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Working Conditions Of Female Employees In Ethiopia; The Case Of Bahir Dar Textile And Garment Factory

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WORKING CONDITIONS OF FEMALE EMPLOYEES IN ETHIOPIA; THE CASE OF BAHIR DAR TEXTILE AND GARMENT FACTORY

By

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December 2022

WORKING CONDITIONS OF FEMALE EMPLOYEES IN
ETHIOPIA; THE CASE OF BAHIR DAR TEXTILE AND
GARMENT FACTORY

Thesis

Submitted in Partial Fulfillment of the Requirements for the Degree of
Master of Laws (LLM) in Human rights and criminal justice at the School
of Law, Bahir Dar University.

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Declaration

I, **Temesgen Addissu Yirssaw**, the undersigned, declare that the thesis comprises my own work. In compliance with widely accepted practices, I have duly acknowledged and referenced all materials used in this work. I understand that non-adherence to the principles of academic honesty and integrity, misrepresentation/fabrication of any idea/data/fact/source will constitute sufficient ground for disciplinary action by the University and can also evoke criminal sanction from the State and civil action from the sources which have not been properly cited or acknowledged.

TEMESGEN ADDISU
BD 1301700 UR

December, 2022

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List of Acronyms

ACHPR	African Charter on Human and People’s Rights
CEDAW	Convention on Elimination of Discrimination Against women
CFA	Committee on Freedom of Association
ETB	Ethiopian Birr
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FDRE	Federal Democratic Republic Of Ethiopia
GTP	Growth and Transformation Program
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic Social and Cultural Rights
ILO	International Labor Organization
HDI	Human Development Index
NEPS	National Employment Policy and Strategy
NGOs	Non-Governmental Organization
SDG	Sustainable Development Goals
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNDP	United Nations Development Program

Abstract

Within the last few years, the manufacturing industry has shown a tremendous expansion in Ethiopia. The garment sector in particular, takes the lead with an immense coverage of different parts in the country. Thus, the fast expansion of the sector has become an attractive hub of employment opportunities for most female employees who are not even or less educated in the country. Therefore, this paper focused on assessing the special protections of female employees at Bahirdar Textile and garment factory in particular.

The primary objective of this paper is then to show the practical working conditions of these female employees in the factory by assessing the protection of their basic employment rights at work. The human rights conditions of those female workers were assessed using an empirical research approach. Purposively selected female employees, leaders and concerned government officials were interviewed in order to gather sufficient data, in addition, the research used survey questions and personal observation as tools of data gathering.

The paper used both primary and secondary data collected from a number of data sources. Particularly, various workplace-related rights were investigated. In this regard, the right to equal remuneration, workplace safety, protection against sexual harassment, the implementation of special benefits as recognized by law, the freedom to form associations and collective bargaining, and the right to compensation for workplace injury have been critically examined in this study.

The collected data was then analyzed using “narrative analysis” method. The result of this study revealed that, despite the factory installed various regulatory systems which enables to a better protection of women rights at work, there were also identified problems that require legislative as well as administrative intervention, such as poor provision of safety tools, inconsistent payment of compensation for work injury and problems in applying similar recruitment criteria at all time.

Key words and phrases. Working conditions, collective agreement, Female employees, human rights, factory.

CHAPTER ONE

1. Introduction

1.1 Background

The concept of international labor conditions is a fairly recent development in the context of world history.¹ However, since the 1960s, an increasing number of countries have embarked on the road to promote industrialization and economic restructuring, mainly through manufacturing industries and industrial parks.² It is after the industrial revolution that the modern world developed its economic structure, which is based primarily on manufacturing-led industries.

Industrial manufacturing is a relatively new emerging sector in the Ethiopian economy. Although it's a welcomed developmental strategy, especially for its huge employment opportunity, the rapid expansion of industries in recent years is also one of the causes of human rights abuses characterized by gloomy working conditions. According to the 2019 United Nations human development index (HDI), the country is still one of the lowest in the human development category rankings, ranking 73rd out of 189 countries in the world.³ This is chiefly attributed to a lack of an integrated industrialization strategy, and manufacturing industries are often far from achieving their established policy purposes, such as attracting foreign direct investment (FDI), serving as "pressure

¹ "Fundamental rights at work and international labor standards Geneva," International Labor Office, ILO catalogue publication data. ISBN 92-2-113375-3. 2003

² United Nations Industrial development organization, *Industrial park development in Ethiopia, case study report*. Inclusive and Sustainable Industrial Development Working Paper Series WP 21 | 2018.

