The Human Rights Conditions of Workers in Ethiopia: Focus on Industrial Parks, Private Agency Employees, Women's Participation in Trade Unions, and Gender-Based Violence (GBV) Cases in Amhara , Oromia and Addis Ababa

Association for Human Rights in Ethiopia

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Association for Human Rights in Ethiopia
Bole road, Addis Ababa, Ethiopia
Email- contact@ahrethiopia.org

RESEARCHER : KELALI KIROS (LLB,LLM)

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About Association for Human Rights in Ethiopia

Association for human rights in Ethiopia (AHRE) is a non-governmental, non-partisan, and not-for-profit organization dedicated to the advancement of human rights in Ethiopia established in 2015. The organization was initially registered and based in Geneva, Switzerland. It was established through the initiative of an Ethiopian human rights activist who fled the country and other members of the Ethiopian Diaspora, as an overseas human rights organization carrying out activities that were difficult for organizations based in Ethiopia to undertake due to financial and administrative restrictions imposed by the then repressive CSO law of the country. Under the Federal Democratic Republic of Ethiopia Agency for Civil Society Organization, AHRE has been registered and accorded legal personality with registration number 5223 on November 12, 2020, as a local organization in accordance with the Civil Society Organization Proclamation NO 1113/2019.

The organization is engaged in contributing for the improvement of human rights situation in Ethiopia, mainly through its advocacy and research works. It is also engaged in training local actors, publishing press statements , rehabilitation and trial monitoring programs. All the above activities are tools used to work for creating awareness, strengthening the capacity of local actors in Ethiopia and call upon concerned parties to give it due concern.

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Acronym

ATC- Agreement on Textiles and Clothing

AGOA- Africa Growth and Opportunity Act

AHRE - Association for Human Rights in Ethiopia

AFD- French Development Agency

CETU -Confederation of Ethiopian Trade Unions

CSO- Civil Society Organization

GATT- General Agreement on Trade and Tariffs

EHRC- Ethiopia Human Rights Commission

EO- Ethiopia Ombudsmen

FDRE - Federal Democratic Republic of Ethiopia

GBV- Gender Based Violence

ICCPR- International Convention on Civil and Political Rights

ICESCR- International Covenant on Economic Social and Cultural Rights

ILC- International Labour Conference

ILO- International Labour Organization

MFA- Multi-Fiber Agreement

MNT- Multi National Corporations

MoLSA- Ministry of Labour and Social Affairs

OSH- Occupational Safety and Health

UDHR- Universal Declaration of Human Rights

UNDP- United Nations Development Program

USA- United States of America

WTO- World Trade Organization

List of Charts Used in the Research

s/n	**Chart Description**
1	Protection of Employment and Promotion rights
2	Enforcement of Pay Related Rights
3	Employment Guarantee Rights
4	Trade union membership rights
5	Right to Complain
6	Leave and Leisure Rights
7	Occupational safety and health
8	Women Participation in Trade Union
9	Equality of participation of women in trade union
10	The Situation of Discrimination of Women in Trade Union Leadership
11	Sex in Exchange for Job Security
12	The Prevalence of Sexual Violence
13	Discrimination Based on Pregnancy
14	Reporting gender based violence
15	The benefits of expanding reporting mechanism
16	Employment Guarantee and Dignity Rights

Executive Summary

Ethiopia is among the founding members of the ILO, the supervisory body on the protection of employees' rights. It is also a signatory party to most of the core ILO conventions on the rights of employees. The ILO has separate conventions dealing with the protection of workers engaged in industries, private agency employees, right to organize and collectively bargain and protection of gender based violence, among other things. The conventions provide respect for the human rights of employees including the right to work in safe work environment, the right to get equal pay for equal work, the right to form trade unions, the right to collectively bargain, the right to be protected from gender based violence, the right to petition, and many other rights. The human rights of employees are also equally recognized in the domestic laws of Ethiopia including under the FDRE constitution.

The labour market in Ethiopia is experiencing unprecedented challenges due to existing domestic and global trends. Domestically, Ethiopia has lost its AGOA eligibility for alleged human rights violations associated with the devastating war that spread in the Northern part of the country. The war itself had also created negative repercussions for domestic and international investors owing to the security situation that prevailed following the misfortune. At global level, the Covid-19 pandemic and global recession has impacted employability directly and indirectly. The inherent need of developing countries to attract foreign capital and the existing scenario has created a situation whereby countries establish lax labour standards including extremely low wage, unsafe and unhealthy working environment, among other things, which is commonly called a 'race to bottom' scenario.

Ethiopia is experiencing significant economic growth and rapid industrialization. While this progress has brought benefits to the nation, it has also exposed vulnerable segments of the population to various human rights abuses within several sectors, namely industrial parks, private agency employees, women's participation in trade unions, and cases of gender-based violence (GBV). In this regard, this research has been conducted to identify and document instances of human rights abuse faced by employees in industrial parks in Ethiopia, to investigate and analyze the issues related to human rights abuse in private agency employees, to study the barriers and

challenges faced by women in participating effectively in trade unions, and to examine the prevalence and patterns of gender-based violence (GBV) in Ethiopia, specifically targeting employees working in Addis Ababa, Amhara, and Oromia regions.

The research method designated for conducting the study is a mixed methods approach incorporating surveys, interviews, and literature review. The researcher has thoroughly reviewed existing literature, reports, and studies related to human rights abuses in targeted sectors; conducted semi-structured interviews with key stakeholders, including employees, employers, government officials, trade union representatives, and NGOs; designed and administered surveys to employees from selected industrial parks, private agencies, and trade unions to gather quantitative data; and analyze the collected data using appropriate statistical methods.

In this regard, the research has identified and documented instances of human rights violation faced by employees in industrial parks, investigated and analysed issues of human rights abuse of employees working in private agency, studied the barriers and challenges faced by women in participating effectively in trade unions, and examined the prevalence and patterns of gender based violence of employees in the specified industries in Ethiopia using a scientific research methodology. The research identified cases of labor exploitation, contract violations, non-payment of wages, and other human rights abuses of workers engaged in private agency employment. It also analysed the factors that hinder women's active participation in trade unions, explored the existence of discrimination and inequality within trade unions, and suggested mechanisms for increasing women's involvement. Most importantly, the research identified cases of GBV in the workplace, including sexual harassment, assault, and other forms of violence against women, and suggested mechanisms to mitigate abuses.

In this research, we have made a comprehensive assessment of the state of protection of human rights of employees working in Addis Ababa city, Amhara, and Oromia regions. It also comes up with recommendations for policy makers in order to mitigate the existing challenges. The research is also intended to serve as an advocacy resource for stakeholders and researchers to understand the human right abuses faced by employees in the sectors under consideration.

Part I: General Background

1. The Development of Employment Regulation in Ethiopia

Ethiopia started to have codified laws since early 1450's during the reign of emperor Zar'a Ya'ecob who introduced Fewuse Menfesawi desiring to govern his empire through written law than by an amorphous customary law. However, the advent of financial capital since the beginning of the 19th c is believed to be the emerging force for the introduction of industries and its subsequent effect on labour legislations setting minimum conditions of employment.[1] In 1942 slavery was abolished by proclamation no. 22/1942. The abolition of slavery contributed to the development of labour because the slaves who asserted their freedom started to be employed in the existing factories and it subsequently increased the number of workers in the country. In addition, the freedom given to the slaves initiated a question from factory workers for the respect of their rights through the enactment of legislation.[2]

Another important step for the development of labour laws in Ethiopia was the membership of Ethiopia to the International Labour Organization (ILO) since 1923. In the 1940's, ILO has adopted various comprehensive labour standards. The inherent interests of the Organization to increase the area of coverage of the standards become the driving force for its incorporation into domestic legislations. The twenty-sixth session of the ILO general assembly was held at Philadelphia, USA in April and May 1944 and was concluded with the adoption of a declaration, generally known as the Declaration of Philadelphia. The Declaration promoted the idea that "labour is not a commodity" and member countries agreed to take an initiative for the implementation of this principle in their respective territories.[3]

In Ethiopia, the Factory Proclamation no. 58/1944 was the first labour legislation to come into picture. The proclamation was comprehensive enough to regulate the conditions of labour rights of the time. The proclamation addressed some concerns of workers although it does not

[1] Richard Pankhurst, Economic History of Ethiopia, Addis Ababa University, Unpublished, 1968, pp. 27-30
[2] Ibid
[3] Adalberto Perulli, the Declaration of Philadelphia, 2018, p. 43 available at 2018-2_Perulli.pdf (unict.it)

recognize labour relations.[4] In the process of codification of laws in Ethiopia, the Civil Code of 1960 contained various provisions dealing with labour rights. The proclamation introduced various protections to employees, and the Ministry of Commerce and Industry was empowered to inspect the proper implementation of the rights of employees. In particular, it was empowered to enact rules for the prevention of accidents, to specify dangerous occupations, to appoint labour inspectors, to regulate the construction of buildings and erection of machineries, and other important functions.[5] Nevertheless, the actual implementation of the proclamation was not realized until 1952 in which the government employed eleven labour inspectors to undertake inspection in four selected towns, inter alia, Addis Ababa, Dire Dawa, Asmara, and Mitsiwa. [6]

The 1955 Revised Constitution gave impetus for the formation and expansion of trade unions in the country by giving recognition to the freedom of engaging in any occupation and to that end formation of an association. But even before the coming into effect of the constitution there were associations established to advance labour rights including the Ethio-Djibouti Railway Association which was formed in the 1920's. Factory workers were not satisfied with their living conditions and the standard of protection of their rights. Subsequent demonstrations called in April and June 1962 leads to the revision of the existing labour law.[7] Accordingly, the Labour Standards Proclamation no. 232/1964 and the Labour Inspection Administration Order no.37/1964 were introduced in 1964. In addition, the unification of Eritrea with Ethiopia facilitated the enactment of a comprehensive labour relations decree in 1962 that contained the basic features of the Eritrean Employment Act of 1958.[8] The Labour Relations Decree of 49/1962 was approved by the legislature in 1963 which became the Labour Relations Proclamation no. 210/1963. This proclamation included labour relations rights including freedom of association and collective bargaining.

The Labour Inspection Administration Order, which was enacted by the Ministry of National Community Development, affirmed the importance of labour force in the social and economic

[4] Adane Kassie, The formative period of the Ethiopian Labour movement (1962-1974), Ethiopia Policy Studies Institute, 2 November 2022, P. 6 available at MPRA_paper_115258.pdf (uni-muenchen.de)
[5] Factories Proclamation no. 58/1944, 3rd Year no. 7, Article 3 cum Article 4
[6] Ethiopian Labour Inspection Service Problems, MoLSA, 1996, Unpublished, P. 45
[7] Daniel Haile, Labour Law Cases and Materials, Addis Ababa University, Unpublished, p. 5
[8] Supra note 4, p. 9

development and the need for creating an independent institution that supervises the implementation of labour rights in the country.[9] The labour inspection service was organized in a new fashion having its own autonomy and budget.[10] In addition, the Labour Standards Proclamation provided the safeguard of life, physical integrity, health and moral standing of employees was its primary concern.[11] Alongside with this proclamation, the Civil Code of the Empire of Ethiopia which comes into effect in the 1960 has also contained various labour related rights.

In 1974, the imperial government was overthrown by a socialist government which gave rise to a drastic change to the existing imperialist economic system of the country to socialism. The government confiscated the major privately owned enterprises to be administered under government ownership. To fit the new economic situation of the country, the Provisional Administration Council promulgated labour proclamation no. 64/1975. The proclamation introduced new standards such as the total prohibition of employment of children under 14 years old, prohibition of work for young and pregnant women after 10:00 pm, maternity leave with pay, etc.[12] During this period, labour inspection was given the required attention, and for the first time the ILO/UNDP created a partnership with the government for the training and equipping of the labour inspection department.[13]

The defeat of the Dergue regime due to civil war in 1991 changed the macro-economic policy of the country including the decentralization of government power, free market economy, and the privatization of some state owned enterprises and private investment. The Provisional Charter provided for the introduction of a law that guarantees equal and fair protection of employer and employees in the country.[14] To meet the tenets of the Charter and the existing economic policy of the country, Ethiopia promulgated the labour proclamation no. 42/1993. This proclamation was augmented by the coming into effect of the 1994 FDRE constitution. The constitution guaranteed various rights of workers under article 42, protection of maternity leave under article 35(5),

[9] Preamble, Labour Inspection Administration Order no. 37/1964, 24th year no. 4
[10] Ibid, Article 4
[11] Preamble, the Labour Standards Proclamation no. 232/1964
[12] Article 30 cum 32, Labour Proclamation no. 64/1975
[13] Supra note 6, p. 47
[14] Article 9(d), The Provisional Charter of Ethiopia, 1991

protection of children from exploitation under article 36(1d), and an aspiration policy under article 89(8) to promote and protect the welfare and living standard of the working population.

Although regulation of labour started relatively early compared to other laws, the implementation of the rights guaranteed under the legislation is far from realization. Regulations and Directives that were required for the proper implementation of labour rights recognized in a proclamation and the constitution are not fully enacted. The Ministry of Labour and Skills, the primary government organ for the enforcement of labour rights, is under resourced in terms of human power and material resources which has become a bottle neck for the respect of labour rights in the country. To date, there is no directive that classifies dangerous occupations, lists of occupational diseases, provide a guideline for the assessment of occupational injury, and a directive that regulates standards of working conditions. The legal lacunae coupled with the complexity of work relations in the 21st century is making workers at the receiving end of the horrors and violation of labour rights.

2. Global and Domestic Trends Increasing Workers Vulnerability

In developing countries such as Ethiopia, Textile and apparel production is a springboard for national development on account of its low fixed costs and its emphasis on labour intensive manufacturing. Due to this reason, this sector has been providing employment opportunities to millions of workers in least developing countries. However, changes in global regulatory framework, recession, pandemics, and conflicts are creating unbearable consequences to least developed countries.

In the regulatory realm, the Multi-Fiber Arrangement (MFA), which established quotas and preferential tariffs on apparel and textile items imported by the United States, Canada, and many European countries since the early 1970s, was phased out in 2005 and replaced by Agreement on Textiles and Clothing (ATC) by the World Trade Organization.[15] The MFA effectively curtailed the export of textile and apparel products from China, India, Bangladesh, and other producers to

[15] Gary Gereffi and Stacey Frederick, The Global Apparel Value Chain, Trade and the Crisis: Challenges and Opportunities for developing countries, The World Bank, 2010, p. 2, available at apparel industry and crisis (gereffi - apr 2010).pdf (un.org)

major destinations while encouraging least developed countries to export their products to the global market. The basic aim of ATC is to secure the removal of restrictions applied to imports of textiles and clothing. The introduction of the WTO agreement on Textiles and Clothing, which became an integral part of the GATT 1994, abolished the quota and preferential treatment stipulated under the MFA.[16]

The coming into effect of ATC would mean that countries under restriction and quota are now free to export their products. This measure would in effect reduce the volume of export from least developing countries by decreasing the flow of foreign investment. In order to mitigate the effect of the agreement on least developing countries, the US has introduced the Africa Growth and Opportunity Act (AGOA) in 2001. This agreement enabled some less-developed countries including Ethiopia to export various apparel products quota free and duty free to the US.[17] However, the key feature of the AGOA preference was the absence of rules of origin. This created a problem for least developing countries to import directly from other countries such as China and transship them to the US.[18] This would mean that least developed countries might not need to erect a production facility that could have created an employment opportunity.

Ethiopia lost its AGOA eligibility effective 01 January 2020 on account of its poor human rights record associated with the mismanagement of the conflict in Tigray, Amhara, and Afar. This decision exacerbated the situation of employment opportunity in the country by reducing the foreign direct investment on apparel and textile industry. The factories that were operating in the country were also forced to scale back their operation. In extreme cases, factories that were operating in some of the industrial parks decided to depart leading to workers layoffs.[19]

Another important challenge to the apparel and textile supply and demand is an economic crisis. The recent global recession, which was sparked by the banking meltdown in the United States in

[16] Art. 9, WTO Agreement on Textiles and Clothing (ATC) of 2005 available at WTO | legal texts - Marrakesh Agreement
[17] John Whalley and Danqing Yao, Assessing the effects of the Multi-Fiber Arrangement After its Termination, CIGI Papers, No. 93, March 2016, P. 4 available at paper_no.93.pdf (cigionline.org)
[18] Ibid
[19] Hawassa Park Layoffs Intensify following Philip Van Heusen (PVH) departure, Addis Standard, 23 December 2023 available at Hawassa Park Layoffs Intensify Following PVH Departure, AGOA Debarment (addisfortune.news)

2008 and quickly spread to most of the major industrialized and developing economies, brought the world to global recession. This phenomenon led to reduction of consumer demand to apparel products thereby facilitated the closures of plants and worker layoffs.[20] The massive job losses are reversing gains attained by trade union leaders in terms of protection of basic labour rights.[21]

Following global recession, the Covid-19 pandemic has taken sharp economic toll on the production of apparel production due to the shutdown of factors and social distancing. A report from ILO indicted that Covid-19 pandemic has exposed vulnerability within the global garment sector including in Ethiopia, as the demand for apparel has dramatically fallen during the pandemic period.[22] Globally, the impacts of the pandemic are analyzed in terms of supply disruptions, supply contagion, and demand disruptions, usually called a triple hit.[23] The pandemic created an opportunity for automation of apparel production thereby significantly reducing employment opportunity. Empirical evidence indicates that there is a possibility of reshoring of apparel production back to high income countries owing to the advance in technology. In 2016, Adidas opened a speed factory in Germany using a fully automated sewing system, followed by the establishment of another factory in Atlanta, US in 2018.[24]

The conflict raging throughout the country is also creating a problem on employment opportunity, in particular in the tourism sector. The major tourist destinations in the country are the epicenter of the conflict that started in 2016. This situation displaced many workers from their employment thereby decreasing access to gainful employment. In addition, the reduction of employment opportunity makes workers vulnerable by making them desperate to find jobs or retain the existing opportunity. In practice, the circumstances would create a situation whereby employees would keep silent while their human rights are at stake in order to secure their job.

