.
- Prior to engaging the workers in any overtime work, HeidelbergCement should ensure that workers provide written and signed consent. Workers should be informed of their rights to refuse over time and should not be punished for refusal. Records of this written consent must be kept.
- Subcontracted workers should only be tied to their workplace for 8 hours on an ordinary shift. If the work is heavy-duty breaks should be included in these shifts. If the worker is working every second hour, the hour of the break should also be considered working time.

## **Ethical hiring and contracting**

- HeidelbergCement should ensure that all agreements of subcontractors have clauses on labour conditions and specific requirements for adherence to the labour law and company policies on human resources.
- HeidelbergCement should ensure that subcontracted workers are allowed annual leave and sick leave according to the law.
- HeidelbergCement should ensure that the company directly hires the subcontracted workers that preform core activities.

## **Gender**

- HeidelbergCement should establish a gender policy that indicates its commitment to gender equality and the maximum participation of women on equal terms with men in all aspects within the project. The policy should be in line with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979.
- HeidelbergCement should ensure that there is proper documentation of all reported cases of sexual harassment or violence against women at project sites.
- HeidelbergCement should establish a formal complaint and grievance system and procedure for reporting all cases of sexual harassment and domestic violence, explicitly including steps to be taken for adequate protection of victims (and witnesses), appropriate medical examination and treatment. This system and procedure should be mandatorily socialised at least twice a year.

## **OSH**

- HeidelbergCement management should endeavour to provide PPEs with good quality. The company should ensure that all workers are entitled to and given at least four sets of PPEs per year according to the union - helmets, boots, gloves, clothing (full overall), reflectors, earplugs, eye protection etc. The company should ensure that it has adequate stock of PPEs and can replace them in no less than a couple of days after the worker makes a request.

- HeidelbergCement should comply with regulations on first aid in the workplace, by making sure that each location or plant site has adequate first aid box with facilities in the form of necessary equipment, supplies, and materials used in administering first aid.
- HeidelbergCement should ensure that all workers, including subcontracted workers, have access to the same health benefits and are subjected to periodical health checks.
- HeidelbergCement should ensure that all subcontracted workers have the right to sick leave and compensation to any work-related injury or health issue.

## Reference

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