³ United Nations Development program (UNDP), *The Next Frontier: Human Development and the Anthropogenic*. Briefing note for countries on the 2020 Human Development Report. Dec. 21 2020.

valves" to alleviate large-scale unemployment in support of a wider economic reform strategy, and serving as experimental laboratories for the application of new policies and approaches.⁴

At present, unlike many African countries, Ethiopia has pursued an industrial-led economic aspiration over an agro-resource-led growth strategy.⁵ The Government of Ethiopia places high importance on industrial park development and is establishing over 20 state-of-the-art industrial parks located along key development corridors, each with a distinct specialty in priority sectors.⁶ It focused on developing an industrial base to create needed jobs and trigger upstream benefits, such as stimulating demand for cotton and leather.⁷ This recently expanding economic field in Ethiopia raises concerns about mismanagement of a magnitude that will result in various forms of human rights violations. One of the major concerns in relation to the overwhelming expansion of industrial parks in Ethiopia is the working conditions of employees in general and female employees in particular. The reasons are multifaceted; most foreign companies are enticed to invest in Ethiopia primarily by the availability of cheap labor in the country.⁸

In this regard, the Ethiopian garment industry has been identified as a key growth industry since 1995.⁹ Nonetheless, its performance was lackluster until the implementation of the GTP in 2015.¹⁰ Under the terms of this development policy, industrial zones have been constructed or are being constructed across areas surrounding the capital city of Addis Ababa, and the government has

⁴Yechalework Aynalem, *‘Opportunities and Challenges of the Industrial Park Development in Ethiopia. Lessons from Bole Lemi and Hawassa Industrial Park.* Masters’ thesis Addis Ababa University College of Social Sciences Center for African and Oriental Studies.2019.

⁵Dr. Harald Bekkers, Lisa Ritchie, *‘Enterprise Partners in Support of Industrial Transformation. Building an Industrial Labour Services Market in Ethiopia.* Collaboration with Enterprise Partners January 2020, Addis Ababa, Rotterdam and Melbourne. P.22

⁶Addis herald, *Ethiopia’s industrial parks overview.* Accessed from https://www.addisherald.com/_trashed-3/. On 22 May 2022.

⁷ Ibid

⁸ ‘Kolebe Walde, Fekade Alemayehu et al.” *Rights and Reality: The Working Conditions of Female Factory Workers in Selected Manufacturing Industry Sites in Ethiopia.* An article published by Addis Ababa university school of law center for Human Rights and Governance Studies P.109

⁹ Investing in Ethiopian textiles, <http://www.ethiopianembassy.org/PDF/InvestingTextiles.pdf>. Last accessed on 25 August 2022.

¹⁰ Ibid.

drastically improved foreign investment incentives in the sector.¹¹ Today, Ethiopia's garments and textile industry ranks amongst countries like China and Bangladesh in terms of industry output.¹²

On top of this, the current industrial policy and employment orientation of the government aim at generating employment for the country's abundant labor force through the expansion of labor-intensive, export-oriented private investment.¹³

The Labor Proclamation of Ethiopia lays out requirements for workers' rights and compensation, noting specifically that employers are obliged to respect a worker's human dignity, to take occupational safety and health measures, and to defray medical costs whenever required by law.¹⁴ Nevertheless, with regard to women specifically, available data show that over the past two decades, women's employment rate has increased even in times when there has been a decline in the national unemployment rate.¹⁵ Previous research has found that the working conditions of female factory workers who are working in different sites are deplorable.¹⁶

As a result, this study was commissioned with the goal of probing and comprehending the working conditions of female workers, with a special focus on non-professional female workers in one of the oldest garment manufacturing industries, the Bahirdar textile. Therefore, its objective was to explore and understand the working conditions of these classes of factory workers and how they perceive and interact with the legal system to vindicate their rights as workers.

¹¹Ethiopian investment commission incentives guideline, available at <http://www.investethiopia.gov.et/images/pdf/incentives.pdf>. Last accessed on 08 July 2022.

¹²Achim Berg, Saskia Hedric & Bill Russo, *East Africa: The next hub for apparel sourcing?* MCKINSEY (Aug. 2015), <http://www.mckinsey.com/industries/retail/our-insights/east-africa-the-next-hub-for-apparel>. Sourcing.1 August 2015.