[20] Supra note 15, p. 2
[21] Massive Job Losses reverse union gains in Ethiopia's Hawassa Industrial Park, 21 July 2022 available at Massive job losses reverse union gains in Ethiopia's Hawassa Industrial Park | IndustriALL (industriall-union.org)
[22] Covid-19 and the garment and textile sector in Ethiopia: workers' perspectives on Covid-19 response, ILO Report, June 2020, P. 14 available at wcms_751045.pdf (ilo.org)
[23] Jennifer Castaneda-Navarrete et al, Covid-19's impact on global value chains, as seen in the apparel industry, P. 954 available at dpr.12539.pdf (lse.ac.uk)
[24] Ibid, p. 962

The alarming need to foreign investment and employment opportunity has forced countries to compete among each other whereby countries establish lax labour standards including wage, occupational health and safety in order to attract foreign investment which is commonly called a 'race to the bottom'.[25] The effect of race to the bottom is that developing countries is that citizens would get too little protection from environmental hazards, unsafe or unhealthy working conditions, or cartel behavior.[26] The competition is keeping labour costs artificially low through repression and anti-labour legislation by a government action.[27] In effect, the governments in developing countries are contributing to the exploitation of their own citizens in an effort to attract Multi-National Corporations (MNC).[28]

3. The Universal Application of Core Labour Rights

Typically, labor standards can be divided into two groups: core standards, which relate to fundamental human rights and can be universal in their application, and economic standards, which are more closely tied to a country's level of economic development and include elements such as minimum wage laws, levels of benefits, and working conditions.[29] The ILO in its Declaration of Fundamental Principles and Rights at Work adopted by the International Labour Conference in 1998 required member states to respect, promote and realize the fundamental rights of employees. The four fundamental rights are freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.[30]

On June 10, 2022, by consensus, the International Labour Conference adopted a resolution amending the declaration to encompass a safe and healthy working environment among the

[25] Alvin K. Klevorick, The race to the bottom in a Federal system: Lessons from the World of trade policy, Symposium Issue, 1996 P. 178 available at 72836895.pdf (core.ac.uk)
[26] Ibid
[27] Karen Vossler Champion, Who Pays for Free Trade: The Dilemma of Free Trade and International Labour Standards, North Carolina Journal of International Law, Vol. 22, No. 1, 1996, P. 185
[28] Ibid
[29] Harrison Ann and Jason Scorse, Globalization's impact on Compliance with Labour Standards, University of California, 2003, p. 51available at MPRA_paper_36450.pdf (uni-muenchen.de)
[30] ILO Declaration of Fundamental Principles and Rights at Work and Its Follow-up, 1998 as amended in 2022 available at The text of the Declaration and its follow-up (DECLARATION) (ilo.org)

fundamental rights.[31] Any ILO member state is bound to promote and realize the implementation of such fundamental rights by reporting on its progress regardless of whether it has ratified the corresponding conventions.[32] The rights recognized as core standards are different from the broader conception of labour rights because they do not necessarily require a given level of economic advancement for its implementation.[33]

The successes of Labour standards in developing countries involve pledges by many of the largest multinational shoe and garment manufacturers to pay substantially higher wages to their employees. However, some other manufacturers are moving their factories to countries where the average wage is lower than the actual wages they are paying at their current location.[34] In this regard, there is a debate whether strict application of labour standards could benefit the employees owing to the availability of sufficient labour force in least developing countries.

In Southeast Asia, child labour is a common phenomenon, and one might reasonably suspect that these countries would be the most supportive of any initiatives to ban or limit the practice of child labour. However, quite contrary to what is expected, many high ranking officials in India, China, and other developing countries, as well as union activists, have spoken out strongly against these efforts fearing that such bans are counterproductive of attaining gainful employment opportunity and reduce their country's exports.[35] In the eyes of the proponents of this idea, some labour standards are simply a disguise to bring back gainful employment opportunity to the wealthiest countries which are unable to compete with developing country manufacturers who can draw on limitless pools of cheap labor.

[31] Ibid
[32] Id
[33] Kevin Kolben, Labour Rights as Human Rights?, Virginia Journal of International law, Vol. 50 no. 2, P. 454
[34] Supra note 29, p. 52
[35] Ibid

Part II: Labour Rights under International Instruments and Domestic Laws

4. Labour Rights under International Instruments

The FDRE constitution considers treaties ratified by Ethiopia to be an integral part of the law of the land.[36] In addition, the interpretation and application of the chapter dealing with human rights and freedom of the constitution to be interpreted in line with the Universal Declaration of Human Rights (UDHR) and the principles of human rights covenants ratified by Ethiopia.[37] Although labour rights are also recognized in the international and regional human rights treaties, the ILO has also a separate instrument where it ensures compliance with labour rights. The ILO conventions are taken as a minimum standard requirement for the protection of labour rights to the parties to a convention.

In principle, there is a marked difference between human rights instruments and labour standards. One of the distinctions between labour and human rights is that while labour rights primarily affect private actors, human rights primarily affect states.[38] Thus human rights primarily protect people from unnecessary state intervention while labour standards protect workers from violations of rights by employers. Signatory states of labour standards are required to revise their labour laws in line with the minimum standards and ensure its enforcement.

4.1. Labour Rights in International Human Rights Instruments

The UDHR provides that everyone has the right to work in just and favorable conditions and to protection against unemployment.[39] It is clear that work is the basis for creation of livelihood and the Declaration makes it clear that all human beings are entitled to work and to protection from unemployment. Thus, as far as a person is willing and capable to work, the government is responsible to protect and promote the right to work, and a further responsibility for the government to provide a mechanism to protect them from a possible risk of unemployment. This statement has also been included under the International Convention on Economic Social, and

[36] Infra note 63, Article 9(4)
[37] Ibid, Article 13(3)
[38] Kevin Kolben, Labour rights as human Rights?, Virginia Journal of International Law, Vol. 50 no. 2, 2010, P. 468 available at Kolben-Labor-Rights-Human-Rights.pdf (yorku.ca)
[39] Article 23(1), Universal Declaration of Human Rights, 1948 available at eng.pdf (ohchr.org)

Cultural Rights (ICESCR). The convention recognizes "the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts", and states parties are required to "take appropriate steps to safeguard the right".[40]

Where a person gets a gainful employment, the UDHR recognizes the right to get equal pay for equal work, and protection from discrimination.[41] The importance of guaranteeing a just and favorable remuneration that ensures an existence worthy of human dignity with effective social security is another component of the right to work.[42] It would be meaningless to protect the right to work if the remuneration received is short of ensuring a life worthy of human dignity. A remuneration that could not cover the basic necessities of the worker and his families is just another form of labour exploitation. The UDHR also takes note of the significance of forming and joining trade unions for the protection of the interest of workers in a collective manner.[43]

The ICESCR, on the other hand, makes clear the commitments contained in the UDHR by prescribing the fact that employees are entitled to get fair wages that could guarantee a decent living for themselves and their families.[44] The convention prohibited making any distinction on matters of pay on the basis of gender, and that the principle is equal remuneration for work of equal value.[45] In addition, the convention recognizes the right to equal opportunity for promotion in employment, the right to safe and healthy working conditions, the right to rest, leisure, and reasonable limitation of working hours and periodic holidays with pay.[46]

The ICESC recognizes the freedom of workers to form trade unions without any limitation other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.[47] The fact that the convention has contained the grounds that are acceptable to limit the freedom of association of workers is an important step to contain state efforts to stifle the free exercise of the

[40] Article 6(1), International Convention on Economic, Social and Cultural Rights, 1966
[41] Ibid, Article 23(2)
[42] Ibid, Article 23(3)
[43] Ibid, Article 23(4)
[44] Article 7(ai), ICECSR available at International Covenant on Economic, Social and Cultural Rights | OHCHR
[45] Ibid
[46] Ibid, Article 7(b-d)
[47] Ibid, Article 8

right. The ICESCR also recognizes the right to get social security, maternity leave, and other important rights.

In addition to the ICESR, at the universal level, the right to work is contained in article 8, paragraph 3 (a), of the International Covenant on Civil and Political Civil Rights (ICCPR); in article 5, paragraph (e) (i), of the International Convention on the Elimination of All Forms of Racial Discrimination; in article 11, paragraph 1 (a), of the Convention on the Elimination of All Forms of Discrimination against Women; in article 32 of the Convention on the Rights of the Child; and in articles 11, 25, 26, 40, 52 and 54 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

4.2. Labour Rights under ILO Standards

The ILO was created in 1919, as part of the Treaty of Versailles that ended World War I, to reflect that universal and lasting peace can only be accomplished only if it is based on social justice.[48] The original members of the League of Nations continued to be the founding members of the ILO, and membership of the League of Nations is a precondition for membership of the ILO.[49] The reason for the establishment of the ILO was to protect the labour conditions in order to guarantee global peace and harmony.

The international labour standards evolve from a growing international concern that needs to be taken to protect the right of vulnerable groups of workers. There are currently 191 conventions and 208 recommendation, and six protocols which are regularly updated to correspond today's needs.[50] The standards are formulated to be flexibly applied in different constituents taking in to account their cultural and historical diversity, legal system, and levels of economic development.[51] In this regard, it contain clauses which allow states to lay down temporary

[48] Treaty of Versailles, 1919, Part XIII, Article 387-427 available at 20B09_18_engl.pdf (ilo.org)
[49] Ibid, Article 387
[50] How International Labour Standards are created, ILO, available at How International Labour Standards are created (ilo.org)
[51] Ibid

standards that are lower than those normally prescribed, to exclude certain categories of workers from the application of a convention, or to apply only certain parts of the instrument.[52]

Ethiopia ratified 23 conventions including 9 fundamental conventions, 1 governance convention, and 13 technical conventions.[53] The Forced Labour Convention prohibits all work or service extracted from any person involuntarily under the menace of any penalty with the exception of compulsory military service, normal civic obligations, as a consequence of a conviction in a court of law, in cases of emergency, and for minor communal services performed by members of a community in the direct interest of the community.[54] This convention is supplemented by another related convention which intends to abolish forced labor. In the convention, compulsory labour as a means of political coercion, as a method of mobilizing and using labour for purposes of economic development, as a punishment for participating in strikes, as a means of discrimination is prohibited.[55]

The Freedom of Association and Right to Organize Convention protects workers and employers without any distinction to establish and join organizations of their own choosing without previous government authorization.[56] It also prohibits any interference which would restrict or impede the lawful exercise of the right including any order of suspension and dissolution of associations by administrative authorities.[57] Although Ethiopia ratified this convention in 1963, there are some serious allegations of violation of this right to civil servants. In particular, the National Teachers' Association was denied of registration by the Ministry of Labour and Skills though it has more than 600,000 active members.[58] It is also clear that there is no legislative framework for the registration of associations formed by civil servants and employees of state administration which would mean that the application of this convention under jeopardy.

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[52] Ibid
[53] ILO Ratification for Ethiopia, available at Ratifications of ILO conventions: Ratifications for Ethiopia
[54] Article 2, Forced Labour Convention no. 29, 1930 available at Convention C029 - Forced Labour Convention, 1930 (No. 29) (ilo.org) wcms_346434.pdf (ilo.org)
[55] Article 1, Abolition of Forced Labour Convention, No. 105, 1957 available at
[56] Article 2, The Freedom of Association and Right to Organize Convention, No. 87 available at freedomofassocandrighttoorganiseno87.pdf (ilo.org)
[57] Ibid, Art. 3(2) cum Art. 4
[58] Report by ILO Supervisory Body, Presented at the 109th of International Labour Conference, 2021 available at All Comments (ilo.org)

Another important instrument is the Occupational Safety and Health Convention which come into effect with the view of protecting workers from occupational accidents and diseases that create human and economic burden. The International Labour Conference, the highest organ of the ILO, has passed a resolution in 2022 to include occupational safety and healthy working environment in the ILO's framework of fundamental principles and rights at work.[59] The resolution reiterated the importance of active participation of governments, employers and workers through a system of defined rights, responsibilities and duties, as well as through social dialogue and cooperation.[60]

The convention under article 13 and 19(f) provides protection for workers who have removed themselves from a situation presenting an imminent and serious danger. However, article 93 of the labour proclamation provides an obligation for workers to report to the employer any situation which they have reason to believe could present a hazard without making any reference to the protection of workers who had removed themselves from such danger. The committee of experts in its report expressed its concern that the proclamation fails to provide effective protection from undue consequences to workers who refused to return for work due to the prevailing situation.[61]

The Committee Experts also expressed its concerns regarding the gaps in the implementation of covenant obligations such as the formulation, implementation of a coherent national policy on occupational policy; the determination of work processes and substances and agents, exposure to which is to be controlled by the competent authority; annual publication of information on occupational accidents and diseases and other injuries to health of workers; the right of workers to inquire into all aspects of occupational safety and health associated with their work and to have recourse to external technical advisors; and the provision of personal protective equipment and clothing at the cost of the employer.[62] The observation of the Committee of Experts shows that there are substantial gaps in the effective application of the convention in Ethiopia. The fact

[59] Resolution on the Inclusion of Safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, 110th Session of the International Labour Conference, 2022 available at wcms_848632.pdf (ilo.org)
[60] Ibid
[61] Report of the Committee of Experts on the Application of Conventions and Resolution, International Labour Conference, 111st Session, 2022 available at Comments (ilo.org)
[62] Ibid

that occupational safety and health issues are fundamental aspects of the right to work, it is necessary that the government take appropriate steps for its fulfillment.

5. Substantive Rights of Employees under Domestic Legislations

In Ethiopia, the substantive right of employees is regulated under the FDRE constitution, enactments of the lawmaker and international instruments. This section is devoted to briefly deal with some of the major labour rights recognized in Ethiopia.

5.1. Labour Rights under the FDRE Constitution

The FDRE constitution comes into full effect on 21 August 1995. It aspires, among other things, to ensure the full respect of fundamental rights and freedoms without any discrimination based on sex, religion, ethnic background or other status.[63] The point is that all workers are entitled to enjoy the fundamental rights and freedoms recognized under the constitution. Workers enjoy both the rights and freedoms recognized for any other person and the group right recognized for employees under the constitution.

The constitution respects every Ethiopian's right to engage freely in economic activity and pursue a livelihood of his choice.[64] Needless to mention, the freedom to engage in economic activity of once choice includes, among other things, the right to choose occupation or profession.[65] But the specific and substantive right of workers is defined more elaborately in the subsequent provisions of the constitution. To be more specific, article 42 of the constitution is destined to deal with the right of employees.

The constitution provides factory and service worker "… have the right to form associations to improve their conditions of employment and economic well-being."[66] It is well recognized elsewhere that forming an association is an effective means of ensuring better conditions of employment and economic benefits. In tandem with this noble idea, the constitution has made it clear that government employees are entitled to form an association where they deem it

[63] Article 25, The Federal Democratic Republic of Ethiopia Constitution, Proc. 1/1987
[64] Ibid, Article 41(1)
[65] Ibid, Article 41(2)
[66] Ibid, Article 42(1)(a)

necessary for attaining their interest. Under the constitution, workers have also the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests.[67] In addition, the constitution recognizes the importance of enactment of laws for the implementation of the rights and regulation of the procedures for the formation of trade unions and collective bargaining process.[68]

Moreover, the constitution guarantees, the categories of persons recognized to have the right to organize, the right to express grievances including the right to strike.[69] However, the application of the right is limited to workers who are engaged in the hospital and related services, city cleaning, fire brigade, and other similar essential services in which discontinuance of service has a daunting effect on the daily life of the population.[70] It is also good to mention that as far as the human rights section of the constitution is interpreted in line with the UDHR, international human rights instruments adopted by Ethiopia,[71] the exercise of the right to organize and strike is protected in line with the existing best practices.

