



DECENT WORK CHECK

ETHIOPIA 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Acknowledgements

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Ethiopia. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which works on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

Minimum Wage Database and Labour Law Database are maintained by the Centre for Labour Research, Pakistan, which works as WageIndicator Labour Law office. The team comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Seemab Haider Aziz, Sobia Ahmad, Shanza Sohail, and Tasmeena Tahir.

Bibliographical information

Ahmad I, Tahir T (2023) *Ethiopia Decent Work Check 2023*. Amsterdam, WageIndicator Foundation, May.

For an updated version in the national language, please refer to <https://mysalary.ee>

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WageIndicator Foundation, 2023

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Ethiopia 1994
2. Constitution of the Federal Democratic Republic of Ethiopia, 1995
3. The Criminal Code Proclamation No. 414/2004
4. Public Holidays and Rest Day Proclamation 1975 amended in 1996
5. Civil Code, Proclamation No. 165 of 1960
6. Labour Proclamation No. 1156/2019
7. Social Health Insurance Proclamation No.690/2010
8. The Right to Employment of Persons with Disabilities Proclamation No. 568/2008

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Ethiopia has not ratified the Convention 95, 117 & 131.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Labour Proclamation No. 1156/2019

Minimum Wage

There is no national minimum wage. Minimum wage exists only for the public sector workers which is around 420 birr (\$22). Some Government institutions set their own minimum wages.

The new Labour Proclamation refers to minimum wages by referring to the issuance of a Regulation of the Council of Ministers to determine the powers and responsibilities of a Wage Board. The Wage Board shall comprise representatives of the Government, employers and trade unions together with other stakeholders. It will periodically revise minimum wages based on studies which take into account the country's economic development, labour market and other considerations.

Minimum wages in the public sector are determined at National level depending on the nature of service and level of skill of the worker (employee). Based on the decision of the Council of Ministers, the FDRE Ministry of Civil Service notify the minimum wage together with the different levels of Salary to be paid for all employees for different skill level and types of services. It is calculated on daily, hourly, weekly and monthly basis.

Source: §55(2) of the Labour Proclamation No. 1156/2019

Current minimum wage rates can be found in the Minimum Wage section.

Regular Pay

In accordance with the Labour Proclamation, wages mean the regular payment to which the worker is entitled to in return for the performance of the work that he/she performs under a contract of employment. Wages are independent of overtime premium, allowances, bonus, commissions, service charges received from the customers and other incentives paid for additional work. Wages are only paid for the work done by the worker except in case interruption on employer's behalf which makes it impossible to work (i.e. interruption in supply of tools and raw materials).

The Labour Proclamation requires the employers to pay wages in cash on working day at the work place unless otherwise agreed. In case date of payment (where already decided) falls on a weekly rest day or public holiday, the wages are paid on the preceding working day. Wages are paid directly to the worker or to the person authorized by the worker. Wages may be paid in kind but it may not be more than 30% of the wages paid in cash.

An employer is under the obligation to pay the worker wages and other emoluments in accordance with this law or the collective agreement. Wages are to be paid at such intervals as required under the national law, collective agreement or employment contract.

Generally, employer is not allowed to deduct wages except where it is provided by the law or collective agreement or work rules or in accordance with a court order or a written agreement with the worker. The amount of deduction must not exceed one-third of the monthly wages of the worker.

It is obligatory for an employer to keep a record of payment in a register specifying the gross pay and method of calculation of wages; other variable remunerations; the amount and type of deduction; and the net pay and other relevant particulars, unless there is a special arrangement on which the signature of the worker is affixed. This register must be easily accessible to all the workers and the entries are explained to the worker on request.

In September 2019, the Ethiopian Government published the new Labour Proclamation No. 1156/2019, approved by the House of Representatives in July 2019. The new Proclamation repeals Labour Proclamation No. 377/2003 and its amendments in 2005, 2006 and 2009.

Source: §53-60 of the Labour Proclamation No. 1156/2019

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Ethiopia has not ratified the Convention 01 & 171.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Proclamation No. 1156/2019

Overtime Compensation

The normal hours of work are 8 hours a day and 48 hours a week. The Labour Proclamation defines "normal hours of work" as the time during which a worker actually performs work or avails himself for work in accordance with law, collective agreement or work rules. Working hours may be reduced without reduction in worker's wages, on Minister's directives, for economic sectors, industries or occupations where there are special conditions of work. Hours of work are spread equally over the working days of a week. However, if the nature of work so requires, some of the working days can be shortened while in other days, working time can be increased to the limit of 10 hours a day. Normal working hours are not applicable to commercial travellers or representatives unless otherwise specified in a collective agreement or work rules.

