



Jurisprudence-Legal Government Surveillance and Interference in the Relations between Workers and Employers in Egypt

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Abstract

One of the most important laws of the countries is the labor law whose the target society is made of a large number of people, i.e. workers and employers. There are laws and regulations in Egypt on the relation between the workers and the employers. There are also principles for protecting this group (workers) as the fundamental principles of work, all of which are intended to improve the workers' lives and to establish rules that will better serve the interests of workers. The main aim of the labor rights is to improve the socioeconomic status of workers and to provide more security and justice and also to establish a social order for this class of society. The present study is a descriptive-analytic research, which investigates jurisprudential-legal government supervision and interference in the relation between the worker and the employer in Egypt. The results indicate that the necessity of government involvement in worker-employer relations has two main reasons. These reasons include changing the nature of labor relations after the industrial revolution and changing the function of government in contemporary time. The complexity and transformation of various relationships, including labor relations, which justifies the need for the intervention of a superior power to support the weak party of this relationship.

Keywords: *Government Surveillance and Interference; Workers; Employers; Security and Justice; Labor Law*

Introduction

One of the most fundamental social and economic foundations of every society is its workers. The relationship between the human being is merged, when some people thought using and exploiting the workforce of their own race. This process sometimes had exploitation feature, leading to slavery (Hadavand, M., Najabatkhah, M., 2011). At that time, this human power was also possessed by the others, and during the history, the most powerful people misused this human force. This process continued until the industrial age, and the worker (hired, slave, flunkey, servant and hack) was always subjected to oppressive violence by his owner or employer. In the past, labor relations were shaped in the form of a contract between the worker and the employer. In this contract, the stronger party was the owner of the capital and the owner of the workshop. Nowadays the social systems of the world are faced with the labor rights and the worker protection. The labor law considers the benefit of the worker and is set up in support of him (Ranjbari, 2009).

The main features of the labor law are the protection of the worker and the major part of its provisions is in this regard. The employers' compulsion to observe the minimum statutory requirements about workers has led those who are not workers to consider themselves as workers. On the other hand, the other party tried to withdraw the workforce from the title of the worker in order to be able to refrain from its legal obligations (Alimi, 2011). The high level of labor rights associated with a series of rules and regulations that are of public concern, such as daily hours of work, leave and holidays, etc., require employers not to violate their obligations and laws (Shoori, 2012).

In today's world, the role of these rights and related laws in the job security of workers is undeniable. The current governments, using these rights, interfere in the relations between workers and employers, and this issue is raised as one of the tasks of the modern state. The approach taken by the government towards labor rights requires the establishment and prediction of an association of workers and employers that can interact with one another. The change in the nature of labor relations has also increased the importance and necessity of creating the above-mentioned issues. The purpose of the worker's rights is to protect the work and the worker's rights, to boost production and to prevent unemployment (Ezatullah, 2008). In Islamic jurisprudence, the law of labor is a convention in which the result of the work is divided between the worker and the employer in a joint way. According to most of jurists and scholar's idea, the rules related to labor and labor standards, such as the duration of the contract, salary and the like are specified in jurisprudence. In the Islamic jurisprudence, the relations between the worker and the employer are formed under the two titles of lease and julaah (unilateral contract or jo'aalah), and in this framework, rules are established in the field of labor relations (Sanayi, 1989).

Nowadays, workers and other people who work in organizations, economic enterprises, and industrial workshops, and also are supported by labor rights, constitute a large part of the population of the countries. The other reason for the importance of worker rights is the very important economic-social role of the huge group of people whose work and life have been tied to these rights. Workers, employers and managers of business enterprises and industrial workshops play a very important role in advancing the goals of a country and any attention to the life of this massive group in order to incite their motivations to work better. In addition, more effectively has a significant impact on the economy of the country that is why governments always seek to amend labor and social security laws to improve workers' working and living conditions in order to provide the necessary basis for encouraging them to work better and more. Let us look at the importance of labor rights from different aspects (Chaithralaxmi & Shruthi, 2016).

The relations between the worker and the employer, in the sense of today's labor law, are considered as the obligation of one party (the worker) to the contract of workforce and is under the authority of another party (employer), in exchange for a certain consideration, although they have existed in different societies throughout the centuries. Hence, the rules governing these relations have not always been the same and have undergone many changes. The effect of the relations between the worker and the employer on economic legal issues has become a widespread connection to public order, so under this pretext, the government directly interferes with determining the limits of responsibilities and duties between the worker and the employer, in the way that it is considered as public rights. Of course, the direct effect of government intervention and applying the sovereignty emerged from the work contracts and the perceptions of the parties and the differences are only due to the type of these interferences (article 85 of labor law).