The constitution also recognizes the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as a healthy and safe work environment.[72] In particular, the constitution provides that women workers have the right to get affirmative measures in order to remedy the historical legacy of inequality and discrimination.[73] The purpose of the measure would be to provide special attention to women to enable them to compete and participate based on equality with men in political, social, and economic life in public and private institutions. Moreover, the right of women to get maternity leave with full pay is recognized.[74] The legal protection of women includes the right to equality in employment, promotion, pay, transfer of pension entitlements.[75]The constitution also

[67] Ibid, Article 42(1)(a)
[68] Ibid, Article 42(3)
[69] Supra note 63, Article 42(1)(b)
[70] Article 137(2) of the labour Proclamation no. 1156/2019 has placed some limitations on the right to strike for employees engaged in essential public services as defined by the proclamation. The practice would imply that the constitutionality of the limitation is not challenged on a constitutional basis and it seems it is accepted as standard practice in the Ethiopian legal system although the constitution does not indicate as to the possibility of any limitation to the right to strike
[71] Supra note 63, Article 13(2)
[72] Ibid, Article 42(2)
[73] Ibid, Article 35(3)
[74] Ibid, Article 35(5)
[75] Ibid, Article 35(8)

abolishes the practice of paying less to women than men for equal work by stipulating that women workers have the right to equal pay for equal work.[76]

Similarly, the constitution by way of establishing a democratic culture in employment relations has provided that election to the position of trade union and other workers organization should be made through election thereby recognizing the right of workers to compete and participate in any position. Moreover, workers are entitled to be a member of his own will in a political organization, labour union, or professional association provided that he or she meets the special and general requirements stipulated by such organization.[77] Access to justice, being an important aspect of an employment relationship, workers and their association has the right to bring any justiciable matter before a court or any institution with judicial power and to get a decision or an award, as the case might be.[78]

5.2. Protection of Labour Rights in Other Subsidiary Legislations

In Ethiopia, employment relationship in the public and private sectors are regulated by the Civil Service Proclamation no.1064/2017[79] and the Labour Proclamation no. 1156/2017 respectively.[80] Under the labour law, a worker is also entitled to his wage regardless of the fact that he is idle from work due to an interruption in the provision of tools or raw materials.[81] The country has not yet ratified the Minimum Wage Fixing Convention which requires state parties to establish a system of minimum wage which covers all groups of wage earners.[82] The purpose of setting minimum wage is to protect workers against unduly low wages and labour exploitation. The system works either by fixing a single minim wage of general application or by fixing a series of

[76] Ibid, Article 42(1)(d)
[77] Ibid, Art. 38(2)
[78] Ibid, Article 37
[79] It is good to mention that the Civil Service Proclamation is not the only legislation governing civil servants in Ethiopia. Although there is no major substantive difference in the legislations civil servants working in the House of Peoples Representatives, the Council of Constitutional Inquiry, the House of Federation, etc have their own separate laws. But they are subject to the regulatory oversight of the Federal Civil Service Ministry.
[80] Nevertheless, it is worth mentioning that there are other legislations governing employment relationships both in the public and private sectors due to some policy considerations.
[81] Art. 54(2), Labour proclamation no. 1156/11, 26 year no. 89, available at Loading... (mols.gov.et)
[82] Article 1, Minimum Wage Fixing Convention, 1970, no. 131 available at Convention C131 - Minimum Wage Fixing Convention, 1970 (No. 131) (ilo.org)

minimum wages applying to particular groups of workers which allows flexibility to state party to the convention to determine wages based on their levels of economic and social development.

However, the labour law recognizes the necessity of establishing a Wage Board comprising the representatives of the government, employees and other stakeholders to determine the minimum wages based on the country's economic development, labour market and other considerations.[83] So far, it is not possible to establish the Board and continue its function without apparent reason for the delay. The law come into effect in 2019, and now it is more than two years since the Board is supposed to be established. It is understandable that the country is grappling with a restriction of duty free export of industrial products after a consequential decision by the US government for alleged human rights violations associated with the devastating civil war. Thus, the government seems to focus on retaining the foreign investors that come to the country to capitalize on the favourable incentive packages and low cost of labour.

The right to get leave on various occasions and reasons is one of the basic rights of workers both in the FDRE Constitution and international instruments to which Ethiopia is a ratifying party. The main purpose of the leave is to enable workers to get rest and resume work with renewed strength. But apart from enabling employees to get rest, there are special leaves recognized for different purposes such as family affairs, for maternity reasons, for attending medical or court appointments, etc. In principle, a worker is entitled to a weekly rest period covering not less than twenty-four non-interrupted hours in the course of each period of seven days.[84] A worker is also entitled to annual leave of sixteen working days for the first year of service and an additional one working day for every two additional years of service.[85]

In addition, a pregnant worker is entitled to prenatal and postnatal maternity paid leave of 120 days excluding paid leaves taken for medical examination per doctor's recommendation.[86] Unlike the civil service proclamation, the labour proclamation does not provide the right to maternity leave to workers who encountered miscarriage of pregnancy. An employee who is unable to

[83] Supra note 81, Art. 55
[84] Ibid, Article 69
[85] Ibid, article 77
[86] Ibid, article 88

work due to sickness is entitled to sick leave of not exceeding six months in a year.[87] The law also recognizes paid leave for personal matters such as trade union meeting, mourning, wedding, medical examination, and special leave with pay for reasons such as to appear before a court or any other competent authority, to participate in a popular election, etc.[88]

It is the responsibility of the employer to take necessary measure to safeguard the health and safety of workers by complying with the safety requirements stipulated under the law. The protection of occupational safety and health of workers play a pivotal role to enhance their productivity. The protection of the safety and health of a worker includes maintaining the social wellbeing of workers in addition to protecting them from hazardous substances. The employer is responsible to ensure that the workplace does not cause a hazard to the health and safety and to provide them with protective devices and materials and the training and instruction required to use them. In addition, the employer is required to take appropriate steps to ensure that workers are properly instructed and notified concerning the hazards of their respective occupation, and assign safety officer, and establish an occupation health and safety committee.[89]

Ethiopia is not a signatory party to the Violence and Harassment Convention (No. 190) of the ILO which provides protection to gender based violence at work place. However, the country has a number of laws, policies and institutional frameworks intended to address violence and harassment. The ILO conducted a legal-gap analysis to determine the extent to which national laws, regulations, policies and other measures, as well as existing practices, effectively implement the requirements of the ILO convention. The finding was that Article 42 of the Ethiopian Constitution, Labour Proclamation No. 1156/2019, the 1996 Criminal Code of Ethiopia and the Occupational Safety and Health (OSH) Directive grant piecemeal coverage and protection against violence and harassment in the workplace.[90] But the existing laws were found to be insufficient to adequately address violence and harassment in the world of work. Similarly, the relevant provisions of the Discrimination and Workplace Harassment Policy do not adequately reflect the provisions of Convention 190 and Recommendation 206.[91]

[87] Ibid, article 85
[88] Ibid, article 81- 84
[89] Supra note 83, article 92(2)
[90] Ethiopia Decent Work Country Program report, 2021-2025, p.7 available at wcms_837828.pdf (ilo.org)
[91] Ibid

A recent study conducted by the Industrial Parks Development Corporation in cooperation with the World Bank Group's Industrial development Association to address gender based violence in industrial parks shows that the work environment creates conditions that could expose workers to violence due to the existing gender imbalance at the management level and housing conditions.[92] In addition, female workers are vulnerable to sexual violence due to the power imbalance between workers, supervisors and investors.[93] In light of this, the Corporation has developed various documents including gender mainstreaming guideline, good practice note for prevention of violence, a training manual, and GBV risk assessment manual. However, the existence of the documents could not guarantee the protection if a proper institutional mechanism and sufficient legal framework is put in place.

The labour proclamation, for instance, provides protection from sexual harassment and violence but the definition encompassed is insufficient to cover all forms of gender based violence. The protection accorded is only limited to sexual violence accompanied by force or any other sign and utterances.[94] The ILO convention on Violence and Harassment considers GBV as an unacceptable behaviors and practices, threats that result a physical, psychological, sexual or economic harm on a worker.[95] From this definition, sexual violence is only one form of GBV at work place. Thus, the proclamation is in adequate to provide a full range of coverage for instances of GBV at work place in Ethiopia.

The labour proclamation recognizes the right to form trade unions or employers' associations for workers and employers respectively. The minimum number of workers required for the establishment of a trade union is ten workers. Where the number of workers in a given undertaking is less than ten, they have the right to form a trade union jointly with workers who work similar activities in a different undertaking.[96] In a similar vein, trade unions and employers' associations are entitled to form a federation and a confederation where they deem is appropriate.

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[92] Gender Based Violence Risk Assessment and stakeholder mapping in the industrial parks, Competitiveness and job creation project report, 2022, P. 69
[93] Ibid
[94] Supra note 83, Article 2(11) cum 2(12)
[95] Article 1, Violence and Harassment Convention no. 190, 2019 available at Convention C190 - Violence and Harassment Convention, 2019 (No. 190) (ilo.org)
[96] Supra note 83, Article 114(2) cum 131(4)

A trade union is the representative of workers in an undertaking, and as such it has the responsibility to actively participate in a collective bargaining in good faith and without undue delay.[97]

4. Mechanisms for Enforcement of Labour Rights in Ethiopia

There are various mechanisms in place for the respect, promotion, and enforcement of labour rights in Ethiopia. The existence of diverse mechanisms, in principle, serves for the better protection of the rights. However, the mere fact that there are mechanisms for upholding the rights does not guarantee the actual enforcement of the rights. The enforcement of labour rights, in addition to establishing mechanisms, requires the existence of sufficient funding and coordination among stakeholders. This part tries to analyze the available mechanisms for the enforcement of labour rights in Ethiopia.

4.1. Enforcement Through Labour Inspection

Labour inspection is one of the instruments used for the proper implementation of labour rights in many countries. Similarly, in Ethiopia, a labour inspection service is established to ensure the implementation of labour rights recognized by the country.[98] In addition, the labour inspection service, has the power of developing labour standards necessary for the enforcement of labour rights, classification of dangerous occupations and undertakings, preparation of list of occupational diseases, monitoring construction and expansion of industrial undertakings, conduct studies and compile statistical data relating to working conditions, and monitoring the occupation safety, health and working environment of employees.[99] In order to perform their legal obligation, labour inspectors, are empowered to enter into any work place during any working hours without prior notice to monitor compliance with labour standards.[100]

[97] Ibid, Art. 117
[98] Supra note 83, Article 177
[99] Ibid
[100] Ibid, Art. 178

The Ministry of Labour and Skill and its regional authorities are primarily responsible for monitoring and follow up of the proper implementation of labour laws in the country.[101] In addition to the general power to monitor the proper implementation of the labour law, the Ministry, has specific powers including the power to establish a system to prevent occupational accidents and diseases, issue and supervise the implementation of occupational health and safety standards; register trade unions and employers associations; encourage and support the process of collective bargaining, facilitate amicable resolution of labour disputes, among other things.[102]

The Criminal Code of Ethiopia has made it a criminal offence for both the employer and the worker to temper with safety measures at work place. In this regard, article 502, 501, and 520 provides stringent penalties for culpable infringement of building laws, removal or culpable omission of protective devices, and irresponsible disposal of hazardous chemicals and substances respectively. The criminal measures provided under the criminal code could assist labour inspectors in the proper implementation of their rights by making a report to the public prosecution, among other things.

4.2. Other Mechanisms of Enforcement of Labour Rights

In addition to labour inspection, there are other mechanisms of enforcement of labour right both in the domestic and international set up. The ILo, for instance, monitors the proper implementation of labour standards ratified by a given country. As the core labour rights are also part and parcel of human rights instruments ratified by Ethiopia, the mechanisms applicable for enforcement of those rights are equally applicable. In this regard, there are four types of procedures used for supervising the application of labour rigts, inter alia, self-reporting by the state, interstate complaint procedure, individual petition procedures, and ad hoc investigation by organs of international organizations.[103]

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[101] Article 25(1g), A Proclamation to Provide for the Definition of the Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia No. 1263/2021, 28th Year, No. 4 available at Definition-of-Powers-and-Duties-of-the-Executive-Organs-Proclamation-No.-1263-2021.pdf (efda.gov.et)

[102] Ibid, Article 25(i,k,l,m)

[103] Dinah Shelton, International Enforcement of Human Rights: Effectiveness and Alternatives, American Society of International Law, Annual Proceeding, 1980, P. 7 available at Efficiency and enforcement of HR_0.pdf (uni.wroc.pl)

The presentation of state reports to the ILO and other international authority, depending on the source of the instrument, is a long standing practice. The submission of periodic reports on the implementation of a ratified labour convention by any state is a requirement of the ILO constitution.[104] The state reports are examined by a special Committee of Experts on the Application of the Convention, consisting of independent experts appointed by the Governing Body of the ILO. The findings of the committee of experts are presented at the International Labour Conference, and the state party is required to take measures for the proper implementation of recognized labour rights. Similar requirement for periodic reporting is available to monitor the application of civil and political rights as well as economic, social and cultural rights.[105] The ILO reporting mechanism is rated as one of the most effective means for the proper implementation of labour rights.[106]

The petition procedure provides actual and potential victims access to directly complain to remedy violation of their rights either by their own motion or on the application of interested party. Article 24 and 25 of the ILO constitution enables employers' and workers' organizations to make a formal representation to the ILO that a member state has not effectively observed the provisions of a ratified convention. The applications are reviewed first by a three member committee and then by the Governing Body of the ILO. Upon investigation of the matter the Governing Body issues statement for the government to remedy the gaps in the implementation of the respective right. Ad hoc investigations are order when an international organization such as the UN determine that human rights violations in a particular country warrants study which it establishes an investigating committee or assigns a special rapporteur.

Similarly, at domestic level, there are some procedures available that could assist the proper enforcement of labour rights. The FDRE constitution has established a watch dog institutions which are empowered to monitor the proper implementation of the rights and freedoms recognized under the constitution. The Ethiopia Human Rights Commission, being duly established by the constitution, is empowered to ensure the implementation of human rights

[104] Article 22, ILO Constitution available at ILO Constitution
[105] A system of periodic reporting on human rights matter was adopted in 1956 by ECOSOC which was revised in 1965. The system requires state to submit reports on the implementation of human rights every three years.
[106] Supra note 168, p.11

including labour rights.[107] The Commission has the power to undertake investigation of human rights violations upon its own motion or the complaint of interested parties. It is also one of the responsible organs which submit periodic human right reports to international organizations. However, it is rare to observe the Commission providing an investigation report on the situation of labour rights in the country regardless of the rampant violation of the rights in the country.[108]

Owing to its central role as a supervisory organ of the implementation of human rights and freedoms, the Commission can play a crucial role for the proper implementation of labour rights. Though the Commission has a wide-ranging powers, its current performance on the supervision of the implementation of labour rights is below our expectation. There are some efforts to document instance of gender based violence in an industrial parks set up, the commission has never undertaken a comprehensive supervision to survey the situation of human rights and implementation of labour rights in Ethiopia. Due to the widespread human rights violations in the apparel and textile, hotel and tourism, and private employment agency sectors, it is necessary that the commission double its efforts in monitoring the human rights situation of workers in those sectors.

The Institution of the Ombudsmen supervises that administrative directives and decisions given by executives are in conformity with the rights and freedoms recognized by the constitution.[109] In addition, it conducts supervision with a view to ensure that the executive carries out its function in accordance with the law and to prevent maladministration, as per article 6(1). Both the Human Rights Commission and Ombudsmen provides a compliant procedure by the concerned victims. In pursuance to its mandate, the Ombudsmen have undertaken supervision to some industrial parks in its way while conducting a study on the situation of the right of female

[107] Article 6(1), Ethiopian Human Rights Commission Establishment Porclamation no. 210/2000, 6th Year no. 40 available at ethiopian-human-rights-commission-procl.pdf (cardeth.org)

[108] The Human Rights investigation report focuses primarily on civil and political rights and socio economic rights are given little attention. This can be seen in various periodic reports of the Commission including the recent report to the United Nations High Commissioner for Human rights available at OHCHR-EHRC-Tigray-Report.pdf. However, the Commission rarely conducts monitoring reports on specific labour issues notably employment situation in construction industry and private employment agency which is available at በግንባታ የሥራ ዘርፍ ደኅንነቱ የተጠበቀ እና ጤናማ የሥራ ሁኔታን ለማረጋገጥ የሕግና ፖሊሲ አተገባበሮችን ማሻሻል ያስፈልጋል - Ethiopian Human Rights Commission - EHRC, and የሥራ እና ሠራተኛ አገናኝ ኤጀንሲዎች አሠራር ሰብአዊ መብቶችን ሊያከብር ይገባል - Ethiopian Human Rights Commission - EHRC respectively.

[109] Article 6(1), the establishment of the Institution of the Ombudsman proclamation no. 211/2000, 6th Year no. 41

workers.[110] However, the study focuses on certain aspects of labour rights and it was a rare instance in its history.

The respect, promotion, and enforcement of labour rights is not, however, the sole responsibility of the above international and domestic institution. There are various domestic civil society organizations which are actively promoting the implementation of the rights through conducting research and trainings. In other areas of human rights, there are few civil societies which started litigation before the court of law to ensure redress and implementation. Thus, there is a bright potential that enforcement of labour rights, as human rights, could also be realized through court action.

Part III: Findings and Discussion

5. Research Methodology

This research is undertaken as a continuation of the baseline study conducted by AHRE on the same subject matter. The purpose of this research is to elucidate the findings of the baseline study through a mixture of quantitative and qualitative data to propose concrete measures to address the employment rights violations experienced at workplace. In particular, this research has been conducted to identify and document instances of human rights abuse faced by employees in industrial parks in Ethiopia, to investigate and analyze the issues related to human rights abuse in private agency employees, to study the barriers and challenges faced by women in participating effectively in trade unions, and to examine the prevalence and patterns of gender-based violence (GBV) in Ethiopia, specifically targeting employees working in Addis Ababa city, Amhara, and Oromia regions. The research was conducted from November to January of 2023.

In this regard, the research has identified and documented instances of human rights violation faced by employees in industrial parks, investigated and analysed issues of human rights abuse of employees working in private agency, studied the barriers and challenges faced by women in participating effectively in trade unions, and examined the prevalence and patterns of gender

[110] Infra note 125

based violence of employees in the specified industries in Ethiopia using a scientific research methodology. In this part, we have indicated the process of data collection, analysis, and the major findings of the research.

Research method, Data Collection Instrument and Sampling

The research method designated for conducting the study is a mixed methods approach incorporating surveys, interviews, and literature review. Accordingly, we have conducted a thorough review of existing literatures concerning the subject of the study. In this regard, we have collected and analyzed relevant literatures and reports released by governmental and non-governmental institutions as well as researchers on the situation of the human rights of employees to study the existing knowledge. We have also extracted useful information and incorporated it in the overall research process.

As far as our population in the industrial parks is concerned, there are a total of two industrial parks in Amhara region, three in Addis Ababa, and two in Oromia region which are currently operational. The industrial parks area of expertise is textile and apparel except Kilinto Industrial Park which is manufacturing pharmaceutical products. In order to be representative, the survey is conducted in Debre Birhan, Bole Lemi, and Adama industrial parks from Amhara, Addis Ababa, and Oromia respectively.