Overtime is the work done in excess of the normal daily hours of work. A worker may not be compelled to work overtime except in case of accident (actual or expected), force majeure, urgent work, or substitution of absent workers assigned on work that runs continuously without interruption. Overtime work may not exceed 4 hours in a day or 12 hours in a week. If a worker works beyond the stipulated working hours during the week days, i.e., 8 hours a day and 48 hours a week, he/she is entitled to an overtime premium as follows:

- 150% of normal hourly rate for overtime work between 06 a.m. to 10 p.m.;
- 175% of normal hourly rate for overtime

- work between 10 p.m. to 06 a.m.;
- 200% of the normal hourly rate for work on a weekly rest day; and
- 250% of the normal hourly rate for work on a public holiday.

Source: §61-68 of the Labour Proclamation No. 1156/2019

Night Work Compensation

In accordance with the Labour Proclamation, night work is the work done between 10 p.m. and 06 a.m. There is no specific provision in the Labour Proclamation, which requires employers to make premium payments to the night workers. Higher payments are available only to the workers working overtime during night hours. If night hours are overtime hours, worker has to be paid 150% of the normal hourly wage rate.

Source: §68 of the Labour Proclamation No. 1156/2019

Compensatory Holidays / Rest Days

Workers may be required to perform work on a weekly rest day or public holiday to avoid serious interference caused by accident (actual or expected) or force majeure or urgent work.

A worker is compensated monetarily if his/her contract of employment terminates before the compensatory holiday is granted. There is no provision for compensatory holiday for the workers working on a public holiday.

Source: §71 of the Labour Proclamation No. 1156/2019

Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employees have to work on official/public holidays, they are entitled to receive wages at a premium rate of 200% of the normal hourly wage rate. However, there is no premium pay for the workers working on weekly rest days.

Source: §75 of the Labour Proclamation No. 1156/2019

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Ethiopia has ratified the Convention 14 & 106 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Proclamation No. 1156/2019
- Public Holidays and Rest Day Proclamation 1975 amended in 1996

Paid Vacation / Annual Leave

Workers are entitled to 16 working days of paid annual leave on completion of one year of service plus one working day for every additional year of service. For a worker with 5 years of service, the period of paid annual leave is 18 working days (one day extra for every two additional years of service).

A worker is granted his first period of leave after one year of service and his next and subsequent periods in the course of each calendar year, in accordance with a leave schedule drawn up by the employer on worker's consent and to the need for maintaining the normal functioning of his undertaking. A worker may request the employer to take his annual leave in two parts, or defer a period of leave on employer's consent. However, such deferment cannot exceed two consecutive years.

If the employment contract expires before a worker could avail the right to annual leave, compensation for leave is made in proportion to the length of his/her service. Apart from this provision, any agreement, collective agreement or other agreement, providing compensation in lieu of annual leave or renouncing or waiving the right to paid annual leave is null and void. In case a worker falls sick during the annual leave, the provisions related to sick leave are

applicable.

Annual leave may be interrupted and employer recalls worker on leave only where unforeseen circumstances require his presence at his post. The recalled worker is entitled to a payment covering the remainder of his leave excluding the time lost for the trip and the employer has to bear the expenses incurred by the worker as direct consequences of his being recalled and per-diem.

Source: §77-79 of the Labour Proclamation No. 1156/2019; §77-79 of the Labour Proclamation No. 1156/2019

Pay on Public Holidays

Workers are entitled to fully paid festival (public and religious) holidays. These include memorial holidays and religious holidays (Christian and Muslim origin).

Public holidays are usually 13 in number. These days, in 2019, are Ethiopian Christmas day (January 07), Birthday of the Prophet Muhammad (Moulid), Epiphany/Timket (January 19), Victory of Adwa (March 02), Good Friday (April 29), Ethiopian Easter (May 01), May Day/International Labour Day (May 01), Patriot's Victory Day (May 05), Downfall of the Derg (May 28), Eid al-Fitre /End of Ramadan, Ethiopian New Year (September 11), Meskel/Discovery of the True Cross (September 27), Eid Al Adha/Arefa. The Muslim religious holidays are based on lunar calendar.

If a public holiday coincides with another public holiday or falls on a rest day designated by law, such worker is entitled to only one public holiday payment for working on such a day.

Source: §73-75 of the Labour Proclamation No. 1156/2019(amended by Proc. No. 466/2005 & Proc. No. 494/2006); Public Holidays and Rest Day Proclamation 1975 amended in 1996

Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. Labour Law requires that weekly rest day, in principle, should be Sunday for all employees. If it is impossible to provide weekly rest day on Sunday, due to nature of work, another day be substituted as weekly rest day. Weekly rest must include the period from 6 a.m. to the next 6 a.m.

Where the nature of the work or the service performed by the employer is such that the weekly rest cannot be a Sunday, another day may be made a weekly rest day as a substitute.

