

Days of protest

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As doctors stage protests across the country, [Hala Sakr](#) reviews the ongoing battle between the Ministry of Health and physicians

The confrontation between Egyptian physicians and the government entered a new stage last week when, on 23 April, amid intense security, doctors staged peaceful protests at their syndicate headquarters in Cairo, its local branches, and in public hospitals across Egypt.

Meanwhile, Mona Hamed, a state employed psychiatrist and member of the Doctors without Rights group, filed a court case before the State Council contesting the inclusion of hospitals and healthcare facilities in prime ministerial decree No. 1158 for the year 2003 which prohibits strikes in "vital and strategic institutions".

"That any law or decree should obstruct doctors' right to strike is beyond me. We are well aware of our duties towards our patients and would never withhold labour in a manner that compromises lives," she told *Al-Ahram Weekly*. "We are not talking about a complete strike, rather a slow down of labour or alternating forms of action."

An emergency general meeting (EGM) of the Doctors' Syndicate had called for a limited two-hour strike in public hospitals, excluding emergency and intensive care units, between 9 and 11am on 15 March.

Hamed's lawyer, Khaled Ali, of the Hisham Mubarak Legal Centre, believes that state-employed doctors have every right to strike should they deem it necessary. "No one can prohibit strikes and in so-called vital and strategic facilities. They [the government] are obliged to provide alternative ways for practising the right to withhold labour," he told *Al-Ahram Weekly*.

The 23 April protest followed the EGM convened on 21 March to discuss tactics in pursuit of demands for better pay and conditions. Disagreement over the strategy to be followed had escalated when the syndicate council suspended the unanimous decision of February's EGM calling for a strike on 15 March. The council's decision to abandon the strike triggered anger and frustration among doctors. Council members insisted it had been made after receiving a letter from the prime minister pointing out that prime ministerial decree No. 1158 for the year 2003 made any work stoppage illegal.

Doctors without Rights member Ahmed Bakr contends that prohibiting the right of doctors to pursue their demands by withholding labour is not only illegal but unconstitutional. "Rights can only be secured by using every available kind of pressure to attract the attention of decision-makers," he says.

Unified Labour Law 12/2003 has hitherto been applied mainly to workers in the private and investment sectors. Articles 192 to 196, though, give the prime minister the right to specify strategic facilities at which strikes are prohibited.

Ali argues that the law does not apply to doctors employed by the state. "State- employed civil workers -- including government physicians -- fall under Law 47/ 1987. The right to strike covered by this law is regulated by the International Covenant of Economic, Social and Cultural Rights which Egypt ratified in 1982."

Article 151 of the Egyptian constitution states that any international convention to which Egypt is a signatory passes into law. "The covenant is part and parcel of Egyptian legislation and its regulations are binding," says Ali, who further emphasises that "Article 4 of the unified labour law of 2003 clearly stipulates that it does not apply to state-employed workers."

Rashwan Shaaban, also a member of Doctors without Rights, views the debate over the legality of any action as a cul-de-sac. "Even if we eventually decide that our right to strike is legal and constitutional and is not a violation of any existing or illusionary law, it remains meaningless. Some deputy minister in some governorate will always be able to come up with punitive measures against doctors. We have to realise that there is always a price to pay."

While the March EGM mandated the union council to examine the legality of the prime ministerial decree and selected Wednesday 23 April as a day of general protest some syndicate members, including the syndicate's communication officer Said Sayed, argue the initial plan to escalate action adopted by the February EGM remained in effect. It is as part of these plans, a package of measures adopted in an attempt to force the Ministry of Health to comprehensively review and overhaul doctors' wages rather than impose a regime of incentives, that two follow-up meetings for local union branches will convene in Beni Sweif in Upper Egypt on 2 May and in Tanta in the Nile Delta on 9 May.

Physicians in government hospitals and healthcare facilities receive basic monthly salaries starting at less than LE300. Payments are supplemented by additional sums that take into account night shifts, postgraduate degrees, administrative responsibilities, performance assessments by the administration, etc. This additional compensation, however, remains subject to changing ministerial decrees, the availability of resources and at the mercy of a complex bureaucracy.

Despite the consensus that there is no alternative to a comprehensive wages cadre in recent months, debate has focussed on whether or not to continue negotiations with the government in an attempt to improve the incentives package it has offered.

Mona Mina, a state-employed paediatrician and leading member of the Doctors without Rights group, insists that the Ministry of Health's current proposals are little more than an attempt to keep doctors hostage to the administration's whims. Essam El-Erian, the syndicate's treasurer and a prominent member of the Muslim Brotherhood, argues on the other hand that there is no harm in negotiating to improve benefits for physicians while simultaneously pushing for a consistent wages cadre.

The syndicate council met on 24 March with Prime Minister Ahmed Nazif to discuss the issue. According to the syndicate's chairman Hamdi El-Sayed the meeting was positive and the prime minister promised to put already existing incentive-related procedures into effect. There is no alternative to an appropriate wages cadre but negotiations must be pursued in a way that ensures doctors' benefit, says El-Sayed. "We must give negotiations an opportunity to work. A strike should be the end, not the beginning of the journey."

But, says Bakr, doctors have tried everything possible to convince the government of their case since the cadre issue emerged in 1988 and all to no avail.

"Withholding labour is but one way to force negotiations through different stages," says Mina, who points out that if physicians' rights are not secured those of patients are also compromised. "Our main battle is to form a unified front in the struggle for a comprehensive and fair wages cadre. This is a long battle in which all doctors, members of the syndicate council, of Doctors without Rights and physicians across the medical profession, must join hands to end deteriorating conditions which have had a disastrous effect on medical services and hence people's health."

The Doctors' Syndicate, established in 1940, is, after the Bar Association, Egypt's oldest professional union. It has 170,000 members, more than 70,000 of them employed by the state. A majority of the current council, which came to power in 1992, are members of the Muslim Brotherhood. Although the law stipulates that council members serve only a four-year term elections have been suspended since 1992.