The ultimate purpose of a survey is to capture a given phenomenon such as the human right situation of employees at a specific moment. The data is gathered from a given sample of respondent employees that are representative of a population and uses a closed ended instrument or open-ended items. The researcher developed and administered a questionnaire prepared to respondent employees selected using a simple random sampling method. In order to include a representative sample, we have employed Glenn's sampling strategy. The sample size is calculated based on the following assumption; 95% confidence level, and 5% margin of error to recruit study participants. 10% none respondent rate was considered.

A data received from multiple sources provide different figures on the total number of employees working in each of the selected industrial parks. This difference is primarily emanated from the high turnover of employees working in the industrial parks. In order to get an accurate figure, we

have consulted our inside resource persons working in the Industrial Parks Development Corporation, Bureau of Labour and Skill, and the Confederation of Ethiopian Trade Unions. Accordingly, available data indicates there are approximately 20,153, 7,800, and 2,600 employees working in Bole Lemi, Adama, and Debre Birhan industrial parks respectively.

Table Showing Sample Population of Industrial Parks

S/n	Name Industrial Park	Number of Employees	Sample Taken	Actual Data Collected	Percent
1	Bole Lemi	20,153	261	268	66.8
2	Adama	7,800	100	94	23.4
3	Debre Birhan	2,600	34	39	9.7
Total		30,553	395	401	100

Source; Primary Data SPSS Result 2023

As we can see from the above table Bole Lemi Industrial Park takes the lion's share of the sample population on account of the high number of employees working in the industrial park followed by Adama Industrial park. We have used Glenn's sampling technique to determine the number of sample to be taken from each industrial park. However, in terms of the actual data collected, 401 questionnaires was collected more than what is supposed to be collected although it clear that 6% of the questionnaire was not collected from Adama Industrial Park. It is acceptable to collect data more than what is intended since it increases its reliability. In the case of missing questionnaires from Adama Industrial Park, it is also within the range of acceptable margin which is 10% of the expected data.

The research also included employees of private agencies and employees working in other service providing sectors. The data collection instrument used to explore this objective is primarily through semi-structured interviews conducted with workers and employers engaged in the sector. The sheer number of the study population in the private employment agency and service sectors employees coupled with insufficient data on the exact number of employees working under this specific sector has made it difficult to select an appropriate study population. In order to be representative, a special focus is made on the situation of the right of security guards from the private employment agency, and the right of female workers in the Hotel

industry. The sample population is selected based on the pervasive nature of human rights violation identified during the pretesting.

Another important point regarding sampling in interview-based qualitative research is identifying the sampling size. It is indicated in various reputable researches that the recommended sample size is 3 to 16 in order to be representative sample for conducting an interview, the lower end of that spectrum suggest for undergraduate projects and the upper end for large-scale funded projects.[111] In this regard, the researcher undertook a total of 12 in depth interviews with employees using a purposive sampling technique. Thus, the researcher has made the necessary effort to locate and administer the interviews taking note of the sensitivity of the matter into account. In order to safeguard the interviewees from any harm or reprisal, we have withheld the actual name and identity of our informants and replaced by anonymous name assigned by the researcher.

In order to triangulate the existence of any error that is apparent in the survey, we have used other strategies to verify it through key informant interviews and focus group discussions with representatives of employees and employers. In this regard, we have conducted semi structured interviews with governmental and non-governmental authorities. The researchers conducted interviews with the FDRE Ministry of Labour and Skills, the FDRE Ministry of Women and Youth, FDRE Investment Commission, and FDRE Industrial Parks Development Corporation from government agencies. We have also interviewed relevant experts from the Ethiopia Human Rights Commission and the Ethiopia Ombudsman which we have received important information on the subject. As employees and employer are at the center of the research, we have made face to face discussion with the representatives of Ethiopia Trade Unions Confederation and Ethiopia Employers' Confederation. Some active local civil society associations including the Lawyers for Human Rights were also contacted to get an insight on the subject matter.

The importance of focus group discussion for collecting diverse data is cherished by reputable researchers. In this regard, a total of 5 FGDs with up to 7 members each was conducted with

[111] Oliver Robinson, Sampling in interview-based qualitative research: A theoretical and practical guide, Taylor and Frances Online, p. 5 available at Sampling in interview-based qualitative research: A theoretical and practical guide - Google Search

employee's representatives working in industrial parks and private agency in order to investigate the situation of human rights of the employees and the prevalence of GBV. Accordingly, FGDs included trade trade union representatives, members of trade union (women), and non-members of trade union (women) working in both industrial parks and private agency.

Description of Demographic Characteristics of Respondents

Among the total research population 80.5 % are as female while 19.5% are male. This number confirms the widely held believe that most employees working in industrial parks are female workers. In terms of age, the dominant age group working in the industrial parks is workers in their formative period between the ages of 18-30 which accounts to 92.5 % of the whole sample population. We have also found 2 respondents who identify themselves to be below the age of 18 years old. The overall data shows, there are no employees beyond the age of 40 in the industrial parks. This also confirms with the idea that foreign investors are interested to tap the potential of workers in developing countries who are in their most productive age.

As far as the respondent's educational status is concerned, the majority of them are high school dropouts although there also few respondents who acquire beyond a bachelor's degree. In this regard, 48.9 %, 26.7%, and 11.7% of the workers researched are between grades 1-8, 9-12, and diploma respectively while the degree and above holders are 16.2 % of the respondents. Another thing worth noting is that there are also around 2.7% respondents who identify themselves as illiterates. The data is an indication that industrial parks are providing an excellent job opportunity for ambitious high school dropouts who are ready to join in the factories.

Concerning their duration of service in a given factory, 26.7 % and 71.1 % worked for less than a year and one to five years respectively. It is clear from the data that there is a high mobility and turnover of workers in the industrial parks with a big portion of the respondents identifying themselves working in the undertaking for less than a year. This fact is also confirmed during the focus group discussion conducted with the workers and in an interview with leaders of the CETU. As we can see latter on our discussion, the employees are dissatisfied with the amount of pay and working conditions which motivates them to look into other opportunities.

Data Quality Assurance

To maintain data quality sufficient data collectors and supervisors who had long time experience while working for the same functions were employed. A standard training about the objective of the study was provided before the actual data collection. After the pre-test of the questionnaire, appropriate changes were made to the tools based on the findings during pretest. A closer supervision was made to check whether the data collectors are in their work and interviewing the right employees who are included in the study. Confusions and questions are solved by the supervisors and principal investigator during data collection.

The survey questionnaire was prepared in Amharic and English. A significant number of workers were Afan Oromo language speakers. In order to get accurate response, we have hired language translators who are aware of the subject matter of the study and the objective of the research from the native speakers of the language.

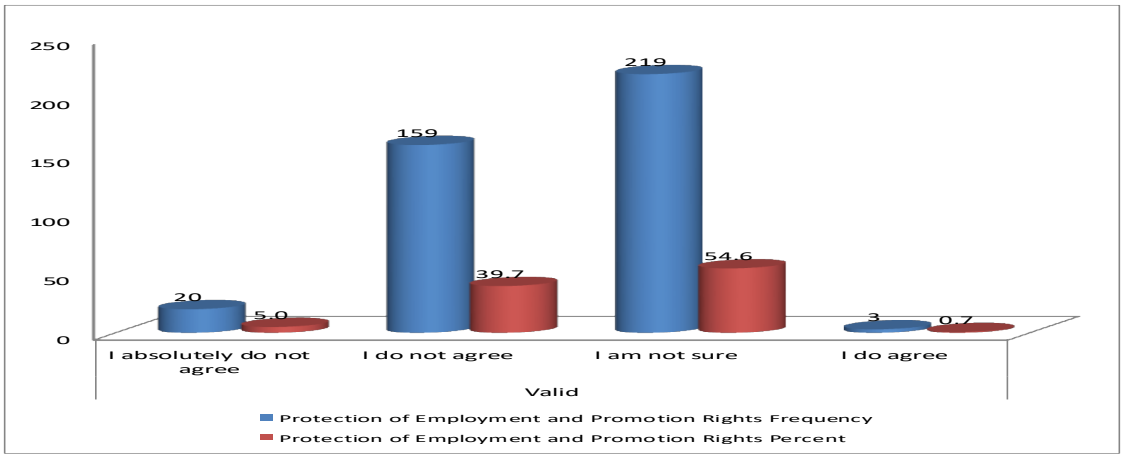
6. Discussion of Major Findings

We have categorized our findings in to themes in order to make it easy for understanding and reference. The following are the major finding of the research we have conducted.

1. Enforcement of Employment and Promotion Rights

One of the rights recognized for workers under Ethiopian legislations and international instruments is the right to equality in recruitment and promotion. In order to assess the existence of discrimination in employment and promotion at workplace, we have included pertinent questions in our research. The following chart shows the result we received from the research.

Chart no. 1. Protection of employment and promotion rights



Source: Primary Data SPSS Result 2023

The survey questions were designed to measure the existence of effective enforcement of laws governing nondiscrimination in employment and promotion, the neutrality of the recruitment process, the existence or not of any discriminatory practice in employment and promotion, and whether workers were ever solicited to give any gift in cash or kind to get recruited or promoted. As we can see from the above chart, 179 of the respondents or 44.7% of the total population provided a negative response which would mean that their employment and promotion rights are not properly respected. A great majority of the respondents, on the other hand, indicated that they are not sure whether their rights are respected or not. A small portion of the respondents which accounts to 0.7% said their rights are respected.

The fact that a great majority of the respondents provided a neutral response by indicating that they are not sure about whether the employment and promotion process is undertaken as required by the law means that the respondents are not familiar with their rights in employment and promotion. It is not debatable that the workers could provide efficient service if they have the required knowledge of their rights and duties at work place. In this regard, it would be instrumental to provide awareness creation trainings and other opportunities for the workers to familiarize them with their rights and duties.

The lack of transparent mechanism in employment and promotion was observed during the interviews we have conducted with our key informants and employers. In addition, the Human Resource Guideline prepared for industrial parks provides that recruitment is conducted through

internal and external vacancy announcement, employee referral program or through recommendation from existing or past employees, employment agency, relationship with regional authorities, and walk-in applications.[112] The Guideline provides it is prohibited to deny equal employment opportunity based on gender, ethnicity, race, national origin, religion, marital status, political belief, or disability. Above all, it requires all vacancies to be filled with qualified applicants based on merit against set standards and qualifications with an objective and non-discriminatory process.[113]

Although selection of applicants based on merit is a cherished idea, the Guideline provides some strange requirements that contradict this basic notion. As per the guideline, the address of the candidate is one of the factors used for screening which would mean that candidates who are far away from the factory are discriminated in the selection process. The guideline provides using address as a basis for selection is beneficial to retain worker, to avoid any potential for absenteeism, and to increase productivity. However, it is discriminatory to assume that candidates whose address is far from the factory would be absent for work or their productivity would decrease compared to other workers.

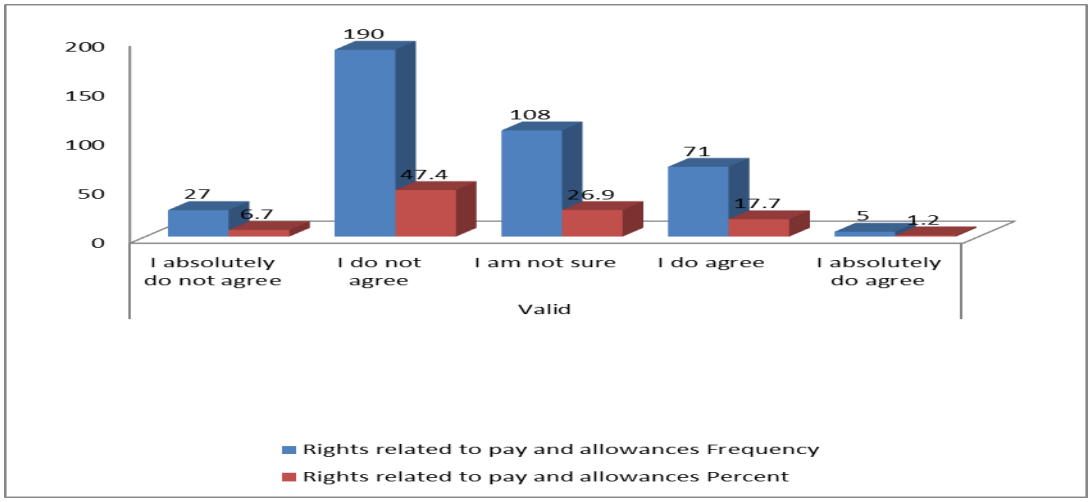
Instances of discrimination based on gender were also observed from the interviews we have conducted with employees and trade union representatives. In the industrial parks and hotel and tourism sectors, most job opportunities are open to females, and males are discriminated in the selection process.[114] Similarly, female applicants are discriminated in employment to job opening for security guards.[115] Age and physical outlook are also taken as a ground of discrimination in the industrial parks and in hotel services. In general, the research indicated there are rampant discriminatory practices in employment and promotion. Interestingly, there is no inspection and investigation undertaken by the concerned government organs to address the problem in the sector. Employers are exploiting the existing monitoring and investigation gaps to leverage their power play over the workers.

[112] Human Resource Guidelines for Ethiopian Industrial Parks: Ethiopia Investment Commission, P. 22
[113] Ibid, P. 20
[114] Anonymous Interview, a trade union leader, 17 December 2023
[115] Anonymous interview, female security guard, 20 December 2023

2. Protection of Rights Related to Pay

It is indicated in the baseline study conducted by AHRE that there are some serious violations of the right to pay including delay in the payment of salary and the total absence of overtime pay in many undertakings. In this regard, we have administered a questionnaire to assess this allegation and the response of the employees is indicated in the chart below.

Chart no. 2. Pay Related Rights



Source; Primary Data SPSS Result 2023

It is essential to respect pay related rights of employees in order to guarantee efficient service and industrial peace. In order to assess the situation of respect for those rights, the respondents were provided with seven questions directly related with the specific rights. The questions include whether the workers are getting a decent salary that commensurate with the difficulty of the job they perform, the proper application of equal pay for equal work performed, the existence of pay related discrimination on the basis of gender, whether salary is paid on time, whether employees salary is deducted against his consent, and whether employees get overtime pay for work they perform outside the normal working hours. In addition, employees were provided with a question whether setting a minimum wage by the government is instrumental to avoid exploitation and to get a decent salary.

As it is vividly clear from the above chart, an overwhelming majority of the respondents indicated that their pay related rights are not properly respected and they feel their employers are exploiting them. This allegation perfectly matches with the reality in the ground whereby employees get as low as 850 birr, equivalent of 15 USD, per month salary. We have also documented gender based discrimination in the industrial parks. During an interview we have conducted with victims of gender based discrimination, a participant described the harrowing discrimination she experience as female worker as follows:

...previously I worked in the waving department. Up on the initiation of my employer, I am currently transferred to a position of a mechanic in the same undertaking. Although I perform equal work with men, my salary is way below the average salary paid to men employed in the same position. My repeated appeal to the top management to correct the misdeed has not been responded positively.[116]

The responses given by the respondents also indicate that pay related discrimination is not isolated to certain exceptional circumstances. In other words, the practice is not sporadic, rather a systematic approach used by employers in the undertakings researched to punish workers with dissenting opinion to the prevailing practice of exploitation. Thus, workers who accept labour exploitation are encouraged through pay rises while those who dissent are punished by paying them less although they perform essentially the same work. In particular, membership to trade unions or attaining management positions in trade unions or showing active engagement would result to an unbearable consequence of demotion and reduction of salary compared to the pay made to coworkers.[117]

Concerning payment for overtime work, the most prevalent violation of the rights of workers is witnessed in the private employment agency sector. We have documented consistent violation of the right to pay from the interviews we have conducted with workers. In many instances, we have documented that the private employment agency engaged in security guard services require workers to stay on duty seven days a week without any interruption for day and night shift. In selected instances, security guards working in big enterprises such as Banks, Insurance

[116] Melknesh Gabisa, Victim of Discrimination, 26 December 2023
[117] Ibid

Companies, Airlines, a star rated Hotels are not forced to work for more than eight hours a day and we have ascertained that workers get rest days in every week. But in other cases, security guards working in small undertakings including in government offices through outsourcing to employment agencies are facing a dare violation of their legally protected right.

A private security guard working in one government office shared his distressing experience as follows:

> *...I started working as a security guard after staying in the defense forces. Days have passed since I started working in the undertaking but I didn't get my salary on time for unknown reasons. The salary I get is 3,600 birr, equivalent of 64 USD, for working thirty days in a row including night shift.*[118]

The above experience is not an isolated incident to our informant, it is rather a widespread phenomenon faced by workers in many of the private employment agencies. Due to the pervasive exploitation in the agencies, worker turnover is at an alarming rate. My informants mentioned that the main reason why payment of salary is late is to keep the worker from leaving their position. If a worker decides to leave his employment, he would not be entitled to get the unpaid salary preceding his departure which makes them stay expecting to get a full month salary although it is believed the next salary would be not paid on time.

A similar traumatic experience was shared by an informant working in the same undertaking who identified himself previously working for the defense forces for several years and in a government institution for 26 years.[119] Our informant is a shift leader although there is no any shift owing to the absence of security guards who would replace him either in the day or night time shift. Expressing the abuses he experienced, he questions the deafening silence of appropriate authorities who abandon their duty to inspect the working conditions of workers facing similar violations. In a directive issued by the Ministry of Labour and Skills, employees

[118] Nuru Seid, 21 December 2023
[119] Challa Abera, Security Guard, 21 December 2023

working under the Private Agency Employment scheme are entitled to get 80% of the salary agreed with the third party employer.[120] However, its actual implementation is far from reality.