Source: §69 of the Labour Proclamation No. 1156/2019

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Ethiopia has ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Proclamation No. 1156/2019
- Civil Code, Proclamation No. 165 of 1960

Written Employment Particulars

Individual employment contract may be oral or in writing. A contract of employment is deemed to have been concluded for an indefinite period except for the contracts of definite period or piecework. The employment contract must be stipulated clearly and must not be concluded for the performance of unlawful or immoral activities. It must contain provisions that are more favourable for the worker than those provided the law, collective agreement or work rules. If a contract of employment is not made in writing, the employer is required to provide a written statement of employment particulars within 15 days of the conclusion of employment contract.

A written employment contract (or a statement of particulars in the absence of employment contract) must specify the following: the name and address of the employer; the name, age, address and the work card number of the worker; type of employment; workplace; rate of wages as well method of their calculation; manner and interval of wage payment; and duration of the contract. It must be signed by both parties.

In case the employer does not comply with these provisions, the worker must not be deprived of his rights under this proclamation.

Source: §4-8 of the Labour Proclamation No. 1156/2019

Fixed Term Contracts

Ethiopian labour Law prohibits hiring fixed term contract workers for tasks of permanent nature. A contract of employment may be concluded for a definite period/fixed term or for piecework in the case of: the performance of specified piece work for which the employee is employed; the replacement of a worker who is temporarily absent due to leave or sickness or other causes; the performance of work in the event of abnormal pressure of work; the performance of urgent work to prevent damage or disaster to life or property, to repair defects or break downs in works; materials, buildings or plant of the undertaking; an irregular work which relates to permanent part of the work of an employer but performed on an irregular intervals; seasonal works which relate to the permanent part of the works of an employer but performed only for a specified period of the year but which are regularly repeated in the course of the years; an occasional work which does not form part of the permanent activity of the employer but which is done intermittently; the temporary placement of a worker who has suddenly and permanently vacated from a post having a contract of an indefinite period; the temporary placement of a worker to fill a vacant position in the period between the study of the organizational structure and its implementation.

The Labour Proclamation does not limit the maximum term (including renewals) of the fixed term contract except in the last two cases where it specifies that the contract may not exceed 45 consecutive days and has to be concluded once only. The maximum length of fixed term contract, as determined under the Civil Code, is 5 years.

If a worker keeps working after this period or if a contract is renewed beyond the initial period of 5 years, it becomes indefinite contract.

The new Labour Proclamation also covers home work where a worker is working from home in return for wages without any direct supervision or direction by the employer. The contract concluded between a home worker and employer is considered a fixed term contract or piece work contract.

Source: §9-10 and 46 of the Labour Proclamation No. 1156/2019; §2568 of the Civil Code, Proclamation No. 165 of 1960

Probation Period

In accordance with the Labour Proclamation, a probationary period is the initial period of execution of an employment contract to test the suitability of a worker to the assigned position. Probationary must be declared in writing however it may not exceed 60 working days. A worker reemployed by the same employer for the same job cannot be subjected to probation. Probationers have the same rights and obligations as other workers.

If a worker is found unfit for the job during probation, employer terminates the employment contract without notice and without obligation to pay any severance pay or any compensation. A worker may also terminate the employment contract without any notice.

Source: §11 of the Labour Proclamation No. 1156/2019

Notice Requirement

Either party can terminate a contract according to the provisions of the law or a collective agreement or by the agreement of the two parties, by serving a notice or paying in lieu thereof. According to the Labour Proclamation, a contract of employment may be terminated on the expiry or completion of the fixed term contract or piece work; on worker's death; on lawful retirement of the worker; when the undertaking ceases operation permanently due to bankruptcy or for any other cause; or incapacity due to disability.

The employment contract may also be terminated on account of worker's conduct, ability to do work, or the organizational and operational requirements of the undertaking. Labour Proclamation also mentions certain grounds, which do not require notice prior to contract termination.

A worker may terminate the employment contract by serving 30 days' prior notice to the employer. On the other hand, an employer may terminate the employment contract of a worker by observing a notice period as follows:

- One month for workers who have completed their probation and their period of service is not more than 1 year;
- Two months for workers who have a period of service from one to nine (1-9) years;
- Three months for workers with more than 9 years of service; and
- Two months for workers who have completed probation period but whose employment is terminated due to the reduction of work force.

The notice period for definite term contract and piece work contract is mutually agreed upon between the parties.

Source: §24-35 of the Labour Proclamation No. 1156/2019; §2571 of the Civil Code, Proclamation No. 165 of 1960

Severance Pay

The Labour Proclamation provides for severance pay for a worker who has completed his probation. A worker is entitled to severance pay on contract termination by the employer because he/she has ceased its operations permanently due to bankruptcy or some other reason; or if the worker's employment contract is terminated against the provisions of law; or if the worker is part of the reduced workforce; or if the employer has done something unlawful hurting worker's rights; or if his employer has not taken any action to secure the health & safety of workers even after being informed about the dangers in the workplace; and if the employment contract is terminated because of partial or total disability.