Many of the disputes in the workplace are due to the lack of knowledge or inaccuracy in the provisions of the labor laws and their lateral regulations. Of course, this is more likely to be found in smaller workshops or workers that are more traditional and employers with less knowledge (Mandhre, 2016). Indirect government intervention on workers and employers relations is to create partnerships between the two sides. Revolts, workers' gatherings, and strikes have shown the power of workers in

dealing with employers and created political, social and economic disorder, as long as labor organizations emerged and governments had to interfere in regulating employer-worker labor relations. Although, direct and indirect interfere in form of legislative, workplace managing, supervisory and arbitration continuously added to their influence to the extent that the rule of the government was the basis for regulating work relations, by contrast, employers have gradually begun to establish employer associations (Nejad & Nakhaie, 2011).

One of the features of the rules of labor law is its supportiveness, and this aspect of labor rights is a reflection of a social reality; and wherever the contractual relationship between the two sides is inequality, the legislator must protect the poor side. Workers are those whose labor is their only capital. In the past, the party with more power had imposed the terms of the contract with the unilateral will on the worker. Thus, in the form of a labor contract, the interests of the worker were ignored and oppression would have been committed against him. By continuing this situation in human societies, the workers who formed the majority of communities launched mass strikes and protests and called for a change in the existing procedure, which had no other distinction except the oppression of the worker (Wang & Wang, 2017).

Research Methodology

In this study, descriptive - analytic method has been used. In this way, according to the existing conditions, our goal is to achieve new facts. In gathering resources and data, books, legal rulings, opinions of the lawyers and thinkers of this field, the glossaries, articles, scientific & Internet sources, and library studies from available sources on the related matter are used.

Government Intervention

Labor rights are rooted in private law, which based on the equal and mutual relations of citizens based on free will. However, due to its importance, especially in terms of the impact of worker-employer relations on economic legal issues, it has been widely linked to public order and under the pretext of direct intervention of governments in determining the limits of responsibilities and duties between the worker and the employer in such a way as to make it public law. Of course, the direct effect of government intervention and applying the sovereignty in the contract of employment and the perceptions of the parties has established, and there is only difference in the scope and that interference. In addition to enacting laws defining the scope of obligations of labor relations, the government directly intervenes with regulating and issuing rules and regulations, as well as determining wages and observing the rules of equality in these relations (Bourdieu, 1986).

The regulations and directives are also at a lower level than the ordinary law and they are more detailed, technical, and specialized, which essentially reviewed and voiced by the legislature and the members of the Islamic Consultative Assembly. Therefore, in most cases, the assignment of minor and practical cases arising from the law is entrusted to the government.

The Ministry of Cooperatives, Labour, and Social Welfare has the most important role in adopting regulations and guidelines. In the Ministry of Cooperatives, Labour, and Social Welfare, the High Council of Workers and the Technical Safeguards High Council have great importance. The fourth chapter of the Labor Law of the Islamic Republic has dedicated to technical protection and work hygiene, which is related to Technical Safeguards High Council. It discussed in Article 85 of Technical Safeguards High Council that is in order to protect the human resources and material resources of the country. In addition, the Ministry of Health and Medical Education is required to develop guidelines for the prevention of occupational diseases and also to supply worker health. In accordance with the instruction

No. 41 of the Ministry of Cooperatives, Labor, and Social Welfare and Labor Relations, contracts relating to the Labor Law emphasize on the temporary or permanent contracts in both continuous and non-continuous works. The wage should be agreed upon and payable to the bank account of the workers. Other matters that are included in this instruction are to be specified in accordance with the type of work, permanent contract, temporary contract, or specified work and the permanent contract for permanent employment and the temporary contract for temporary employment must be carried out. Monitoring this issue is vital but not merely a supportive provision can be a real protector of the workers, bring them to their righteous rights, and improve them. Good supportive provisions can be useful if properly implemented, so the government needs to monitor the implementation of labor regulations so that the purpose of the regulation is to be fulfilled. This monitoring is carried out in different ways, one of which is inspection. The scope of this inspection includes all workshops even family workshops, which are principally exempted from the scope of labor law (Note, Article 85).

Egyptian Government Intervention in Law

Government intervention involves the decision of the prime minister and advisory council about the membership in the meeting, which is included representatives of stakeholders and a number of representatives in organization of employers and workers. Also, the president's decision equally between the council and the system they work with the system and the council specifically expresses its views on the work-related laws (Bourdieu, 1986).

Before signing a work contract, international labor agreements and issues related to professional and productive relations at the national level should be studied. The proposal means closer cooperation between labor organizations and employers. The purpose of proposing appropriate solutions is to prevent collective disputes at national level, especially in economic crises that lead to the suspension of some projects in whole or in part of the work.

Collective bargaining is the negotiations between the labor unions and employers or their organizations in order to improve the terms and conditions of employment, cooperation between them to achieve the social development of workers and dissolve the disputes between workers and employers (Bourdieu, 1986).

The employer is required to provide the information required by the representatives of the labor unions in collective bargaining. Employers or representatives of the labor unions may request such data from their organizations. The general confederation of labor unions and employer organizations are required to provide data and information relating to the branch of activity, profession or industry necessary for the proper conduct of collective bargaining. The general federation and the mentioned organizations may request such information from relevant authorities. In all cases, the information is necessary to negotiate.

