

Egyptian Labor in Kuwait and an Unknown Fate

After the Kuwaiti Ministry of Labor activated the so-called Kuwaitization policy on September 1, 2022, which aims to reduce the number of foreign expatriate workers and reduce the unemployment rate among Kuwaitis, it began implementing the Kuwaitization policy on jobs, enabling Kuwaiti cadres to work and giving them the full opportunity to serve the country in implementation of the directives of the Council of Ministers. The directives include the necessity of moving forward and expeditiously terminating the contracts of non-Kuwaiti employees in administrative, financial and legal positions by substitution, and related to the rules and procedures for Kuwaitization of government jobs. State ministries were asked to dismiss a certain percentage of non-Kuwaiti workers in the administrative, financial and legal sectors, in a way that does not affect the workflow, with the exception of some necessary jobs that the ministries need them for. A certain percentage and period for dismissal of non-Kuwaitis were set in several stages. Excluded from this are children of Kuwaiti women, nationals of GCC countries, undetermined nationalities, cemetery workers and service employees. In implementation of this, the Undersecretary of the Ministry of Justice issued the termination of the services of 30 non-Kuwaiti employees as a first batch, in preparation for replacing them with national cadres, provided that coordination takes place with the Civil Service Commission (CSC) in this regard.

The Ministry of Education in Kuwait also announced the termination of the services of 1,815 male and female teachers. The specializations included in the substitution amounted to about 14 subjects: (Arabic language - Islamic education - decoration – computer science - English language - history - geography - biology - sciences - social studies - geology - art education - forensic sciences - psychology). As well as terminating the services of 209 expatriate heads of departments at the end of the current academic year 2022-2023. The number of Egyptian teachers in Kuwait exceeds 20,000, working in many disciplines.

This decision is considered an arbitrary measure that violates labor laws and legislation. The employer has no right to unilaterally dismiss a worker without a clear reason, only if he committed a violation or violated labor laws. This decision was taken without taking into account the interests of the Egyptian state or taking into account the rights and interests of the Egyptian workers. It was rather was taken based on the gains it achieves for the Kuwaiti state without giving any consideration to the economic and social damage it causes the Egyptian state or its violation of the labor rights of Egyptian workers.

It is also in violation of international covenants on human rights, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, by General Assembly resolution 45/158 on 18 December 1990.

Article 7

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

Article 25.1

Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and:

(a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work.

Article 54.1

Without prejudice to the terms of their authorization of residence or their permission to work and the rights provided for in articles 25 and 27 of the present Convention, migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of:

(a) Protection against dismissal;

(b) Unemployment benefits;

(c) Access to public work schemes intended to combat unemployment;

(d) Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention.

Article 56

1. Migrant workers and members of their families referred to in the present part of the Convention may not be expelled from a State of employment, except for reasons defined in the national legislation of that State, and subject to the safeguards established in part III.

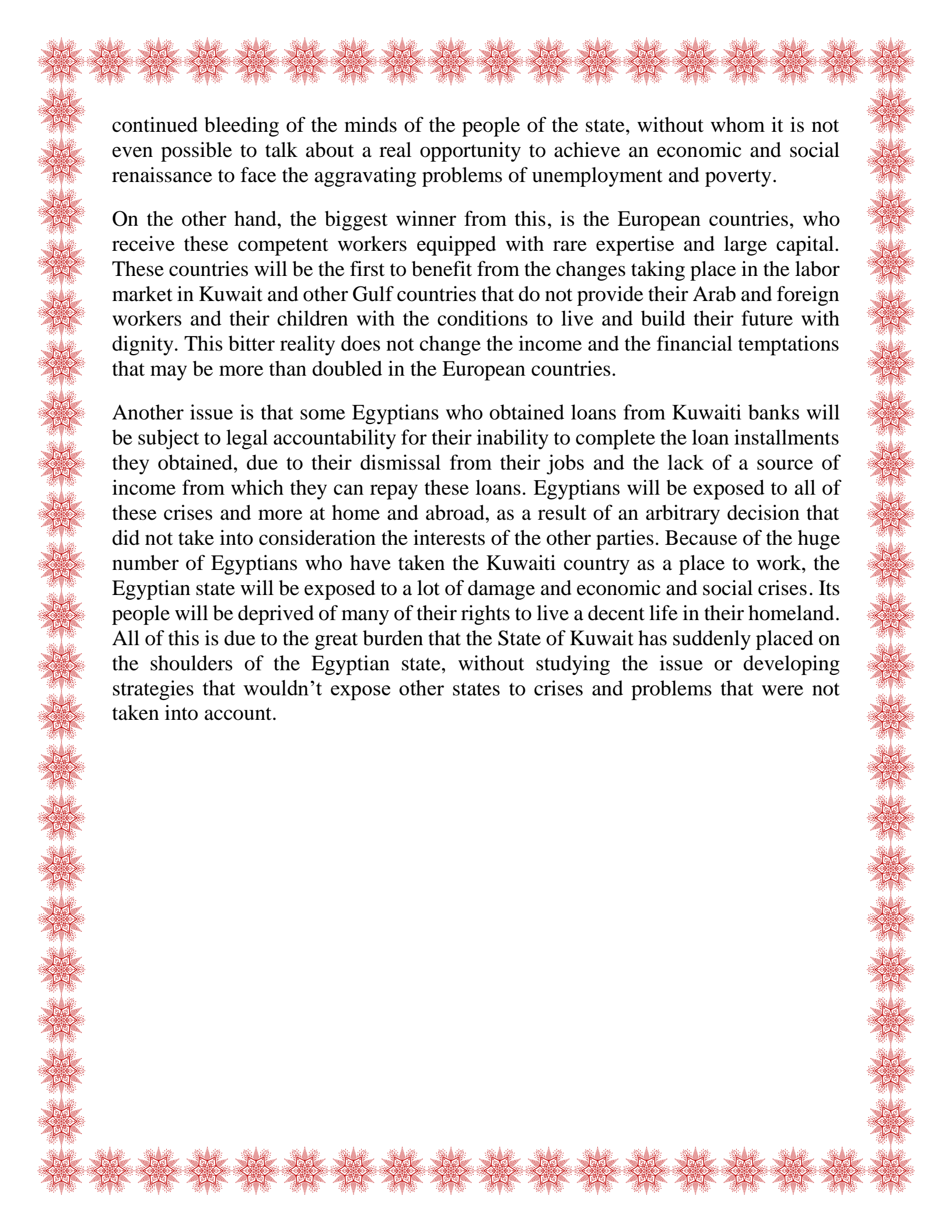
2. Expulsion shall not be resorted to for the purpose of depriving a migrant worker or a member of his or her family of the rights arising out of the authorization of residence and the work permit.