The amount of severance pay depends on the length of service and is payable at the following rates:

- 30 days' wages for one year (as well as first year) of service (severance pay for workers with less than 1 year of service is calculated in proportion to the period of service);
- 10 days' wages for every additional year of service after the first year (however, the total severance pay must not exceed 12 months' wages);
- 60 days' wages in addition to the above payments for workers who are terminated on grounds of redundancy.

In addition to the above severance payment, workers are further entitled to 30 days wages extra as compensation where they have terminated the contract of employment without notice. The list of good causes to terminate an employment contract without notice includes the following situations: where the employer has committed any act contrary to human dignity and morals or other acts, punishable under the Criminal law, against the worker; in the event of imminent danger threatening worker's safety or health and the employer has failed to act and avert the danger despite the time limit in line with early warning; where employer has repeatedly failed to fulfil basic obligations towards the worker, as prescribed under the law, work rules or collective agreement.

Where a worker terminates employment contract because of sexual harassment or sexual violence on the part of employer or a managerial employee, such worker is entitled to 90 days wages in addition to general severance pay.

Source: §32, 39-40 of the Labour Proclamation No. 1156/2019

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Ethiopia has ratified the Convention 156 only.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Proclamation No.377/2003

Paternity Leave

There was no provision for paternity leave in the Labour Proclamation 2003.

Under the Labour Proclamation 2019, a male employee is entitled to 3 consecutive days paternity leave with full pay.

Source: §81 of the Labour Proclamation No. 1156/2019; §81 of the Labour Proclamation No. 1156/2019

Parental Leave

No provisions could be located in the law supporting parental leave for new parents after exhaustion of maternity leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Ethiopia has not ratified the Conventions 103 & 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Constitution of Ethiopia 1994
- Labour Proclamation No.377/2003

Free Medical Care

No maternity related statutory benefits are provided. A new law, i.e., Social Health Insurance Proclamation has been passed in 2010. All employees are required to members of social health insurance scheme. However, this law does not expressly deal with maternity related health benefits.

No Harmful Work

The Labour Proclamation prohibits employment of women in types of work that have been listed by the Minister as particularly arduous or harmful to women's health (whether they are pregnant or not). Similarly, pregnant women workers may not be asked to work overtime or night hours. A woman worker may be transferred to another place if her job is dangerous to her health or her pregnancy.

Source: §87 of the Labour Proclamation No. 1156/2019

Maternity Leave

In accordance with the Constitution of Ethiopia and Labour Proclamation, female workers are entitled to fully paid maternity leave of 120 working days (30 days antenatal and 90 days postnatal) on recommendation of medical doctor. If a pregnant woman does not deliver within 30 days of antenatal leave, she is entitled to additional leave until her confinement. If a pregnant woman delivers before the 30

days period has elapsed, postnatal leave commences after delivery. Under the 2019 law, the duration of maternity leave has increased from 90 working days to 120 working days.

Other than maternity leave, workers are also entitled to paid leave for medical examinations related to pregnancy and paid leave during pregnancy on recommendation of a medical doctor.

Source: §35(5) of the Constitution of Ethiopia 1994; §88 of the Labour Proclamation No. 1156/2019

Income

Maternity leave is fully paid leave. Maternity leave is fully paid leave. The Labour Proclamation requires that a pregnant worker be granted full salary during the pre-natal (30 days) and post-natal period (90 days). The total maternity leave has increased from 90 days to 120 days. The Constitution of Ethiopia provides that women workers have the right to maternity leave with full pay. The Constitution of Ethiopia provides that women workers have the right to maternity leave with full pay.

Source: §35(5) of the Constitution of Ethiopia 1994; §88 of the Labour Proclamation No. 1156/2019; ISSA Country Profile 2019

Protection from Dismissals

A women worker can't be dismissed during the period of her pregnancy, maternity leave and four months after her confinement. Pregnancy of a worker does not constitute the valid ground for termination of a worker's contract.

However, a woman worker may still be dismissed for reasons unrelated to her pregnancy or childbirth.

Source: §26(2) & 87(5) of the Labour Proclamation No. 1156/2019

Right to Return to Same Position

There is no explicit provision in the law, which gives a female worker the right to return to same position after availing her maternity leave. However, because an employer can't terminate a female worker on maternity leave, it gives an implied right to return to the same job.

Breastfeeding

No provision requiring employers to provide breaks to nursing mothers are located in the Labour Proclamation.

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Ethiopia has ratified the Convention 155 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Proclamation No. 1156/2019

Employer Cares

In accordance with the Labour Proclamation, every employee has the right to enjoy suitable measures of protection and safety & hygiene at work as the employer is required to take all necessary measures to safeguard the health & safety of workers. It is considered unlawful for an employer to require a worker to execute work, which is hazardous to his life.

Employer must take appropriate measures to ensure that workers are properly instructed and notified about the risks and imminent danger related to their respective occupations and precautions necessary to avoid accidents and injury to health.