In order to resolve the existing labour exploitation, the government is in the process of establishing a Minimum Wage Board comprising representatives of the government, employers, and employees. The Board, once established, would set a minimum wage at national level. In an interview conducted with officials of the Ethiopia Labour Unions Confederation and the Ministry of Labour and Skill, the process of establishing the Board and setting minimum wage has stopped associated with the existing ban of imports to the US market and decline of employment opportunity in the country.[121] This news is a big blow for our respondents which almost unanimously expressed that setting minimum wage could serve to protect them from the existing labour exploitation in terms of pay. As per our sources, the establishment of the Board is well supported even by the employers and it was included in the existing labour law after a proper consultation with the representatives of the employers.[122]

In a similar fashion, we have conducted an interview to workers engaged in the Hotel industry to assess the proper implementation of their pay related rights. The respondents share the point that the pay they receive from their employment is disproportionate with the service they provide. In addition, it was mentioned that overtime pay is never paid regardless of the fact that they are engaged in their duty more than the average daily hours of work.[123] In an interview we have conducted with employers in this sector, they have disclosed that the salary paid to workers is as low as 1,200 birr, equivalent of 21 USD, per month.[124] Similar stories has been shared by the Ethiopia Ombudsman in an interview we have conducted to assess the measures taken to remedy the challenges by appropriate government institution.[125] In this regard, the problems ascertained

[120] Article 33, የግል ሥራና ሠራተኛ አገናኝ ኤጀንሲዎች በአገር ውስጥ የሥራ ስምሪት አገልግሎት ስለሚሰጥበት ሁኔታ ለመወሰን የወጣ መመሪያ ቁጥር 45/2013

[121] An interview with Mr. Deribsa Legesse of the Ethiopian Labour Unions Confederation and Miheret Tesfaye of the Ministry of Labour and Skills confirmed that the process of setting minimum wage has stalled due to the existing political and economic situation of the country.

[122] An anonymous interview with a high ranking official of the Ethiopian Employers' Confederation, 03 May 2024

[123] Megertu Ayana, Hotel hostess, 28 December 2023

[124] Kebede Abebe, Restaurant Owner, 24 December 2023

[125] Interview with Mr. Temesgen Samuel, expert at the Institute of the Ombudsman of Ethiopia, 02 January 2024

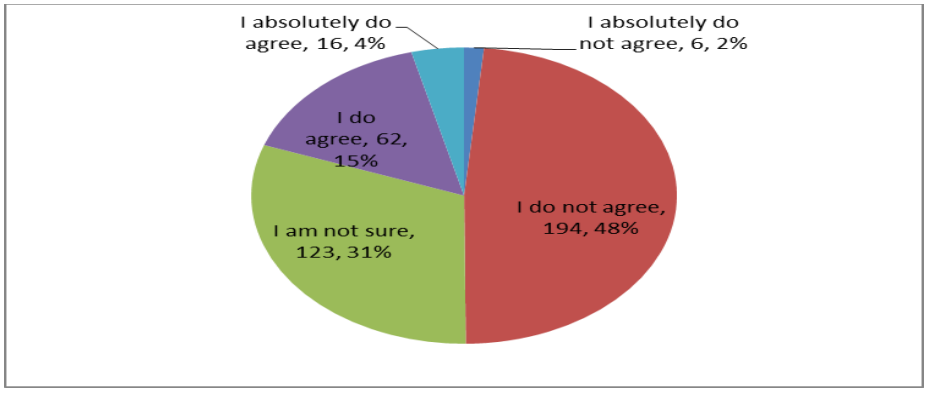
by the employees are documented in a survey conducted by the Ombudsman to assess the respect of the rights of women workers in selected industries.[126]

It is evident from the research results that there is a serious violation of the right of workers in terms of pay and allowances for overtime work. The finding is corroborated with an interview conducted with victims and workers in other sectors. In our survey, we have included a question to ascertain the perception of the workers on the advantages of setting minimum wage to protect the pay related rights of the workers which was supported anonymously. But setting minimum wage alone cannot guarantee the protection of the rights of employees. In this regard, the responsible government institutions are required to undertake regular supervision and monitoring to check the proper implementation of workers' rights recognized under Ethiopian laws.

3. Employment Guarantee and Protection from Unfair Dismissal

In Ethiopia, employees have the right to get an effective guarantee from unlawful termination of their employment relationship. There are certain grounds where the employer can invoke to terminate employment either with notice or without notice. In this regard, our assessment of protection of this right is indicated as follows.

Chart no. 3. Employment Guarantee and Unfair Dismissal



Source; Primary Data SPSS Result 2023

[126] የሴቶች ጉልበት የሚጠቀሙ የመንግስት ልማት ድርጅቶች፣ ፋብሪካዎችና ኢንዱስትሪዎች ከአለም አቀፍ የስራ ህግና ከሀገራችን ህግ አንጻር መብታቸው አጠባበቅ ላይ የተደረገ ቁጥጥር ሪፖርት (ሚያዝያ 2013)

As far as the implementation of the rights related to employment guarantee, the right to get work experience, and the situation of respect to human dignity is concerned, we have provided four relevant questions to our respondents. The questions are related to the existence of effective protection legal protection from unlawful termination of employment, whether employees are entitled to get their work experience promptly when they request for it, whether employees have ever been forced to undertake a work against their consent, and whether employee's human dignity is respected in the undertakings.

The above pie chart indicates that a total of 54.2 % of the respondents, which accounts to a majority, disagree that their rights are respected. But a significant number of employees, accounting to a total of 19 % respondents, agree that their employer respects their rights. A staggering 31 % of employees also responded that they are not sure as to whether their employer could respect the aforementioned rights. As we have seen in the demographic profile of the respondents, the majority of the study population has a work experience of less than a year due to the high turnover of employees in the study area. Thus, one of the reasons why many respondents are not sure about whether their employment guarantees right is respected might be because they have not faced the risk of a threat of employment termination or requested work experience from their respective factories.

The research also indicates the existence of disparity in the respect of the rights concerned from undertaking to undertaking, and employee to employee. A significant number of respondents showed their agreement on the issue under consideration which could signal that there are some efforts to protect the right of employees for employment guarantee and dignity. In an effort to corroborate the above data, we have posed similar questions during a focus group discussion we made with employee representatives. In their response, they have made it clear that they were forced to undertake work unrelated with their employment such as cleaning and janitorial services and other physical work during working hours.[127]

In other sectors including in the private employment agency, the employers exercise unfettered privilege of terminating the employment relationship. However, in some cases the employees take the initiative of terminating their employment due to the harsh working environment they

[127] FGD with trade union representatives, 31 December 2023

experience. In addition, in the Hotel industry, the employers terminate employment relationship when their female workers are at the early stages of pregnancy without giving a proper notice.[128] Termination of employment due to pregnancy is outrageous and inconsistent with the existing legal protection accorded to women.

The labour law provides the legal grounds of termination of employment relationship with a prior notice or without notice. In the undertakings we have researched, it is observed that the continuation of the employment relationship is dependent on the sole judgment of the employer and there is no responsibility for unlawful termination of employment. In fact, the law provides legal remedies for unlawful termination of employment but due to the costs associated with litigation and on account of lack of awareness, the employees rarely pursue to take legal action against the employer. However, this does not necessarily mean that labour issues are the least litigated cases in Ethiopia. In undertakings where the income and awareness of the employees are high, unlawful termination, in most cases, results to litigation.

In a similar fashion, we have observed that employees are also abandoning their employment without giving any notice to the employer although they are required by law. During an interview we have conducted with employees working with private employment agencies, they mentioned that they terminate their employment relationship without giving any notice whenever they get a better employment opportunity.[129] Analogous stories have been shared by employees working in the industrial parks. The global value chain that is prevalent in fashion industries such as apparel and textile production compels producers to deliver the required product on time with the requisite quality. The fact that employees are terminating their employment relationship without notice could significantly affect the interest of the employers as recruiting and training new employees takes several days thereby diminishing their competitiveness at the global market.

In general, it is safe to contend that employers are not respecting the employment security of their workers although employees also take a share of their blame, as mentioned above. In order to maintain the interest of the employer and the workers, it is necessary that the employers

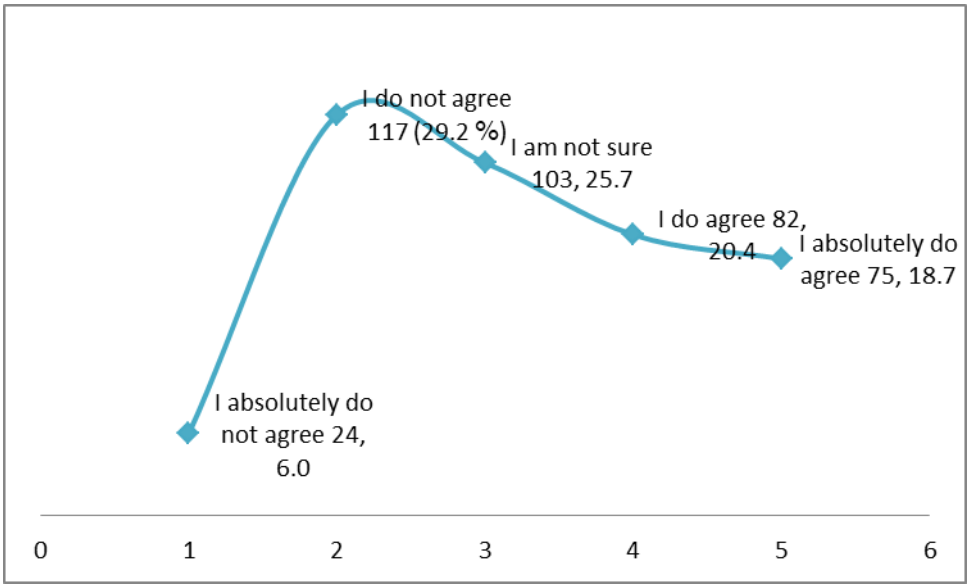
[128] Tigist Alene, Hotel Hostess, 27 December 2023
[129] Supra note 123

improve the working conditions of their workers to retain them, and the employees to exert maximum effort not to disrupt the working condition by unilaterally terminating their employment relationship without giving the required notice.

4. Freedom of Association and Collective Bargaining

It is the right of workers to form trade unions to collectively protect their rights. However, there are various impediments to the enforcement of this right coming from the employer. The baseline study conducted by AHRE also indicated the existence of serious violations of the right of workers to form trade unions. This research has also made an effort to come up with concrete evidence on the situation of the exercise of trade union rights and the challenges associated with it.

Chart no. 4. Trade union membership rights



Source; Primary Data SPSS Result 2023

The right to form associations and to collectively bargain is one of the rights of workers under the constitution and international treaties to which Ethiopia is a party. In order to give effect to this right, the labour law provides the right to form trade unions, federations, and confederations. However, the mere fact that the law recognizes the right is not necessarily meant that it would be

properly implemented. In this regard, employees working in the industrial parks were not able to exercise their right until recently. Similar restrictions to freedom of association are also documented in other sectors including in private employment agencies and hotel and tourism sectors. Even when the right is recognized and implemented, employees who join trade unions face various challenges for the mere fact that they exercise their legal rights.

In order to assess the challenges faced by employees in the exercise of their right to form trade unions, we provided five questions to our respondents. The questions included whether they are ever induced not to be a member of a trade union, whether they are denied to attend a trade union meeting, whether their promotion was delayed or prevented for becoming a member of a trade union, whether they have experienced any violation of their basic rights in response to becoming a member of a trade union, and whether the employer distracts any effort for collective bargaining.

The result is that a total of 35.2 % respondents reported that they have not experienced any restriction or violation of their right to exercise of their right to form trade unions. In the other extreme, a total of 39.1 % respondents reported that they have faced a violation of their rights for merely exercising their right to form trade unions. The remaining respondents, on the other hand, are not sure whether they are discriminated against for exercising their rights. It is important to note here that the responses indicate that there are some improvements in the exercise of the right taking into account the notorious feedback we have received on the grim situation of trade union rights from the employees during our focus group discussion. But it is also similarly essential that the responsible law enforcement agencies as well as other stakeholders are required to exert maximum effort to fully realize the free exercise of right.

We have documented that some employees who are active in trade union activities are treated badly by denying them promotion and in some extreme cases they have faced an unbearable consequence of demotion and dismissal from their job. In exceptional circumstances trade union leaders were subjected to detention without any accusation. In a focus group discussion we have conducted, one of the trade union leaders shared his horrible experience as follows:

> *The company where I worked complained to the nearest police station for demanding our rights. The police came with a patrol and detained five trade union leaders for a week. The government officials coming from Industrial Parks Development Corporation and Bureau of Labour and Skills are also complacent of the right violations and in many occasions they are in support of the companies.*[130]

It would be difficult to dare to exercise a given right when its exercise would cost you your freedom. The fact that the institutions that are mandated to oversee the proper exercise of the right are against it makes the matter worse. During our data collection, we have observed that the government's priority is the creation of jobs and protection of the investors rather than enforcement of the law.[131] In particular, the AGOA restriction made by the United States is frustrating investors in the country. Thus, in order to keep them working in the country, the government is becoming complacent to the right violations reported by employees. The concern of the government is not baseless but keeping investment should not be at the expense of the right of the employees. It is possible to keep the investment by providing other incentives than through a manifest violation of the right of employees.

In addition to the above measures, the employers also use other techniques to systematically discourage membership to trade union. In multiple interviews we have made with trade union representatives, they have revealed that the employers are forcing employees not to socially interact with leaders of trade unions in order to despise them. In addition, employers progressively decrease rewards and benefits that usually accrue to the trade union leader as means to disturb their activities. In rare and extreme cases, we have documented the use of physical violence against trade union leaders to stop them undertaking their activities.

In the case of employees working in the private employment agencies and the hotel industry, the failure to meet the required number of employees to form a trade union is preventing them from exercising their right to organize. Although the labour law recognizes the right of employees to form trade unions with other employees engaged in similar activities, the employees were not

[130] Excerpt from an Focus Group Discussion, Trade Union representatives, 31 December 2023

[131] In an interview I have conducted with one of the Deputies of IPDC, he has made it clear that their interest is to keep the investors working in the country. He mentioned that various researches conducted on the protection of the right of employees have tarnished the image of the country and the investors. He advised restraint to be made for the interest of the country and the employees themselves to keep working.

capable enough to exercise this right. When a trade union is formed, the employers use different tactics such as reshuffling the leaders of the trade unions to other undertakings in order to weaken the proper functioning of the trade union.[132]

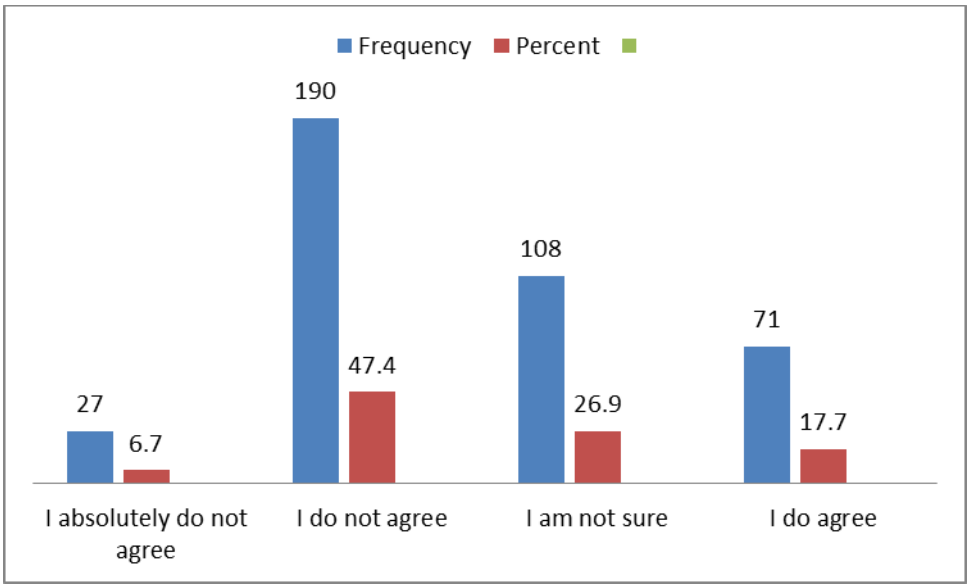
The above result being the actual reality on the ground, a high ranking official of the Ethiopian Employers' Confederation, reiterated that any action to restrict the freedom of association of employees is against the very interest of the employers as it facilitates the proper communication and productivity on top of the fact that such restrictions are counterproductive to industrial peace.[133] But he is aware of the fact that there are employers which restrict the free exercise of freedom of association. The statement given from the official of the Employers' Confederation confirms the findings of the study although it was mentioned that the action to restrict the right is against the policy of the Confederation.

5. Protection of the Right to Complain

Employees have a natural right to bring employment related grievances to an independent and neutral body constituted by the employer. Access to justice is also recognized under the constitution and treaties ratified by Ethiopia. In this regard, employers are required to establish grievance handling mechanisms to settle disagreements and right abuses at the workplace. The existence of such a mechanism is also essential to increase productivity and reduce the time and resource spent on litigation. Thus, in our research, we have included several questions to assess the situation of the implementation of the rights of workers to submit grievances and get redresses for violation of their rights. The chart below contains the responses we have received from our respondents.

Chart no. 5. Right to complain

[132] Zeleke Abdi, Security guard, 27 December 2023
[133] Supra note 122, An interview with a high ranking official



Source; Primary Data SPSS Result 2023

It is important that employees are provided with an opportunity to bring grievances to correct work related complaints. It is also the responsibility of employers to install amicable dispute settlement mechanisms in order to bring industrial peace. In an effort to assess the existence of proper mechanisms for grievance settlement, we have provided our respondents with pertinent questions. The questions are intended to get information regarding whether the employees are entitled to bring work related complaint to the employer, whether they are not afraid of retribution for bringing a complaint, whether they are able to share their complaint with other colleagues without facing any consequence, whether there exists an independent institution that handles grievances, and whether employees are able to lodge appeal without any fear if they are dissatisfied with the grievance settlement.