¹³UNIDP industrial development organization, brief note on Federal democratic republic of Ethiopia, industry development strategy. May 2018. Available at https://open.unido.org/api/documents/11096436/download/Project%20Document_Ethiopia_170052_V3.pdf. Accessed on 23 Sep. 2022.

¹⁴Federal Democratic Republic of Ethiopia, labor proclamation No. 1156/2019, the Federal Negarit Gazette, 25th Year No. 89 Addis Ababa 5th September, 2019.

¹⁵Supra 4. See also Kokebe Jemaneh at 8. For example he concluded, the wage paid for female employees is bare minimal in his selected sites. He also stated, female often suffered long hour work, mistreatment and sexual harassment at work.

¹⁶Id (Kokebe) p.116

1.2 Statement of Problem

The researcher was first inspired to undertake this study after hearing one tragic real-life story from a stranger on a bus trip. On an unknown date in March 2020, the researcher was traveling from *Adama* to *Addis Ababa*. On his way, he observed a woman sitting next to him who was badly injured around her hand and asked what had happened to her severely wounded hand. In sharing her story, she said she was working in one of the tanneries at *Debrebirhan* Industrial Park, earning only a meager income of 1200 ETB a month.

She works in the leather cleaning and un-skinning department, clearing away the sutures from the skin, which involves dangerous chemicals. According to our conversation, her job was dangerously unsafe, exploitive, and even underpaid compared to what she was actually doing. Since then, the researcher has begun to question himself about his decision to conduct this research, wondering what the working conditions of similar workers in the Bahirdar Textile Factory might be like. Lack of adequate policy concern for working safety standards in this newly emerging area of investment in Ethiopia calls for the need to assess the working conditions of women workers in the textile industry.

The problem seems multi-fold in the manufacturing sector in particular. Prior research shows that the problem starts with the job-seeking process. It has been indicated that finding unskilled (blue collar) jobs in manufacturing industries is extremely tough as there is no streamlined employment service system and there are a high number of job seekers relative to the available jobs in the labor market.¹⁷ Many female employees in this category are concerned about losing their jobs at any time due to an order from their immediate manager. They do not know that they have legal protection from arbitrary dismissal.¹⁸ As a result, they always live in that atmosphere of insecurity.

It is also widely acknowledged that many corporations in developing countries, including Ethiopia, do not actually pay a living wage, even if they claim to accept the principle that they should.¹⁹

¹⁷ *Supra* 3 P. 114

¹⁸ *Ibid*

¹⁹ Richard Anker, Estimating a living wage: “*A methodological review, conditions of work and employment program*”, Condition of work and employment serious No. 29 (ILO Geneva 2011).

Because of the abundance of cheap labor, developing countries like Ethiopia with high unemployment rates are often potential destinations, particularly in the garment sector, which requires a large number of labor forces (mostly women).

At this point, while the ever-expanding manufacturing industry is blessed for its vast employment opportunities in Ethiopia, it is also a growing concern that working in this sector is not matched by decent working conditions.²⁰ The lower status or concerns about the work and the lower level of education the workers usually attain have made them vulnerable to frequent exploitation and abuse at the workplace.

Specific legal protections for this group of factory workers are usually unavailable or barely implemented.²¹ In a cogent brief, the sector is believed to be discriminatory during employment, payment, special treatment, and other benefit packages, especially wages that are arbitrarily fixed at a lower rate. It's also mentioned for the absence of decent working conditions, violations of international labor and workers' rights standards, restrictions on freedom of association and collective bargaining, a lack of workplace protections, inspection and oversight systems, and the absence of grievance handling mechanisms that are creating ripe concern about working conditions in these quickly growing industrial manufacturing industries in Ethiopia.

The paper is based on this brief reality in order to investigate the current working conditions at Bahirdar Textile and Garment Factory, which is one of the oldest of its kind and has employed a greater number of female employees since its inception.

1.3 Literature Review

With regard to related works previously done, although it is difficult to find a directly related study or publication that has been conducted on a related topic at this specific site, there are still some relevant works that could provide helpful insight for this particular work. The first to be mentioned is action research that was conducted under the theme of *women workers' conditions in the horticultural industry in Ethiopia*. This particular action report was commissioned by the National Federation of Farm Plantation Fishery Agro Industry Trade Union (NFFPFATU) to examine aspects of

²⁰ Supra note 3.