Medical examination of newly employed workers and those engaged in hazardous work, at employer's expense, is necessary. Measures should be taken to ensure that the processes of work are not a source or cause of physical, chemical, biological, ergonomical and psychological hazards to the health and safety of the workers.

It is obligatory for an employer to establish occupational safety and health committee in the establishment according to the directive issued by the Minister. Employment accidents and occupational diseases must get registered and notified to the labour inspector. To keep workplace and its premises free from hazards related to health and safety of worker, employer must implement the directives issued by the appropriate authority in accordance with this proclamation.

Workers must also obey all health and safety instructions issued by the employer or by the competent authority and co-operate in the formulation of work rules to safeguard his health and safety, and to implement them.

Workers are prohibited from interfering, removing, displacing, damaging or destroying any safety devices or other appliances furnished for workers' protection. Further, workers are prohibited from obstructing any method or process adopted with a view to minimizing the occupational hazard.

Source: §14(1e) & 92-93 of the Labour Proclamation No. 1156/2019

Free Protection

Labour Proclamation requires employers to provide protective equipment, appropriate work clothing and other materials to the workers in order to prevent the risk of accidents or detrimental effects on the health of workers.

Source: §92(3) of the Labour Proclamation No. 1156/2019

Training

Employers are required to ensure that workers are properly instructed and informed about different hazards present at the workplace as well precautions necessary to avoid accident and injury to health. Employer must also instruct workers about the proper use of protective equipment.

Source: §92(2) of the Labour Proclamation No. 1156/2019

Labour Inspection System

Labour Proclamation provides for the vibrant Labour Inspection services however the current system is not in line with the requirements of ILO Convention 081. There are nearly 380 labour inspectors in the country but due to lack of resources, labour inspectors may not enforce standards effectively.

The Occupational Safety, Health and Working Environment Department (OSHWED) of the Ministry of Labour and Social Affairs (MoLSA) is responsible for labour inspection. The Labour Proclamation 377/2003, provides for the establishment of a Tripartite Labour Advisory Board for studying and examining matters concerning employment service, working conditions, the safety and health of workers, labour laws in general and giving advisory opinion to the Minister.

The labour inspectors are authorized by the Minister to carry out the responsibilities of follow-up and supervision of the inspection service. The national legislation provides inspectors the power to enter the work premises during working hours without prior notice; take measurements, photographs, samples and make recordings for the purpose of examination and investigation; examine, copy or extract registers, documents, certificates and notices; interview any one; and ensure that relevant notices are affixed at the appropriate place of work.

The Labour Inspector informs and advises employers and workers concerning the most effective means of complying with the legal provisions and to correct the conditions that constitute a threat to the

health, safety or welfare of workers. Upon failure to comply with these instructions within given time period, the inspector issues an order to alter the existing conditions necessary to remove the threat or take measures necessary to prevent imminent danger to the health and safety of workers. Inspector must not disclose any information obtained during the course of his/her duty and refrain from involvement in labour disputes and collective bargaining as a conciliator or an arbitrator.

The employer or his representatives must also facilitate the inspector and should not cause obstruction in the execution of his/her duties.

Source: §177-182 of the Labour Proclamation No. 1156/2019

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Ethiopia has not ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Proclamation No. 1156/2019

Income

The Labour Proclamation provides for the paid sick leave for up to 6 months on completion of probation period if sickness is certified by a qualified doctor. A worker is entitled to sick leave if he/she is incapable of work owing to the sickness other than resulting from occupational injury. A worker must inform the employer about his/her absence due to sickness and provide a medical certificate issued by a medical organisation recognized by the Government. The employer may provide paid sick leave as follows:

- 100% of wages during the first month of sick leave;
- 50% of wages during the second & third months of sick leave; and
- unpaid leave from the fourth until sixth month.

Source: §85-86 of the Labour Proclamation No. 1156/2019; ISSA Country Profile 2019

Medical Care

The Social Health Insurance Proclamation, passed in 2010, provides medical and health services to the workers. All workers are required to be a member of social health insurance scheme. Where a worker sustains employment injury, employer has to cover the medical service expenses on general and specialised medical and surgical care, hospital and pharmaceutical care and any necessary prosthetic or orthopaedic appliances.

Source: ISSA Country Profile 2019; §105 of the Labour Proclamation No. 1156/2019

Job Security

Employment of a sick worker is secure during the term of his sick leave.

Source: §85-86 of the Labour Proclamation No. 1156/2019

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent incapacity/disability, 47% of an insured worker's monthly salary is paid if the insured has at least a 10% loss of work capacity and is unable to work. If the disability pension is less than or equal to the old age pension, then the old age pensions up to 70% of the insured monthly basic salary is paid to the worker. A lump sum of 47% of the insured's basic salary before the disability began multiplied by 60 months and by the assessed degree of disability is paid in case of permanent partial disability provided that the insured worker has at least a 10% loss of work capacity but is able to work.