The result shows that a staggering majority of the respondents which accounts to a total of 54.1% responded to the questions negatively while 18.9 % provided the affirmative. The remaining respondents are not sure about what to respond to the questions. The result shows that there is insufficient or a total absence of a grievance settlement mechanism and when there exists a mechanism the employees are afraid of severe consequences. But it is also true that a significant number of employers under the researched institutions are providing an opportunity for their employees to bring grievances without any fear of reprisal. In an interview we have conducted

with employees and trade union representatives in the industrial parks, we have been notified that some employers are steadfast to respect the right of their employees upon their own initiation irrespective of the existing weak supervision by the government.[134]

The situation of protection of the right to complain in the private employment agency and the Hotel industry is grim. In an interview we have conducted with employees, we have understood that there is a total absence of internal dispute settlement mechanism. In an interview we have conducted with the security guards, they have mentioned that any complaint is forwarded to the shift leader which in turn forwards the issue to the concerned manager depending on the gravity of the case.[135] The same procedure is applied in the hotel industry sector whereby a complaint is addressed through the chain of command established. Due to the informal nature of the channel of communication to address the complaint, employees are at the mercy of their employer for any resolution of their grievance.

The provision of mechanisms to bring a grievance is an important component of the right of employees. The existence of grievance mechanisms at the workplace plays a crucial role for the realization of better working conditions or the prevention of occupational accidents and diseases. The absence of complaint mechanisms in most of the factories would mean that employees are at constant risk of violation of their rights and amicable resolution of their concerns is not practicable. In addition, work related complaints that should have been resolved internally are exposed to external mechanisms such as the regular courts which create further friction between the employer and employee. Owing to the meager salary the employees get, resorting to external mechanisms would put the workers at a disadvantageous position.

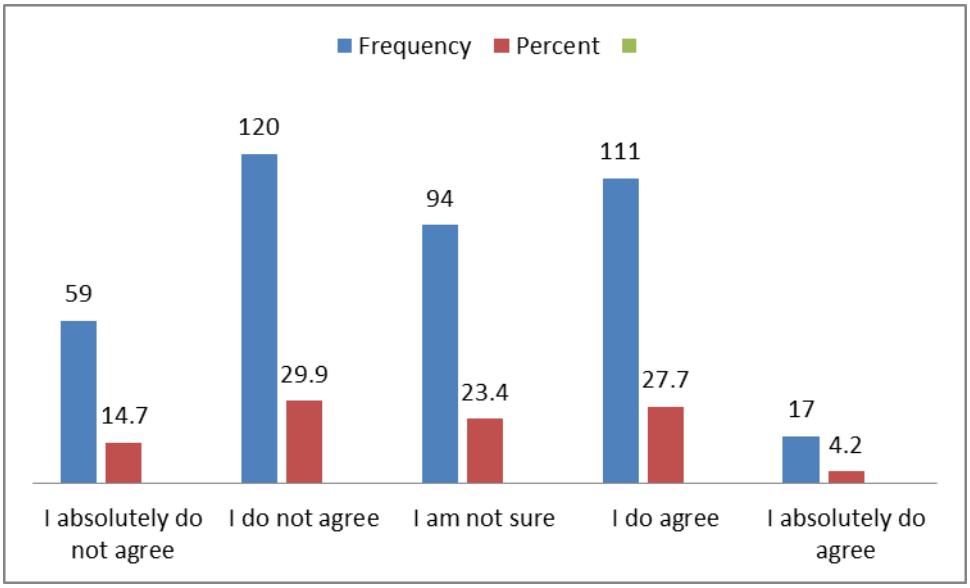
6. Leave and Leisure Rights

The right to get periodic leave on various occasions and for various reasons is one of the basic rights of employees both in the FDRE Constitution and international instruments to which Ethiopia is a ratifying party. The major purpose of leave is to enable workers to get rest and resume work with renewed strength. In this regard, awarding leave is a win-win opportunity for both the employer and the employee. But apart from enabling workers to get rest, there are

[134] FGD, Bole Lemi Industrial Park, 23 December 2023
[135] Anonymous interview, Security guard, 27 December 2023

special leaves recognized for different purposes such as family affairs, for maternity reasons, for attending medical or court appointments, attending trade union meetings etc. When a worker performs a work beyond the normal working hours, he is entitled to get a compensatory leave or overtime pay. In order to assess the situation of protection of leave and leisure rights recognized under the law, we have provided questions to ascertain its implementation.

Chart no. 6. Leave and Leisure Rights



Source; Primary Data SPSS Result 2023

The questions presented during our research related to whether a worker gets a 24 hour uninterrupted leave per week, or whether the employer allows workers to get annual leave, sick leave, maternity leave etc. when requested, and whether the employer makes payment for overtime work performed. The responses shows that among the total population researched 44.4% of the respondents disagree with the proposition that leave rights are protected. On the other hand, 31.9% of the respondents agree with our proposition which means that their rights are respected. The remaining 23.4% are not sure whether they rights are fully respected.

The above data indicates that there are some serious irregularities with the proper implementation of the right of employees to get leave although certain employers give due recognition to the right of their employees in this respect. There is serious violation of the right

to get leave of workers engaged in the private employment agency, in particular. In an interview we have conducted with various employees working under this sector, we have received a similar pattern of responses indicating that those employees are facing an imaginable level of exploitation by their employers. In an interview we conducted with a security guard, he has shared with us that his employer declined to give him leave to mourn his close family member without any justification.[136] In the Hotel industry sector, employers terminate the employment relationship of pregnant workers to systematically avoid the provision of leave rights.[137]In general, the protection of leave related rights is unimaginable for workers engaged in private employment agency and hotel industries. Even those employees in the industrial parks who agree their right to periodic leave are respected; they revealed that they get leave at the time when there is a decline in demand of the product of their employer or during public holidays.

7. Occupational Safety and Health Rights

The protection of occupational safety and health of workers is the legal obligation of both the employer and workers. However, the employer has a special obligation to oversee the proper implementation of safety rules. In particular, the employer is responsible to devise mechanisms to minimize and prevent risks by providing the required information on the dangers associated with the work, instructing the measures that should be taken to avert impending dangers, and providing protective equipment with clear guideline on how to properly use them. In addition, the employer is legally obliged to establish a taskforce responsible for prevention of accident that could occur in the workplace.

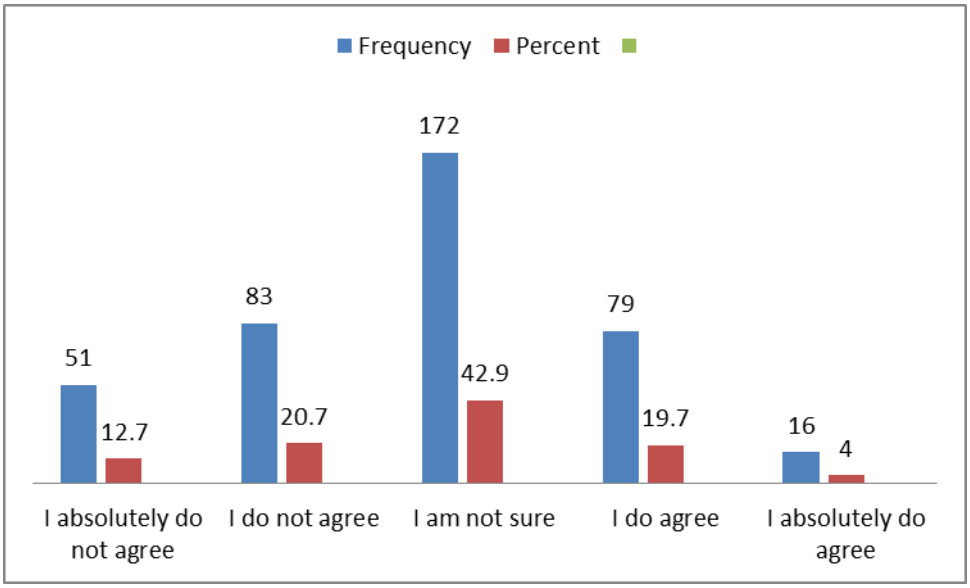
When an accident occurs the employer is required to provide first aid for its workers, and when the accident requires serious medical attention he is required to cover the medical expenses of his workers and provide them with sufficient leave. Moreover, it is the obligation of the employer to open its doors to government inspectors who are interested in inspecting the undertaking to ascertain the fulfillment of safety standards. It is also essential to make the necessary adjustment of the installations and other safety measures as soon as there is a report by the inspectors or the workers that there are instances that could endanger the health and safety of workers. In order to

[136] Hagos Mezgebu, Security guard, 22 December 2023
[137] Worknesh Hailu, Hotel Hostess, 30 December 2023

assess the state of implementation of the legal obligations, we have forwarded nine questions to our respondents in the research.

As we can see from the chart below, the responses showed that 33.4% of the respondents disagree with the proposition that occupational safety and health standards are observed in the undertakings they are currently working on. On the other hand, 23.7% of the respondents responded that their employers are respecting the safety and health standards prescribed by the appropriate law. A staggering 42.9% of our respondents are not sure whether the standard is properly respected or not.

Chart no. 7. Occupational safety and health



Source; Primary Data SPSS Result 2023

The fact that a significant proportion of the respondents are not sure about the proper implementation of safety and health standards shows that the employees are not aware of the safety standards required in their undertaking. In addition, it also signals the employers are not interested in informing their workers about the situation of health and safety in their respective undertakings. The issue of occupational safety and health is a priority concern for both workers and employers, and not involving workers in this respect could jeopardize the whole production process. This being the result of the survey, we have posed some questions to employers to

triangulate the data. Our informant mentioned that it is the responsibility of the employees to follow safety instructions in any undertaking, and that any issue relating to the lack of proper administration of safety related precautions should be addressed by the employees and their associations.[138] This assertion might lead to a dangerous condition that the safety instructions required to be observed by employees are the responsibility of the employees themselves thereby absolving the responsibility of the employer.

The research indicated that protection of occupational safety and health is particularly precarious in other sectors such as employees working as security guards through the intermediary of the private employment agencies. In general, we have ascertained from multiple interview we have conducted that security guards are not provided with the required training to protect themselves from the risks associated with their work. In an interview we have conducted with a female security guard she has to say the following concerning the situation occupational safety and health in the place she is working:

> *I used to work in one of the Arab countries as a house maid. When I returned back to my country I got married and started working as a security guard. When I joined this sector, I had never been given any training by my employer on how to protect myself when a danger appeared due to a quarrel with my customers. In addition, I'm not aware of the sensitivity of work and the dangers associated with it. In the undertaking, there is no running water and sanitation facility which makes it hazardous to continue working.*[139]

The above expression speaks a lot about the horrors of working as a security guard in a private employment agency setup. The work demanding to the extent of risking the life and physical integrity of the workers, as they struggle to protect the safety and property of the undertaking. However, they are not provided with essential skill training to fend of imminent and serious dangers to themselves and the undertaking they are supposed to protect. In our observation and interviews we have conducted, the workers were also not provided with other occupational safety and health equipment necessary for the proper

[138] Supra note 122
[139] Yemisrach Fikru, female security guard, 21 December 2023

implementation of their duties. In a similar vein, workers engaged in hotel services are regularly exposed to various chemical hazards without any protective devices.

The research result being as depicted in the above, we have also made further consultations with employers, workers representatives, and government institutions to get more data on this important issue. The Ministry of Labour and Skill was one of the government agencies we have consulted in a bid to get more data on how the labour inspection works and whether they collect data on the instances of occupational accidents and disease, as mandated by the appropriate law. In general, the Ministry is responsible for the proper implementation of the laws governing hiring and firing, payment of salary and allowances, granting of leave and respect of working hours, conclusion and registration of collective agreements, observance of working conditions of women and the youth, and occupational safety and health standards etc, as enshrined in the pertinent legislations.

The Ministry is stripped of its mandate of inspecting federally registered undertakings located at the regional states, and its power is limited to inspecting private undertakings working in more than one region and government for profit undertakings located at Addis Ababa and Dire Dawa. In other words, the federal labour inspection scope of operation is limited compared to the inspectors at the regional administration. The task of labour inspection is decentralized to District administration level at regional level. In some instances, the federal labour inspectors work in collaboration with inspectors at the regions when they are requested to provide assistance by the regions.[140] The task of inspection of factories requires skilled human resource and huge material resources. In Ethiopia, there were some efforts to modernize the inspection service by creating an independent institution and training of human resources in the early days of its establishment.

The fact that this service is decentralized to District administration level without properly equipping them with the necessary human and material resources makes the task of inspection worthless. The discussions we have had with employee representatives revealed that the inspectors are unskilled and vulnerable to corruption by huge multinational corporations working in the industrial parks which makes the proper implementation of the rights of the workers in a precarious condition. Even at the federal level, there are only four inspectors which mean that it

[140] Mihret Tesfaye, Senior Inspector for Labour relations, Ministry of Labour and Skills, 28 December 2023

would be completely impossible to make the required inspection.[141] When there is a human resource to undertake an inspection, the other bottleneck with this service is the unavailability of proper equipment to undertake the inspection service.[142]

The Ministry of Labour and Skills is mandated to compile statistical data concerning occupational accidents and diseases at a national level. It is instrumental to have the census in order to devise mechanisms for the prevention of accidents and diseases by relaying on accurate information. Although the Ministry was compiling annual information on the prevalence of occupational accidents and diseases in the past years, this service was discontinued starting from 2018 onwards for various reasons.[143] The absence of the required data on this aspect makes prediction of the occurrence of accidents and diseases impossible which in turn increases the suffering of the workers.

8. Women Participation in Trade Unions

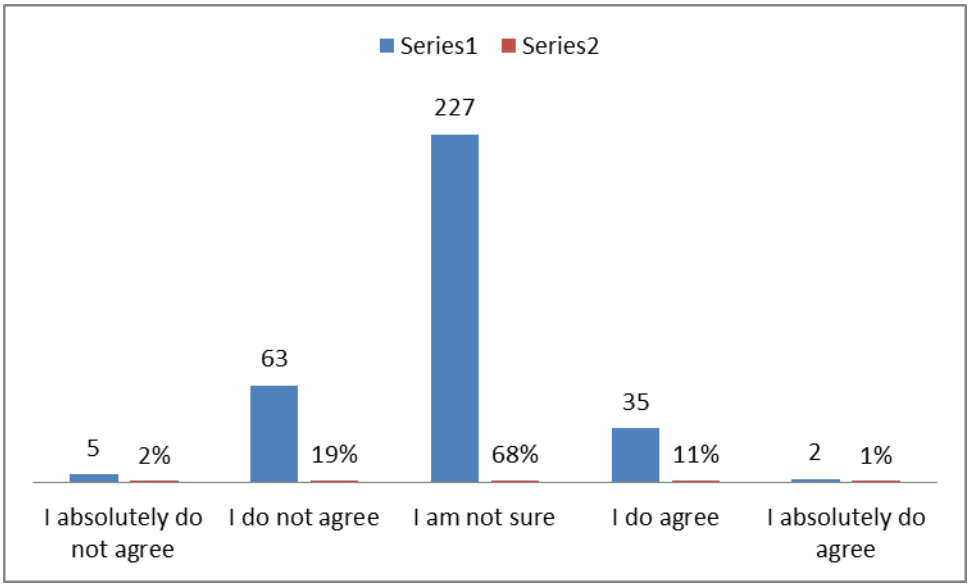
A baseline study conducted by AHRE indicated that of more than three hundred fifty trade unions in the Amhara region, there is only one trade union that is led by a woman, but often there are one or two women in each trade union executive committee that serve as secretariat or/ and finance/cashier.[144] The study also identified some factors such as the willingness of women to be upfront in representing the trade union to the cultural and social norms of the country.[145]

In a bid to assess the situation of women participation in trade union in the selected area of study, we have prepared research questions exclusively targeting them. The questions were intended to extract information relating to whether in anyway the participation of women in trade union is discouraged, whether their employment situation is an impediment for participation in trade union activities, whether women are able to equally express their opinion in trade union affairs, whether women believes they are equally and proportionally represented, and the existence of any discrimination of women from holding a leadership position in trade union activities.

[141] During an interview I conducted with the Ministry of Labour and Skill, they have made it clear that the existing human resource is incapable to make the required inspection of the undertakings responsible to the federal government.
[142] Supra note 140
[143] Ibid
[144] Baseline study, AHRE, p. 19
[145] Ibid

In an interview we have conducted with employers, it has been mentioned that the participation of women in trade union leadership position is below the required number. Although the participation of women in terms of membership in trade unions is gradually increasing, their engagement at a leadership positions is disproportionate to their numbers. The lack of significant number of women in leadership positions equally a problem in the employers' associations. As per our informant, the main reason for the problem is related to the overall situation of women in the country. As women participation in leadership position in political affairs is insignificant, the same problem is prevalent in the labour sector.[146] In this regard, the root cause of disproportionate participation of women in leadership positions is associated with the historical injustice faced by women in general. The survey data also confirms the overarching dynamics of women participation in trade unions, as follows.