The employer is prohibited from negotiating to conduct actions or to decide on negotiable matters unless it is necessary and urgent and the process or decision is temporary in this case.

Conclusion

Nowadays, labor laws with a regulative character and with some aspects of public rights have become a reference for various government interventions in worker-employer relations and labor contracts and also a part of these interventions is to prevent of the rights of the poor side of this connection, namely, workers. Nowadays, governments, even liberal ones, are to intervene in labor

contracts with replacing their will with the will of the workers in the form of preventing them from accepting some conditions, and requiring them to accept some other personal interests, and avoid damage to their interests and welfare, even against their own desire and satisfaction. In these interventions, governments prevent harm to others, in the case of workers, to prevent them from being harmed.

The government's treatment with workers is a support type of government from the contractor in front of itself that limit the competence of the contractor to conclude contract or accept its conditions. Under these conditions, an agreement due to its contradiction with the welfare of person is banded and other agreement is required to provide that welfare without the consent of the same person. Therefore, by replacing the choice of government, instead of choosing person, the person will be safe from harmful choices and decisions about himself or herself. In this paper, the important role of the state in the contracts of workers and employers considered because it cannot only help identify the structure and evolution in the future but also rescue us from disrespecting judgments and one-sided and hasty policies about the changes. About the scope of governmental sector and non-governmental sector activities there has been a long history of various theories, as there are two dominant views in this regard. In the first view, growth is at first rank in terms of importance and priority, and the rapid growth is subject to the transfer of decisions to individuals or private contradictions (Kamel, 2015).

The second view confirms the role of government in the development and the certain focus in this view instead of interference or non-interference is in the manner and scope of government intervention. In this regard, it imagines the vast amount of government activities as a more power to drive the engine of development. Because the government is capable of coordinating individual and social tastes. At the same time, creating security, increasing effective investments, and providing the optimal social environment for growth is one of the key points justifying government intervention. Meanwhile, according to development theorists, the role of government in developing countries because of their institutional, physical and human circumstances is more important and crucial. The role of government in these countries has become one of the most main and important topics among scholars.

One of the important indicators and topics in the labor law is the contract that is main basis for the establishment of a working relationship between the worker and the employer and the rights and obligations of the parties is determined under which. Meanwhile, legislator addition to Article 190 of the Civil Code the other formalities also has decreed, which makes changes to the nature of the contracts and it distinguishes that to a large extent from other contracts. In Egypt's Civil Code after Article 512 allowed the contracts to the crew and the workers. It is clear that the contract is the same as the contract of employment or work law and is known as the subject of the Leasing Contract. Therefore, the effects of this contract should be considered as the same the effects of the contract of individuals. With respect to social developments, the legislator was thinking of adopting a special law to regulate and modify this relationship.

Today, the contract of employment is an independent contract from other specified contracts in civil law. Work rights are rooted in private law, which is based on the equal and mutual relations of citizens based on their clear free will. However, due to its importance, especially in terms of the impact of the relations between the worker and the employer on legal-economic issues, there is a large-scale coherence with the public order. Under this pretext, there is the direct interference of governments in determining the limits of responsibilities and duties between the worker and the employer in such a way that introduced as a public law. Accordingly, the rules governing labor contracts have characteristics other than the general rules of contracts that exist in general and different matters between the people of the society. These interventions in the regulation and implementation of the work contract are normal and accepted, and there is only a difference in the extent and type of this interference. Another issue is enforceability of the labor law. In fact, the legal protection of the worker class and its implementation requires that the rules of labor law have an important aspect.

The enforceability of the labor law is important for the interference and monitor on the determination and the legal, criminological, and administrative guarantees of the states. In short, although, the use of employment contracts as a means to earn more points is for professional staff and experts, due to the great need for their job can accept the conditions according to your employer. However, even in the case of other workers according to the mentioned regulations of the law, it has less exploitation aspect rather than support, because it must anyway have more rules that are favorable.

A new approach to labor law, which is the supportive principle of labor law, addresses the maintenance of the interests of the worker as a vital element of the work relationship. It also tries to modify the relationship between the worker and the employer, and the two sides of the relationship and the parties will balance the effect of the work relationship on the contract and its terms. In order to achieve this, the state acts as the supreme authority responsible for social justice in the form of a regulation in the labor relations. Of course, it should be noted that the mere existence of written laws and regulations cannot lead to the protection of workers' rights, but the implementation and enforcement of them requires the prediction of a desirable and efficient executive mechanism. In this case, it can be expected that the government can implement its goals and plans in organizing work relations more effectively.

The current labor law of Egypt has established ways of interfering in labor relations in the pursuit of justice development in the field of labor relations and its improvement. The labor law predicts a monitoring arm such as an inspection. It has also established a cooperative organization for managing the workshop in the form of the Islamic Labor Council. Disputes authorities of worker and employer have also been proposed as a modifying arm that can play an effective role in preventing tensions in the workshop environment. In addition, the high councils of work and technical protection are recognized as the government's regulatory arm in labor relations.

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