²¹ Supra 4 (Yechalework) see at p.72 for brief.

women workers' rights in the horticultural sector, such as salary levels, special privileges for women workers such as pregnancy leave, working hours, and protection against sexual harassment, in eight selected sample horticultural farms.²² However, this action report is purely a social science site-oriented conditional analysis, which was limited to only women's workers' rights in a unit sub-sector lacking sufficient comparative connection with the objectives designed by the research at hand. Unlike the report, the end goal of this study is primarily concerned with female workers who reside in a single factory, making gender, education, and role distinctions among female workers at the stated site.

Another relevant document for taking a comparative overview in this review is the US National Federation of Farm, Plantation, and Fisheries Trade Union Act, also called NFFPFATU. According to the official US Government Department of Labor Notice, various lists of labor rights are recognized under the national labor relations act.²³ The list includes

To organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment, Form, join, or assist a union. Bargain collectively through representatives of the employees' own choosing for a contract with your employer, which sets your wages, benefits, hours, and other working conditions. Discuss your terms and conditions of employment or union organizing with your co-workers or a union. Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency and seeking help from a union. Strike or picket, depending on the purpose or means of the strike or picketing. Choose not to do any of these activities, including joining or remaining a member of a union.²⁴

²² The National Federation of Farm Plantation Fishery Agro Industry Trade Union (NFFPFATU) also known as the Campaign seeking to enhance the lives of women working within the horticulture industry.

²³ US Department of labor. Available at <http://www.nlr.gov/>. Last accessed on 05 July 2022.

²⁴ See the US National labor relations act on the above site

The other objectively closer prior publication was a study conducted and published by Earuyan Solutions,²⁵ on the "working conditions of women working in the textile and garment sector in Ethiopia." Accordingly, the study examined the legislation and policy instruments in relation to women's working conditions in the garment sector. In this sense, it explored different laws, ranging from international instruments to domestic legislation. The paper concluded that concentration is concentrated in blue-collar jobs, and the few women serving in management are relegated to lower-level supervisory jobs.²⁶ The growing employment opportunities are not matched by decent working conditions.²⁷ Female factory workers survive under dismal working conditions that are way below the standard set by the country's labor law and other relevant documents. This research finding necessitates the conduct of an empirical study in similar manufacturing sites to the one under consideration.

According to another prior research study conducted in the rising manufacturing industry in general, female employees, mostly high school dropouts, constitute the majority of the workforce.²⁸ Commonly observed hazards in the workplace include occupational noise and dust of various types in manufacturing sectors and chemical exposures in the flower industry.

In one medical study for example, it was found that the magnitude of workplace physical injuries is higher in the manufacturing sector. What makes the scenario worse is that no accurate statistical data is accessible in those manufacturing industries. The paper puts it this way:

Information on occupation-related diseases and injuries or accidents is not systematically recorded, evaluated, or monitored in the Ethiopian work setting. The Ethiopian Labor Proclamation of

²⁵ "Working conditions of women working in the textile industry in Ethiopia: 2019, by Earuyan Solutions which is founded and headed by her excellence *Billene Seyoum*, is a social impact driven feminist company offering workshopsforum, research, project programme design and content development solutions with a particular focus on projects promoting gender equality and leadership development.

²⁶ Supra 5. P. 135

²⁷ I bid

²⁸ Abera Kumie, Tadesse Amera, et.al. *Occupational Health and Safety in Ethiopia: a review of Situational Analysis and Needs Assessment*. Ethiopian journal of health development, School of Public Health, College of Health Sciences Addis Ababa University, Ethiopia. 31 Aug. 2017.

377/2003 (4) contains definitions and provisions on occupational accidents and occupational diseases (Articles 97 and 98). It does not, however, indicate how data should be generated, systematically monitored, and analyzed.²⁹

The most important prior research with considerable significance for this study was however the one done at SHINTS garment factory in Bole Lemi.³⁰ The findings of the study uncovered a number of critical violations of women's rights in the factory. For example, the result shows that the nature of the working condition of female employees is characterized by long working hours without break, inadequate provision of safety measures in place, and low protection provided for workers, low wage, and poor treatment of workers, mistreatment, and absence of labour unions.³¹ Due to all these challenges, participant women in the research even expressed it as “*a slave-like working condition*”.³² But even this research cannot indicate the precise extent and typical conditions of work existed at the Bahirdar garment factory, because both the administration as well as geographical variations might affect the outcome.

The findings of the study show that workers, especially in textile manufacturing, are susceptible to continued depression and related physical and mental health problems. It was concluded that a case-control study in two large textile factories found that the work force of the factories is composed of male workers less than 30 years old who often have poor health, job-related stress, sleep disturbances, and no or very little safety training. These symptoms are also considered to be significant predictors of occupational-related injury.