Chart no. 8. Women Participation in Trade Union



Source: Primary Data SPSS Result 2023

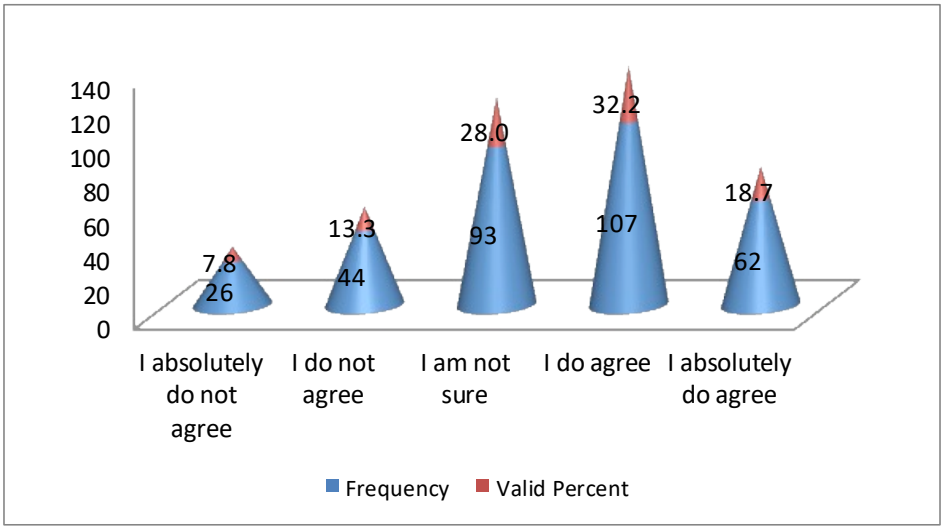
The chart shows that a total of 21% of the respondents disagree with the proposition that there is uneven participation of women in trade union activities. About 12% of our respondents, on the other hand, agree with the proposition. But a whopping 68% are not sure of the existence of any

[146] Supra note 122

bias related to women participation in trade union activities. The fact that a significant number of our respondents are not members of a trade union is inclined to respond in a neutral fashion. In addition, the lack of adequate knowledge on the intricacy of how a trade union works and the rate of participation of women in trade unions has also its own drawbacks on the response rate. But when we evaluate the questions one by one, the story is different.

Among the questions presented to our respondents, the issue of the existence or not equal participation of women in trade union activities is at the forefront. Their response is depicted in the chart below.

Chart no. 9. Equality of participation of women in trade union

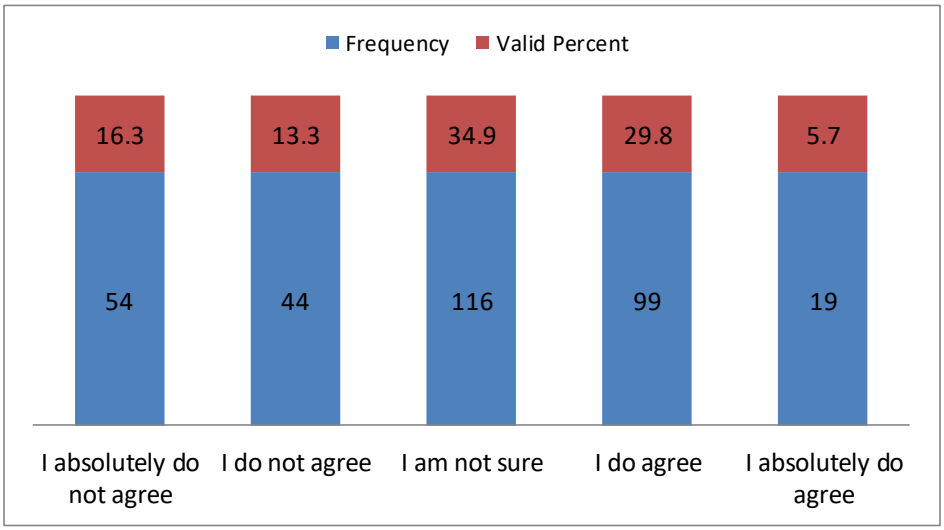


Source: Primary Data SPSS Result 2023

As we can see from the chart, a total of 52.9% of the respondents are in support of the existence of equal participation of women in trade unions while 21.1% of the respondents disagree that there is equal participation of women in trade unions. The remaining 28 % of the respondents do not have any information on this subject. In general, the data shows that participation of women in trade union is not a big issue although there are some challenges to trade union membership that are applicable to all workers. But this does not mean that all women are feeling free to engage in trade union activities as a significant number of our respondents have indicated the existence of challenges to women participation.

In a similar vein, we have brought a question to measure the level and existence of discrimination of women from holding a position of leadership in trade union. The response is summarized in the following chart.

Chart no. 10. The Situation of Discrimination of Women in Trade Union Leadership



Source: Primary Data SPSS Result 2023

As we can see from the above chart, the respondents reaction to the existence of discrimination of women from holding a leadership position based on their gender indicates that a total of 35.5% of the respondents agree with the existence of discrimination, 29.6% of the respondents disagree that there is discrimination, and the remaining 34.9% of the respondents are not aware of the existence or not of discrimination of women. The result suggests that there is a widespread discrimination of women from holding position of leadership in trade unions. A baseline study conducted so far also indicated that women are disproportionately represented in leadership positions in the selected areas of study.[147] This research shows that one of the reasons for the disproportionate representation of women in leadership is related to discrimination based on their gender.

[147] Baseline study, AHRE, p. 17

Employers use various tactics to systematically discourage trade unionism such as tramp up detention of leaders of trade unions, forcing employees not to socially interact with leaders of trade unions, progressively decrease rewards and benefits that usually accrue to the trade union leader as means to disturb their activities, reshuffling leaders of trade unions to distant places, in rare and extreme cases, the use of physical violence against trade union leaders to stop them undertaking their activities.[148]

9. Gender Based Violence at Workplace

The baseline study indicated that harassment of workers, usually; Gender-Based Violence (GBV) cases are not reported to the trade unions due to different reasons. However, researchers conducted so far showed that GBV is prevalent in all employment sectors and particularly in the industrial parks, hotel and tourism sector, and newly established factories.[149] This was also substantiated with an interview conducted with Amhara, Oromia, and Addis Ababa Trade Union Federation during the baseline study.[150] The study indicated that GBV starts from the recruitment process whereby employers discriminate against women based on their age and pregnancy by recruiting only young women and excluding older and pregnant women. In addition to this, some employers ask for sex in exchange for securing a job, and young females have usually experienced such sexual exploitation to get hired and promoted.[151]

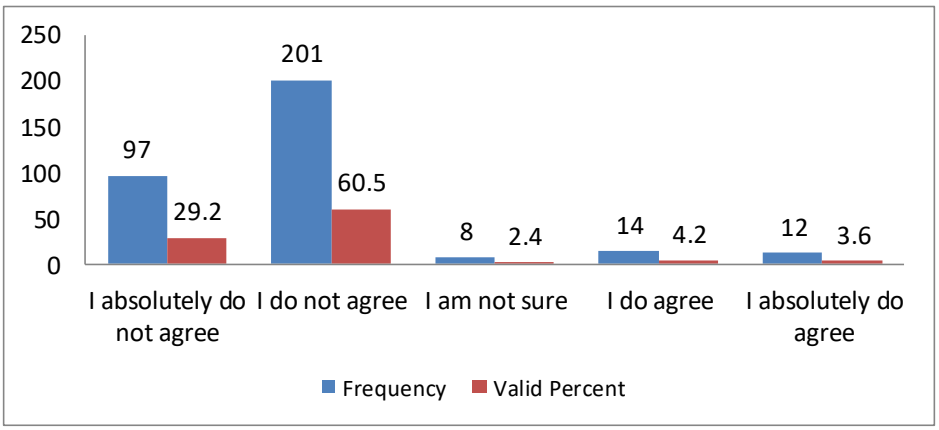
The data we have collected from employers also shows that women are at high risk of sexual exploitation by their managers.[152] In particular, in the construction sector, women are enduring sexual exploitation for job security and upgrading by their immediate managers. As per our source, the owners of the undertaking are against any incident of exploitation although it is difficult to control and discipline the culprits owing to the secretive nature of the act of sexual exploitation. However, the fact that employers are aware of the existence of exploitation signals

[148] The reasons why women employees are not taking leadership positions is similar with those reasons indicated in the above section dealing trade union rights. Thus, it would be advisable to refer to that section for any further inquiry on this subject.
[149] Experiences of Violence and Harassment at Work: A first global research, ILO Report available at https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_863177/lang--en/index.htm, see also Nebiyu Markos Joba, 'Protection of Women Workers from Sexual Violence in Ethiopian Industrial Parks: A Case Study in Hawassa Industrial Park" Addis Ababa University School of Law, 2022
[150] Baseline study, p.19
[151] Ibid
[152] Supra note 122

that the managers are not afraid of any action by the owners of the undertaking due to the inexistence of an accountability mechanism.

In order to ascertain the credibility of the above allegations, we have asked the respondents participating in the research pertinent questions. The baseline study indicated that there are instances of using sex in exchange for a job security. We asked our respondents whether they have ever been requested sex in exchange for better employment opportunity; their response is as shown in the chart below.

Chart no. 11. Sex in Exchange for Job Security

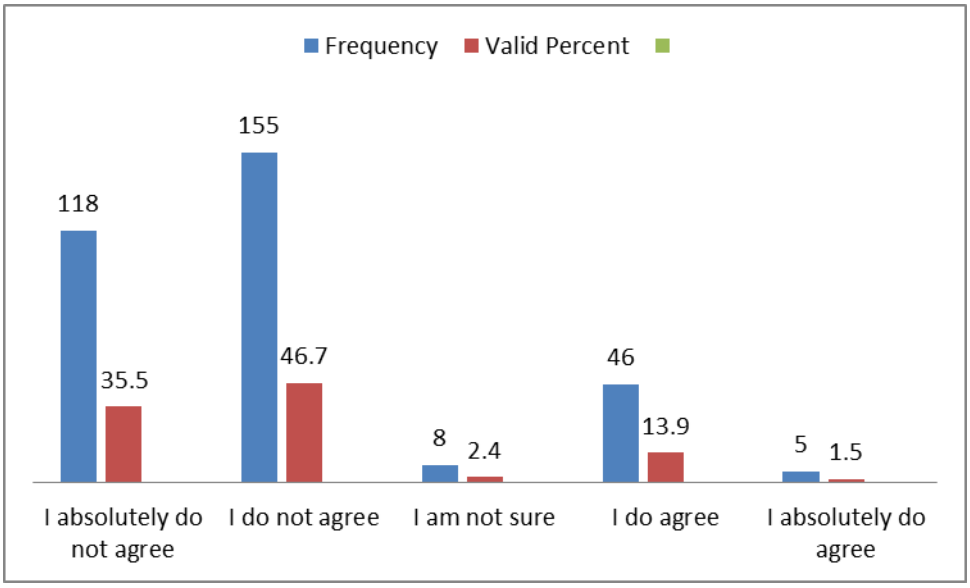


Source: Primary Data SPSS Result 2023

As we can see from the above chart, a total of 89.7% of our respondents disagree with the proposition while 7.8 % of the respondents confirm their agreement with the proposition. The remaining 2.4% of the respondents are not sure whether sex is being used in exchange for better employment opportunity. Although the majority of our respondents disagree that they have ever been requested to offer sex in exchange for employment opportunities, 26 out of the 332 female respondents said they have been requested to offer sex for better employment opportunity. This number is significant by any standard compared to the number of female workers included in the research which means that serious attention is needed to avert the looming danger.

We have also forwarded a related question to ascertain the prevalence of sexual violence including rape at workplace. The response is indicated in the following chart.

Chart no. 12. The Prevalence of Sexual Violence

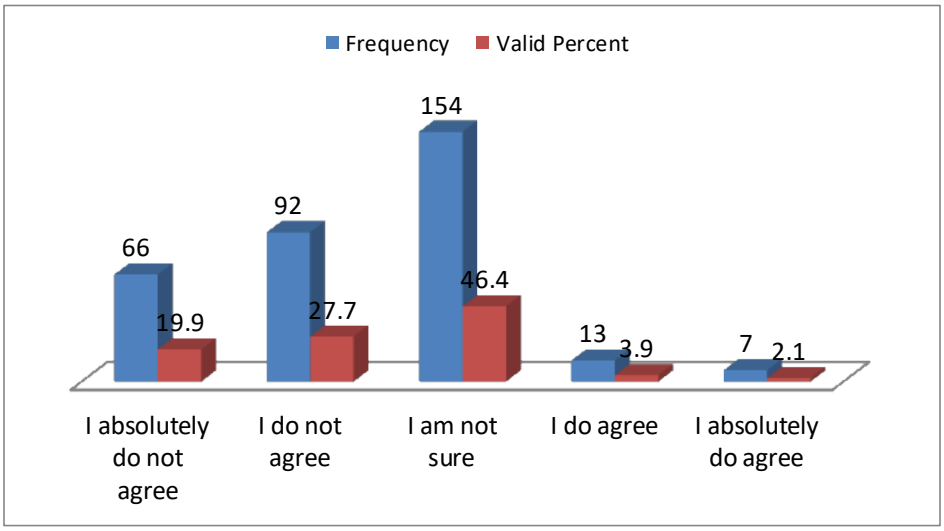


Source: Primary Data SPSS Result 2023

The chart indicates that a total of 15.4 % of the respondents has indicated that they have experienced sexual violence including rape at their workplace. This number is alarming although we could not confirm that the type of sexual violence committed on the respondents is rape or other form of violence. During our research we have seen disturbing images of sexual violence committed at workplace by expats from some of the trade union leaders at Adama Industrial Park. Taking in to account the level of sexual exploitation happening, it is necessary that a mechanism be established to make the perpetrators accountable and to redress the victims of violence.

Another important point identified during the baseline research is the instances related to discrimination based on pregnancy. In order to ascertain the claim we have asked the respondents whether they have ever been discriminated in employment because of pregnancy. Their response is indicated in the following chart.

Chart no. 13. Discrimination Based on Pregnancy



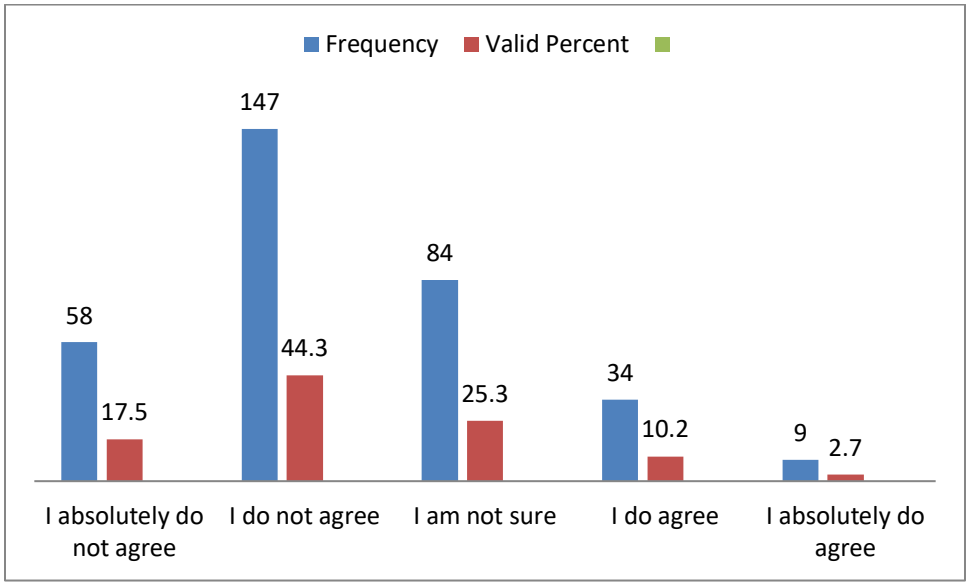
Source: Primary Data SPSS Result 2023

The above data shows that a total of 6% of the respondents from among the total research population have faced discrimination because of their pregnancy. On the other hand 47.6% of the respondents refute the allegation of discrimination in employment based on the status of pregnancy. A staggering 45.5% of the research respondents are not sure whether pregnancy is used to discriminate in employment relationships. Although the number of respondents who disclosed that they have been discriminated in employment based on their pregnancy looks insignificant, the fact that there is zero tolerance of discrimination on pregnancy makes the matter an issue of serious concern.

During our research, we have provided more than sixteen questions to expose the situation of gender based violence at workplace. In addition to the above research questions, we have asked questions such as whether the employer has a plan of action to prevent gender based violence at workplace, whether physical outlook is used to discriminate in employment, whether sexual violence has ever happened at workplace, and whether employees face any physical or psychological violence at their workplace.

We have also forwarded questions to check the existence of a suitable condition for reporting gender based violence at workplace.

Chart no. 14. Reporting gender based violence

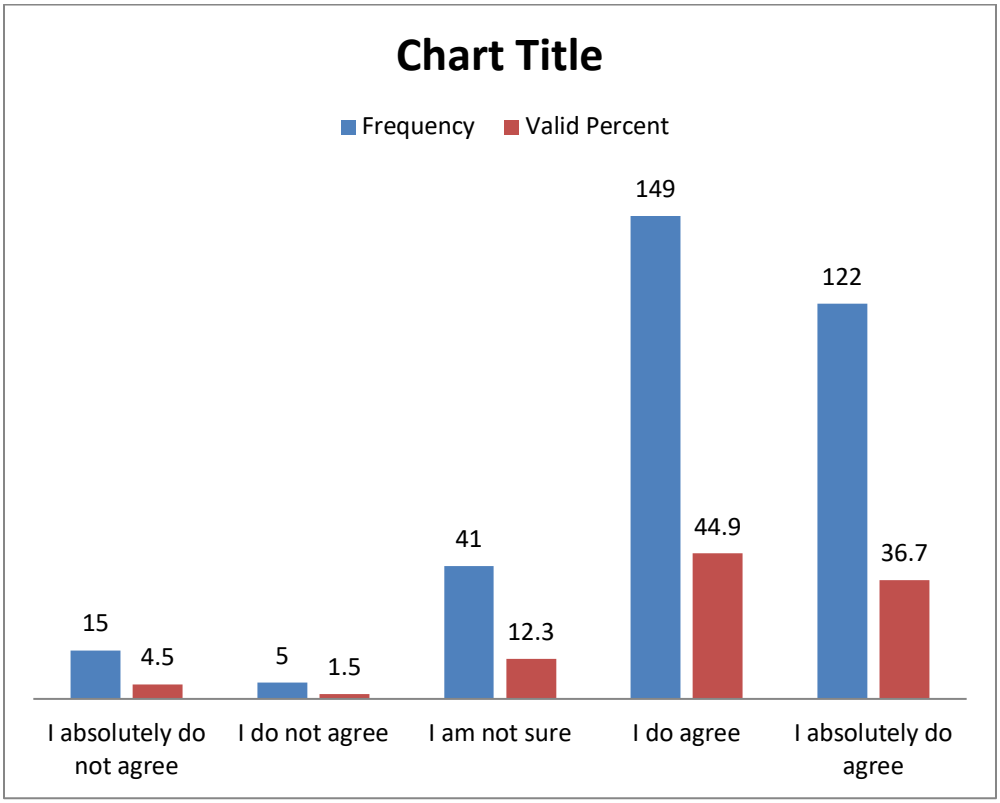


Source: Primary Data SPSS Result 2023

Our survey on the status of reporting of gender based violence indicates that a total of 12.9% believe that reporting to the appropriate organ can bring accountability to the perpetrators of the violence and redress to the victims of violence. The data indicates that there is insignificant trust on the impact of reporting to address gender based violence.