In the case of temporary disability, for private-sector workers, 100% of the employee's average earnings is paid for first three months; 75% for the following three months; and at least 50% for the remaining six months. The benefit is paid for 12 months or until full recovery or certification of permanent disability. For civil servants, 100% of the employee's

average earnings is paid until the employee recovers and resumes work or is medically certified as permanently disabled.

In the case of fatal injury, dependents (widow/widower, children under the age of 18 years and any parent being supported by the deceased worker) receive survivors' pension. 50% of the pension a deceased worker would have received, if assessed with permanent total disability, is paid to the widow(er). 20% of a deceased worker's pension is paid to each eligible orphan and 30% for each full orphan. 15% of the pension is paid to the each of the deceased worker's parent supported by him; 20% if there are no other eligible survivors.

The maximum combined survivor benefit is 100% of the disability pension the deceased received or was entitled to receive.

Source: §95-112 of the Labour Proclamation No. 1156/2019; §27-38 of the Private Organization Employees Pension Proclamation No. 715/2011; ISSA Country Profile 2019 ISSA Country Profile 2019

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Ethiopia has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Social Health Insurance Proclamation No.690/2010
- Private Organization Employees' Pension Proclamation No. 715/2011

Pension Rights

Law provides for both full and early pension. For full pension, a worker must have attained 60 years of age (same for women) with at least 120 months (10 years) of contributions. Early pension is available for workers who have attained 55 years of age with at least 300 months (25 years) of contributions and 45 to 55 years of age (depending on rank), in military, with at least 10 years of service and contribution.

The old-age pension is 30% of a worker's average monthly earnings in the last three years before retirement plus 1.25% (civilian) or 1.65% (military) of the insured worker's average monthly for each year of service exceeding 10 years. The minimum monthly pension is 744 birr (January 2017) and maximum monthly pension is 70% of the insured worker's average monthly basic salary. Early pension is calculated in same manner as the old-age pension.

If a worker does not meet the qualifying conditions for the old-age pension at 60 years of age, a lump sum of the insured's basic salary in the month before retirement multiplied by 1.25 (civilian) or 1.65 (military and police) and the number of years of service and contributions are paid.

Source: §18-21 of the Private Organization Employees' Pension Proclamation No. 715/2011; ISSA Country Profile 2019

Dependents' / Survivors' Benefit

The above laws provide for survivor benefit for dependents including widow, widower, children younger than 18 years of age (age 21 if disabled) and parents (if there are no surviving spouse or children).

Survivors' benefit of 50% of the deceased's pension is paid to a widow/widower. 20% of the deceased worker's pension is paid to each orphan. 30% of the deceased worker's pension is paid to each full orphan. 15% (20%, if no other survivors are alive) of deceased worker's pension is paid to each eligible parent. The widow(er)'s pension ceases on remarriage if the widow is younger than age 45 (age 50 for a widower, no limit if disabled). All survivor benefits combined must not exceed 100% of the deceased monthly old-age or disability pension.

If the deceased have less than 10 years of service and contributions and is not eligible for a pension, survivor settlement is paid as a lump sum to the eligible survivors in the same proportion as the other survivor benefits.

Source: §39-44 of the Private Organization Employees' Pension Proclamation No. 715/2011; ISSA Country Profile 2019

Unemployment Benefits

There is no provision for unemployment benefit under Ethiopian labour laws

Invalidity Benefits

The above laws provide for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. Worker must be

assessed with incapacity to perform work and have at least 10 years of contributions.

Invalidity benefit is calculated similarly as old-age pension. The invalidity pension is 30% of a worker's average monthly earnings in the last three years before start of disability plus 1.25% (civilian) and 1.65% (military) of the insured worker's average monthly for each year of service exceeding 10 years. The maximum monthly pension is 70% of the insured worker's average monthly basic salary.

Disability settlement is paid to the worker with less than 10 years of contribution as a lump sum of the insured's basic salary in the month before retirement multiplied by 1.25 (civilian) or 1.65 (military and police) and the number of years of service and contributions is paid.

Source: §22-26 of the Private Organization Employees' Pension Proclamation No. 715/2011; ISSA Country Profile 2019

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Ethiopia has ratified the Conventions 100 and 111 only.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of the Federal Democratic Republic of Ethiopia, 1994
- Labour Proclamation No.377/2003
- The Right to Employment of Persons with Disabilities Proclamation No. 568/2008
- The Criminal Code Proclamation No. 414/2004

Equal Pay

The principle of equal remuneration for equal work is recognized by the Labour Proclamation and women can't be discriminated against, in matters of remuneration, on the grounds of sex. Constitution supports women's right to equal pay for equal work.