At this point, the central aim of this particular study was to examine the actual working reality in the factory, especially the existing practice of human rights protection for female workers there.

²⁹Read a piece of section writing on industrial safety rules and information, available at <https://www.louisiana.edu/sites/safety/files/Sec09%20Industrial%20Safety%20Rules%20and%20Information%209th%20ed.pdf>. Last accessed on 4 April 2022.

³⁰ Tsgie G/Michael, Major Challenges and Opportunities of Realizing Rights of Employees: The Case of Female Employees of SHINTS Textile and Garment Factory at Bole Lemi Industrial Zone. A thesis for the fulfillment of Master of Arts in human rights. At Addis Ababa University College of Law and Governance Studies Center for Human Rights, 2016

³¹ Id. P 67

³² Id. P 66

1.4 Objective of the Study

1.4.1 General Objective

The general objective of this study is to examine the practical working conditions of female factory workers in *Bahirdar* textile and garment factory, with respect to available fundamental human rights protections.

1.4.2 Specific Objectives

The research specifically aimed to address the following specific objectives:

- Investigate the available international normative instruments on the protection of female factory workers in particular.
- Undertake physical investigation in order to explore if there are violations of the rights of female workers in the factory.
- To investigate the existence of institutions for handling grievances in order to provide procedural safeguards so that workers' rights are respected.
- To find out whether the Ethiopian labor standards and rules are compatible with the international instruments setting minimum protections for female workers in particular.
- To determine whether those available special minimum protections for female workers are in action at work.

1.5 Research Questions

1.5.1 General Question

The main research question of the study is, how the *Bahirdar* Textile and garment factory is organized in terms of promotion and protection of the rights of female factory workers and what the working conditions look like in the factory?

1.5.2 Specific Questions

The study particularly aims to answer the following specific questions in the process:

- What specific protection of rights is available under the international system dealing with special protection of female industry workers?
- Is there any meaningful undertaking towards the inclusion of these instruments in the factory's collective agreement and creating awareness in the factory?
- Are the female working conditions in the factory compatible with international standards and domestic guidelines?
- Are the minimum standards of work set by international human rights instruments, to which Ethiopia is a party, respected at the work site?
- What possible recommendations are made when there are inadequacies between the requirements of the law and its implementation in the study area in particular?

1.6 Significance of the Study

The researcher believes that this study helps the legislators addressing compliance with international instruments and the adequacy of existing tools for the rights of female industry workers in particular. It may show possible legislative gaps pertaining to remedial administration in the event of non-compliance with the provided rules, particularly in relation to the protection of female workers in the textile factory. The factory may also use the findings of this study as a baseline in furtherance of protections for those group of workers.

The essential impact of this study, however, is that it serves as an important input for different organizations such as women's associations and labor-related institutions found in Bahirdar city, where an increasing number of manufacturing industries have been operating within the city in the last decade. It could be used as a reference in the preparation of internal structures, collective agreements, guidelines, a code of conduct, adjudicative procedures, or training manuals in relation to raising awareness or whatever other purpose it serves.

Moreover, the study may also help justice institutions in the administration of human rights for female workers in similar manufacturing industries. Finally, prospective researchers, students, and academicians concerned with the issue at hand can use the findings of the study in their endeavors for the furtherance of the subject matter.

1.7 Methodology and Methods of Data Collection

1.7.1 Nature of the Research

The study, which is a purely empirical qualitative legal research, employed a case study research design with a mix of explanatory and interpretative techniques. A case study research design is a research approach that facilitates exploration of a phenomenon within its context using a variety of data sources.³³ The researcher have chosen the technique because it aids in gaining a more detailed understanding of a phenomenon under investigation. The study also employed an exploratory research approach. It is a specific type of research approach that requires critical thinking skills as well as the evaluation of facts and information relevant to the research being conducted.³⁴ It was applied in order to fully appreciate the existing work reality at the working site so that a complete analysis could be provided using an analytical or interpretative approach. Hence, the researcher used this technique in order to yield coherent meaning once the needed data was gathered through various tools.

A qualitative research approach is a one that involves collecting and analyzing non-numerical data (e.g., text, video, or audio) to understand concepts, opinions, or experiences.³⁵ The logical connection between the nature of data collected and techniques used both in gathering as well as analysis in this study relied on a textual translation of words and texts into meaningful structure in order to arrive at self-evidenced outcomes necessitating the use of this type of research approach.