In addition, in a way to get feedback on the plausible prevention mechanisms for gender based violence, we asked our respondents whether expanding reporting mechanism would be effective to prevent violence and whether providing continues training on gender equality can help to prevent gender based violence.

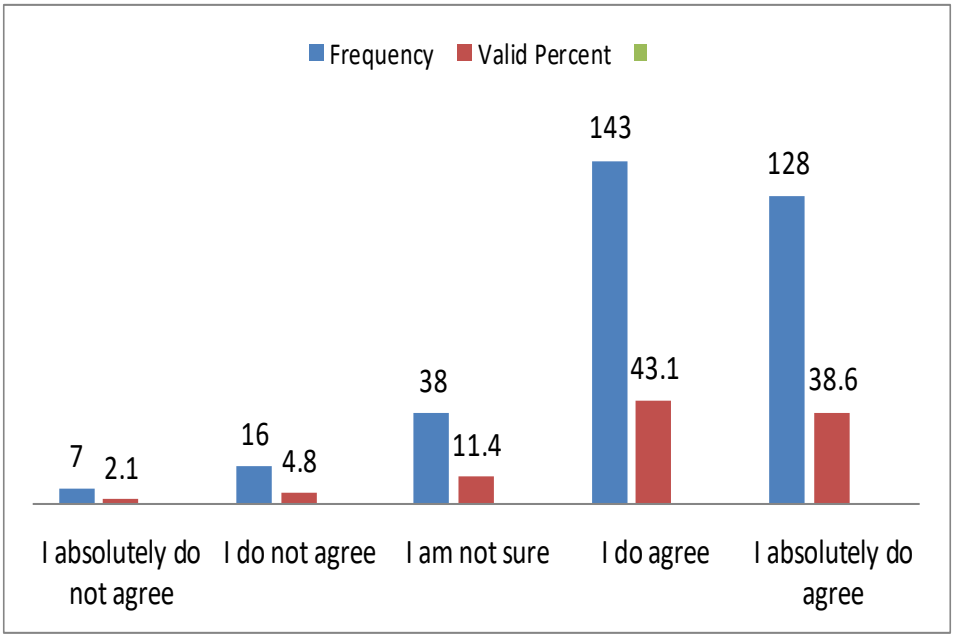
Chart no. 15. The benefits of expanding reporting mechanism



Source: Primary Data SPSS Result 2023

As we can observe from the chart, the overwhelming majority of our respondents believe that expanding reporting mechanisms can be helpful to mitigate gender based violence at work place. In this regard, as the reporting mechanisms available in their undertaking is not trustworthy, as we have indicated above, other external mechanism of reporting gender based violence should be devised. This could include making the facilities accessible to police investigation and other administrative measures for failing to observe respect gender equality.

Chart no. 16. The use of provision of Continues Training



Source: Primary Data SPSS Result 2023

Our respondents are also aware of the significant role continues training could play to reduce the prevalence of gender based violence, as can be seen from the above data. Thus, a mixture of accountability and awareness creation training is vital to mitigate gender based violence at workplace, as per the result of the research.

The Hotel industry is among the areas which expose workers to gender based violence owing to the nature of the work of hospitality service. The government is also trying to legally prohibit practices that expose female workers to undesired manipulation. In this regard, the Addis Ababa city administration has unveiled a dressing a code of workers engaged in the provision of hotel and tourism services.[153] The code prohibits applying excessive jewelries, strong perfumes, and short miniskirts that physically expose workers against their consent. Though the dressing code has been approved, its actual implementation is not realized.

[153] Dressing Code, Addis Ababa Culture, Art and Tourism Bureau, 2023

In an interview we have conducted with workers engaged in the hotel industry, it has been revealed that employers provide dresses that expose female workers to gender based violence.[154] In addition, the informants mentioned that failure to obey the dressing code of the respective hotel results to termination of employment without notice. In our observation, we have seen inappropriate dressing codes in the hotels and female workers are particularly exposed to emotional and physical violence associated with it. In some cases, the dress could barely cover their private parts which make them nervous and ashamed of their work.

Although we are not able to get the victims due to the social stigma associated with it, we have documented from our informants that supervisors and owners of the hotels use various tactics to sexually exploit their workers.[155] In certain rare circumstances, employers use physical and verbal abuse to ensure compliance with their demand for sexual preference to themselves or their customers. In order to lure their customers, employers prefer hiring beautiful workers that they use as a means to increase their profit and get undue advantage from them. In general, the level of gender based violence in this sector is unimaginable compared to the other sectors under study.

In case of workers engaged in the private employment agency, we have documented that customers undermine the proper functioning of the work of female employees by disobeying their legitimate orders. However, in comparison with the workers engaged in the industrial parks and the hotel industry, the level of gender based violence in this sector is insignificant.

[154] Selam Birhanu, female Hostess, 05 February 2024
[155] Ibid

Conclusion and Recommendation

Conclusion

The protection of the rights of workers is a cornerstone for creating a healthy working condition and peaceful industrial relations. As such, Ethiopia has taken a bold step to ensure the protection of the rights of workers by revising its labour laws and taking practical steps for the fulfillment of the protected rights. Although the history of manufacturing service is a relatively very short phenomenon compared to some developed countries, the strides taken by Ethiopia to modernize its laws and institutions in order to cope up with current realities and demands of workers can be generally taken as positive leap forward.

But there are also serious concerns, parallel to the positive steps made so far, that the rights of workers are curtailed from being fully fulfilled. In this regard, we have identified that the government of Ethiopia has failed to enact a comprehensive legislation governing the regulation of private employment agencies. In addition, the existing labour law is insufficient to fully protect victims of gender based violence at workplace. The institutional set up currently in place is not in a position to ensure the full implementation of the rights of workers recognized under the labour law. The recognition, protection, and fulfillment of labour rights are so fundamental for building a healthy relationship between the government, the workers, and the employers. In our assessment of the situation of the rights of workers, we have come across that the constitution and international instruments ratified by Ethiopia provides better protection for the rights of workers although the rights recognized in those instruments are not practically implemented for various reasons.

In this research, we identified the major human rights abuses workers face in Ethiopia with a focus on industrial parks, private agency employees, and women's participation in trade unions, and cases of gender-based violence (GBV) in private sectors. Accordingly, in order to prevent and mitigate the abuses, we request an urgent action to be taken to ensure the proper enforcement of labour rights in Ethiopia.

Recommendation

The research has uncovered various widespread and systemic violations of the rights of workers in the selected sectors. In particular, women face disproportionate abuses of their rights including gender based violence and discrimination and uneven representation in leadership position of trade unions. The respect, promotion, and enforcement of the rights of workers require collective effort of the government, employers, and other stakeholders. In this regard, implementation of the following recommendations helps to ameliorate the existing deep-rooted disregard of the rights of workers in the sectors included under this research.

1) The purpose of establishing labour inspection is to independently assess and monitor the proper implementation of labour standards recognized under the law. The existing labour inspection service in Ethiopia is under-resourced in terms of human and material resources. In this regard, to ensure the independence and efficiency of labour inspection service, the government should allocate the required budget to properly undertake its duty. In addition, to ensure predictability and accountability, Ethiopia should consider ratifying the Labour Inspection Convention no. 81/1947. In the long term, it would be advisable to establish the labour inspection service as an independent regulatory entity to leverage its effectiveness.

2. One of the forgotten areas of employment relationships is the Private Employment Agency. Although it has unique characteristics, the existing directive is not comprehensive enough to regulate the operation, reporting mechanism, and inspection of this sector. In particular, the Private Employment Agencies working domestically are severely restricting the rights of the workers under their administration. The research shows some heinous violations of the rights of workers. Thus, to prevent the existing violation, the government should enact a comprehensive law that governs this sector including appropriate administrative and penal liability for commission of serious offences against the workers.
3. The research shows that there is a fundamental deficit of basic knowledge of labour rights and standards by the respondents. It would be practically impossible to ensure respect of the rights of the workers unless the workers themselves are aware of their legal rights and

obligations. Therefore, the government, advocacy groups operating in the country and other stakeholders should work towards the creation of awareness of labour rights for workers using various platforms.

4. Investigation and monitoring of implementation of human rights is one of the mechanisms of ensuring respect and observance of labour rights. The Ethiopian Human Rights Commission and the Ethiopian Ombudsmen has shown some effort to monitor labour rights. However, the level of violence and abuse of the rights of workers has reached at an alarming stage and it requires a comprehensive and systemic study. Thus, we pledge the watchdog institutions to exert their full potential to make a comprehensive investigation and monitoring of the human rights abuse of workers.

5. The prevalence of Gender Based Violence in the selected areas of study is distressing. Ensuring accountability and redress for victims should be a priority issue. In order to find the perpetrators and provide redress for victims, an investigation should be conducted by a team of experts comprising the representatives of the government, employers, workers, and other stakeholders. In addition, a mandatory requirement for establishing a system of reporting, supervision and monitoring should be in place.

6. The research identified that the disproportionate representation of women in trade union leadership positions is partly related to discrimination based on their gender. A system of proportional representation of women should be applied in all levels of leadership positions to effectively repulse the existing discrimination of women. Affirmative action should be given to women leaders to ensure their equal participation in decision making and meaningful participation in trade union activities.

7. Although respect for the rights of workers and labour standards is at the center of employment relationships, there is no requirement for a due diligence report of the proper implementation of the labour law. In particular, the multinational corporations working in the industrial parks have the leverage of producing such documents to prevent and control the violation of the rights of the workers. Therefore, the labour inspectorate should introduce a system of due diligence report to ease the time and resources needed for in person investigation and monitoring of big corporations.

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Annexes

Annex 1: Questionnaire

A Questionnaire Prepared to Collect Research Data

Dear participants of the study,

This questionnaire is prepared to make a research of the situation of the implementation of labour rights of employees working in Addis Ababa, Amhara region, and Oromia region. As your response has an irreplaceable value to properly undertake the research, we request you to properly fill the questionnaire. The responses would be used exclusively for the intended research and your privacy would be valued. Finally, I would like to thank you for your valued time and if you have any feedback please do not hesitate to contact me.

With kind regards,

Part One: Worker's General Information

1. Sex 1) Male 2) Female
2. Age

   1) Below 18 years 2) 18-30 years 3) 31-40 years

   4) 41-50 years 5) above 50 years old

3. Marital Status 1) Married 2) Single 3) Divorced 4) Widowed
4. Educational Status

   1) Illiterate 2) 1-8 3) 9-12

   4) Diploma/ technical education 5) Degree 6) above Degree

5. For how long have you been employed in your current factory?

   1) less than 1 year 2) 1-5 years 3) 6 -10 years

   4) 11- 15 years 5) more than 15 years

6. Employment status 1) Permanent 2) Temporary
7. Where do you currently work?

1) Lemi Industrial Park

2) Adama Industrial Park

3) Debre Birhan Industrial Park

Part 2. The Situation of Workers' Human Rights

This part is prepared to assess the situation of human rights of workers working in various industrial undertakings. Thus, would you please indicate your response by marking with "x" in the space provided corresponding to your correct response?

- **1 = I absolutely do not agree**
- **2= I do not agree**
- **3 = I am not sure**
- **4= I do agree**
- **5= I absolutely do agree**

2.1 Protection of Employment and Promotion Rights

s/n	Question	Scale				
		1	**2**	**3**	**4**	**5**
1.	When there is a vacancy my employer announces the opportunity to all concerned in public					
2.	The office responsible for recruitment and promotion is neutral					
3.	I have never experienced discrimination in matters of recruitment and promotion					
4.	I have never solicited to give gift in kind or monetarily to get recruitment or promotion					
5.	I have been discriminated due to my ethnic background, sex, religion, language, political opinion or any other ground					

2.2 Rights related to pay and allowances

s/n	Question	Scale				
		1	**2**	**3**	**4**	**5**
6.	I get a salary that commensurate with the difficulty of the job I perform					
7.	I get equal pay for equal work performed					
8.	I never experienced pay related discrimination due to my gender					
9.	Proclamation of minimum wage by the government would ensure the protection of my rights					

10.	I get my salary paid on time					
11.	My employer never deducts my salary without my consent					
12.	I get my overtime work payment on time					

2.3. Employment guarantee, work experience and dignity Rights

s/n	**Question**	**Scale**				
		1	**2**	**3**	**4**	**5**
13.	I have legal protection from unlawful termination					
14.	I get my work experience when I request					
15.	My dignity is respected					
16.	I have been forced to undertake a work against my consent					

2.4 Trade union membership rights

s/n	**Question**	**Scale**				
		1	**2**	**3**	**4**	**5**
17.	I have been induced not to be a member of a trade union					
18.	I have been denied from attending a trade union meeting					
19.	I have been prevented promotion due to my trade union membership					
20.	I experience violation of my rights due to my trade union membership					
21.	My employer distracts collective bargain and conclusion of collective agreement and is not ready to undertake collective bargaining and collective agreement					

2.5 Freedom of Conscience and Expression

s/n	Question	**Scale**				
		1	**2**	**3**	**4**	**5**
22.	My employer respects my religion					
23.	I experienced work related discrimination on account of my religion					

24.	My employer never restricts my freedom of expression					
25.	I experienced work related discrimination due to the opinion I gave					

2.6 Right to Complain

s/n	Question	Scale				
		1	**2**	**3**	**4**	**5**
26.	I have the right to bring a complaint to my employer to correct work related grievances					
27.	I am not afraid of retribution for bringing a complaint					
28.	I will not face consequences for an opinion I share in social media					
29.	There is an institution that handles work related complaint					
30.	The institution responsible for hearing a complaint is independent and neutral					
31.	I know that I have the right to appeal when I disagree with the decision of the complaint hearing institution					
32.	I do not face consequences because I lodge an appeal					

2.7 Leave and Leisure Rights

s/n	**Question**	Scale				
		1	**2**	**3**	**4**	**5**
33.	I get overtime pay when I perform a work for more than 48 hours per week					
34.	I get at least 24 hours uninterrupted leave per week					
35.	I get annual leave, sick leave, maternity leave etc when I request					

2.8 Occupational Safety and Health Related Rights

s/n	**Question**	Scale				
		1	**2**	**3**	**4**	**5**
36.	My employer takes preventive measures to avoid the occurrence of occupational accidents and diseases					
37.	My employer provides me with the required information on the dangers associated with my work and the precautionary measures that should take to avert them					

38.	My employer has established a taskforce responsible for the prevention of occupational accident					
39.	My employer provides me with the necessary occupation safety and health equipment and gives me clear guideline on how to use them					
40.	My employer makes the necessary adjustment on time when there are instances that could endanger the safety and health of workers					
41.	My employer allows the inspection of the factory premises when an inspection organ avails					
42.	My employer provides first aid when an occupational accident occurs					
43.	My employer covers my full medical expenses when an accident occurs					
44.	My employer provides the necessary leave with pay, and gives compensation when an occupational accident occurs					

Part 3. The Situation of Women Participation in Trade Unions

s/n	**Question**	**Scale**				
		1	**2**	**3**	**4**	**5**
45.	There is equal participation of women in trade union					
46.	Women have equal or proportional participation in trade union leadership					
47.	The participation of women in trade union is discouraged					
48.	Women have equal freedom of expression with men in trade union affairs					
49.	My employer discourages trade union participation of women					
50.	My employment situation makes me less interested to be a member of a trade union					
51.	I face discrimination from holding a position of leadership in trade union because of my gender					

Part 4. The Situation of Gender Based Violence

s/n	**Question**	**Scale**				
		1	**2**	**3**	**4**	**5**
52.	My employer has a plan of action to prevent gender based violence at workplace					
53.	I get discriminated because of my physical outlook					
54.	I face discrimination in recruitment and promotion because of my gender					

55.	I get an offer for sex in order to get better employment opportunity					
56.	I experienced sexual violence in my workplace					
57.	I experienced physical violence in my workplace					
58.	I face psychological violence such as hate speech in my workplace					
59.	I reported gender based violence to the appropriate organ					
60.	After reporting gender based violence, the appropriate organ has taken the necessary steps and give appropriate response					
61.	Providing continues training on gender equality can help to prevent gender based violence					
62.	Expanding reporting mechanisms can help to prevent gender based violence					
63.	In my work place gender based violence is increasing each year					
64.	There is a suitable condition to commit gender based violence in my workplace					
65.	Gender based violence is prevalent					
66.	I have been discriminated because of my pregnancy					
67.	I have been discriminated because of my motherhood					



Association for Human Rights in Ethiopia

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