Source: §42(1)(D) of the Constitution of the Federal Democratic Republic of Ethiopia 1994; §14(1b) & 87(1) of the Labour Proclamation No. 1156/2019

Sexual Harassment

The Criminal Code prohibits sexual harassment and prescribes simple imprisonment for the perpetrator. Whoever, apart from the cases specified in the preceding Article, procures from a woman sexual intercourse or any other indecent act by taking advantage of her material or mental distress or of the authority he exercises over her by virtue of his position, function or capacity as protector, teacher, master or employer, or by virtue of any other like relationship, is punishable, upon complaint, with simple imprisonment.

It is unlawful for an employer or a

managerial employee to commit sexual harassment or sexual assault at a workplace. Similarly, workers are prohibited from engaging in sexual harassment or sexual assault at workplace. Sexual harassment is defined as persuasion or convincing a person through utterances, signs or any other manner to submit for sexual favour without his/her consent. Sexual assault includes any sexual harassment accompanied by force or any attempt thereof.

Workers who have suffered sexual harassment or sexual assault/violence are entitled to terminate their contracts without notice, and also be eligible for severance payment and compensation. The Labour Proclamation provides a higher amount of compensation for employees who are forced to terminate their contract, without notice, for reasons of sexual harassment and sexual violence. Contract termination by a worker on account sexual harassment and sexual violence leads to three months of compensation payment.

Source: §625 of the Criminal Code Proclamation No. 414/2004; §14 of the Labour Proclamation No. 1156/2019

Non-Discrimination

In accordance with the Ethiopian Constitution, all persons are equal before law and there can't be any discrimination on the grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status (Art. 25). The Right to Employment of Persons with Disabilities Proclamation prohibits employment discrimination on the basis of disability (Art.4).

The law prohibits antiunion discrimination by employers and provides for reinstatement for workers fired for union activity. It is unlawful for an employer to discriminate between workers on the basis of nationality, sex, religion, political outlook or any other conditions. It is not legitimate to terminate a worker on the ground of his nationality, sex, religion, political outlook, marital status, race, colour, family responsibility, pregnancy, lineage line & descendants.

Source: §25 of the Constitution of the Federal Democratic Republic of Ethiopia 1994; §14 & 26 of the Labour Proclamation No. 1156/2019

Equal Choice of Profession

Women can't work in the same industries as men, especially the work that is arduous or harmful to their health. On the other hand, the Ethiopian Constitution says that "every Ethiopian has the right to choose his or her means of livelihood, occupation and profession".

Source: §41 of the Constitution of the Federal Democratic Republic of Ethiopia 1994; §87(2) of the Labour Proclamation No. 1156/2019

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Ethiopia has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Constitution of the Federal Democratic Republic of Ethiopia, 1995
- Labour Proclamation No.377/2003

Minimum Age for Employment

Minimum age for employment has been raised from 14 years to 15 years under the 2019 Labour Proclamation.

Source: §89(2) of the Labour Proclamation No. 1156/2019

Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. Workers between the ages of 15 to 18 years are classified as young workers. It is prohibited to employ young workers which on account of its nature or due to the condition in which it is carried out, endangers the life or health of the young workers performing it. The Minister may prescribe the list of activities prohibited to young worker which shall include in particular: work in the transport of passengers and goods; work on electric power transmission lines; underground work in mines and quarries; work in sewers and digging tunnels.

The Labour Proclamation, however, allows children above the age of 15 to engage in hazardous work if it is performed following a government-approved vocational training course. It is reported that during Government has issued a Young Workers' Directive which includes an updated list of hazardous occupations for children, including work in mines, glass factories, domestic labour, and on the streets. Normal working hours for young persons may not exceed seven hours per day. It is

prohibited to employ young workers on night work between 10 p.m. and 6 a.m.; overtime work; weekly rest days; and public holidays.

Source: §89-91 of the Labour Proclamation No. 1156/2019

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Ethiopia has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Labour Proclamation No.377/2003
- Constitution of the Federal Democratic Republic of Ethiopia, 1994
- The Criminal Code Proclamation No. 414/2004

Prohibition on Forced and Compulsory Labour

Forced Labour is prohibited under the Constitution and is a punishable offence under the Criminal Code. If a person compels another by intimidation, violence, fraud or any other unlawful means to accept a particular employment or particular conditions of employment, or to refuse or withhold his labour, with the object of imposing on an employer by force the acceptance or modification of terms of employment is punishable, upon complaint, with simple imprisonment at least three months, or fine.

The anti-trafficking legislation also prohibits trafficking in persons for the purpose of exploitation at the pretext of domestic or overseas employment. The definition for exploitation includes labour exploitation, forced labour or servitude. It is punishable offence with rigorous imprisonment ranging from 15 to 25 years and with fine from 150,000 to 300,000 Birr.