3. In considering whether to expel a migrant worker or a member of his or her family, account should be taken of humanitarian considerations and of the length of time that the person concerned has already resided in the State of employment.

The Impact of The Decision on The State and Egyptian Workers in Kuwait:

This decision sparked great uproar and widespread fears in Egypt, as the remittances of Egyptians abroad constitute a major source of hard currency, which will affect Egypt's economic conditions. According to the Central Bank of Egypt, remittances from Egyptians working abroad increased by 1.6%, recording about \$31.9 billion during the fiscal year 2021/2022, compared to \$31.4 billion during the fiscal year 2020/2021. Moreover, according to the Central Agency for Public Mobilization and Statistics (CAPMAS), Kuwait ranked second in the list of the highest countries of the GCC in the value of remittances of Egyptians working there during the fiscal year 2020/21, as it amounted to 4.4 billion dollars, after Saudi Arabia, which came in the first place with a value of 11.2 billion dollars. Third was UAE with 3.4 billion dollars, then Qatar with 1.5 billion dollars, Oman with 162 million dollars, and finally Bahrain with 104.1 million dollars.

To add to that, the repercussions of this decision will be dangerous for more than 770,000 Egyptians there. It is considered a threat to the stability of the largest expatriate workforce in Kuwait. The impact of the decision on Egyptian workers in Kuwait will be great, considering Egyptians there are estimated to be thousands. They are working in all kinds of professions, including municipal workers, certified accountants, consultants, and others. The negative impact will be on their remittances and statuses. It will cause confusion to the Egyptian government as it will have to deal with the return of thousands of workers whose services will be terminated. When these Egyptians return, they will not find jobs to work in. They will not find a source of income that they can rely on to support themselves and their families. Naturally, this will lead to high rates of unemployment and poverty in the state, putting great pressure on the labor market, and leading to an increase in economic burdens and social problems in the Egyptian state. This means the



continued bleeding of the minds of the people of the state, without whom it is not even possible to talk about a real opportunity to achieve an economic and social renaissance to face the aggravating problems of unemployment and poverty.

On the other hand, the biggest winner from this, is the European countries, who receive these competent workers equipped with rare expertise and large capital. These countries will be the first to benefit from the changes taking place in the labor market in Kuwait and other Gulf countries that do not provide their Arab and foreign workers and their children with the conditions to live and build their future with dignity. This bitter reality does not change the income and the financial temptations that may be more than doubled in the European countries.

Another issue is that some Egyptians who obtained loans from Kuwaiti banks will be subject to legal accountability for their inability to complete the loan installments they obtained, due to their dismissal from their jobs and the lack of a source of income from which they can repay these loans. Egyptians will be exposed to all of these crises and more at home and abroad, as a result of an arbitrary decision that did not take into consideration the interests of the other parties. Because of the huge number of Egyptians who have taken the Kuwaiti country as a place to work, the Egyptian state will be exposed to a lot of damage and economic and social crises. Its people will be deprived of many of their rights to live a decent life in their homeland. All of this is due to the great burden that the State of Kuwait has suddenly placed on the shoulders of the Egyptian state, without studying the issue or developing strategies that wouldn't expose other states to crises and problems that were not taken into account.