Source: §42(2 & 3) of the Constitution of the Federal Democratic Republic of Ethiopia 1994; §603 of the Criminal Code Proclamation No. 414/2004; §2 & 3 of the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation (No. 909/2015)

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Source: §26-35 of the Labour Proclamation No. 1156/2019

Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty-eight hours per week and eight hours a day. However, overtime work may not exceed 4 hours in a day or 12 hours in a week. The maximum working hours inclusive of overtime hours are 60 hours a week (48 hours + 12 hours). A worker may not be compelled to work overtime except in case of accident (actual or expected), force majeure, urgent work, or substitution of absent workers assigned on work that runs continuously without interruption. For more information on this, please refer to the section on compensation.

Source: §61-67 of the Labour Proclamation No. 1156/2019

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Ethiopia has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Labour Proclamation No.377/2003
- Constitution of the Federal Democratic Republic of Ethiopia, 1995

Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions. This right is regulated by the labour Proclamation.

Trade union is a worker's organization that protects the rights and interests of the workers and represents them in collective bargaining and labour dispute. Union must ensure that laws, regulations, directives and statements are known to, be observed and implemented by members. Union members should participate actively during preparation and amendments of laws and regulations.

Trade unions may draw up their own constitutions that include inter alia the following: name of the organization; address of the head office of the organization; purpose of the organization; date of formation of the organization; emblem of the organization; qualifications for leadership; contribution of its members; financial and property administration of the organization; meeting and election procedures; disciplinary measures; the conditions for dissolving the organization; and status of the property in case of the dissolution of the organization.

The unions must get registered with the Ministry by filing their statutes; a document containing the names, address, and signatures of its leadership; in the case of a

general union, the names of undertakings where members are working; and name and emblem of the organisation. A trade union is considered registered if the Ministry of Labour does not reply within fifteen days after receipt of the registration application.

If a person compels another by intimidation, violence, fraud or any other unlawful means to join a group or association or anyone who prevents another from freely leaving such a group or association, is punishable, upon complaint, with simple imprisonment for not less than three months, or fine. Where authorized in writing by the workers, employers are required to deduct union dues from workers' regular wages and transfer the amount in trade union's bank account.

Trade union leaders are entitled to leave with pay for the purpose of presenting cases in labour disputes, negotiating collective agreements, attending union meetings, participating in seminars or training courses. The manner of granting such leave is determined by a collective agreement.

Source: §42(1a) of the Constitution of the Federal Democratic Republic of Ethiopia 1995; §603 of the Criminal Code Proclamation No.414/2004; §12(4), 82 and 113- of the Labour Proclamation No. 1156/2019

Freedom of Collective Bargaining

Labour Proclamation recognizes right to collective bargaining.

Collective agreement is an agreement concluded in writing between one or more representative of trade unions and one or

more employers or agents or representatives of employer's organizations. Collective bargaining is a negotiation made between employers and workers organizations or their representatives concerning conditions of work or collective agreement or the renewal and modifications of the collective agreement. A Collective Bargaining Agreement (CBA) usually provides better benefits to the worker than those provided in the law. If a CBA has provisions which are less favourable than those provided under the law, it cannot be enforced.

A CBA is legally effective from the date of signature and is valid for at least 3 years, unless otherwise specified in the agreement. It is applicable to all the parties covered by it. The CBA is valid between the employer and the workers even if a trade union which is a party to a collective agreement is dissolved.

The parties must send sufficient copies of collective agreement to the concerned Ministry for registration. Signed and registered agreement may be acceded to by others. It is unlawful for employers' or workers' organizations to unduly delay collective bargaining contrary to good faith.

Source: §124-135 of the Labour Proclamation No. 1156/2019

Right to Strike

Right to strike is provided under the constitution and is regulated under the Labour Proclamation. However, unreasonable restrictions on the right to strike (long list of essential services, excessive penal or civil sanctions against those engaged in unauthorized strikes and

lengthy procedures) actually frustrate this right.

Peaceful strike is allowed to protect their interests only after all the efforts of dispute resolution fail. Compulsory recourse to long and complex conciliation and mediation procedures prior to strike actions generally restricts the right to strike. There is a compulsory 30-day mediation period before lawful strike action may be taken.

Majority workers must support the strike in a meeting in which at least two-third (2/3) members of the trade union were present. Strikers must notify the other concerned party and the representative of the Ministry in the region or the concerned government office at least 10 days prior to the proposed date of strike and indicate the reasons for taking this action.

Strike is considered illegal if it is not peaceful and does not comply with the provisions of labour law. Violence, threats of physical force or with any act which is clearly and officially unlawful are strictly prohibited. Measure should be taken to ensure observance, of employers and workers, of safety regulations and accident prevention procedures in the undertaking. Employers are prohibited to dismiss/replace striking workers as participation in a lawful strike cannot be made a ground for dismissal.

Source: §42(1b) of the Constitution of the Federal Democratic Republic of Ethiopia 1994; §157-160 of the Labour Proclamation No. 1156/2019; §2581 of the Civil Code, Proclamation No. 165 of 1960

QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

DecentWorkCheck Ethiopia is a product of WageIndicator.org and
www.mywage.org/ethiopia



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Ethiopia scored 36 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.