On the other hand, empirical research is a type of research methodology that makes use of verifiable evidence in order to arrive at a solid research outcome.³⁶ In other words, this type of research

³³ Pamela Baxter and Susan Jack. *Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers*. McMaster University, West Hamilton, Ontario, Canada. The Qualitative Report Volume 13 Number 4 December 2008 544-559 <http://www.nova.edu/ssss/QR/QR13-4/baxter.pdf>.

³⁴ Research methodology and types of research. An online free access material available at www.chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mlsu.ac.in/econtents/1470_Research%20Methodology%20and%20Types%20of%20Research-converted.pdf.

³⁵ What is qualitative research? Methods and examples. Accessed on <https://www.scribbr.com/methodology/qualitative-research/>.

³⁶ Ibid

relies solely on evidence obtained through observation or scientific data collection methods³⁷ such as open ended interview questions, surveys and focus-group discussions. As a result, the type of data used determines whether the research is empirical in nature. This is not to say that the methodology of this study is limited to an empirical approach study. Techniques of doctrinal data analysis are also used in order to illustrate the connection between existing literature and available legal instruments. The doctrinal research approach focuses on the letter of the law rather than the law in action.³⁸ Using this method, the researcher compiled a descriptive and detailed analysis of legal rules found in primary sources, internet sources, and previous literatures (cases, statutes, or regulations) in order to arrive at a meaningful conclusion.

Thus, in this particular paper, a number of female workers, employers, officials, and other concerned individuals were directly involved in different forms of data sourcing schemes such as open-ended interviews and key informant guide questions, 16 women composed of five different departments in the garment filled out semi-structured survey questioners in order to obtain data about their actual condition at work, focus group discussions had been administered among leaders of associations in order to investigate the existence and efficient operation of associations in the factory, and direct personal observation in order to gather sufficient firsthand information about the human rights reality in the factory.

In addition, necessary documents such as laws, international instruments, internal rules and guidelines, and the factory's collective agreement were also used as primary and secondary sources. Further, the study used firsthand information based on direct personal observation by the researcher himself.

1.7.2. Sampling Techniques

The research employed both probability and non-probability sampling techniques, with a significant dominance of the latter. The term "probability sampling technique" refers to a method of

³⁷ Ibid

³⁸ Jerome Hall Law library, Legal Dissertation: Research and Writing Guide, available at <https://law.indiana lib-guides.com/dissertationguide#:~:text=Doctrinal,%2C%20statutes%2C%20or%20regulations>). Last accessed on July 10 2022.

sampling with an equal or at least predictable chance of being selected.³⁹ Since the population of the study (female workers in particular) is relatively identical in terms of gender, job positions, educational level, and even pay rate, random sampling was believed to be the appropriate sampling technique in order to collect adequate information for this study and applied accordingly. Hence, female workers were randomly picked to fill out survey questionnaires after a systematic department-based cluster was first made.

In addition to the simple random sampling technique, a snowball and purposive non-probability sampling technique were also employed to gather data from selected site managers, government officials, or even female workers who had been subjected to previous work-related mistreatment or human rights violations as a result of their gender. For example, the researcher heavily used the "snowball sampling" technique during data collection from government officials. Because government offices are frequently restructured, reaching the relevant personnel would have been difficult if not impossible without this method. The same method also applied in identifying and communicating with women workers who have been victims previously; as a result, the researcher first opted to communicate with a key dignified woman contact as a starting point and followed through according to the directions. Hence, combinations of different data collection techniques were used in this study. Finally, the researchers believe that the relevance of the data to be gathered from these sources in achieving the major study goals must justify the choice of a given sampling technique.

1.7.3. Sample Size

In qualitative research, there is no hard and fast rule to which a researcher must adhere when determining an adequate sample size. However, for quantitative research, for the outcome to be adequately representative, it is advised to have a larger population.⁴⁰ The researcher is expected to determine the sample size by taking different factors into account, such as the likelihood of the

³⁹Ahmed Taherdoost, *Sampling Methods in Research Methodology: How to Choose a Sampling Technique for a Research University of Canada*, West, International Journal of Academic Research in Management (IJARM) Vol. 5, No. 2, 2016, Pages 18–27 (slightly edited)

⁴⁰Bryan Marshall, *et al.*, 'Does Sample Size Matter in Qualitative Research? A Review of qualitative Interviews in Is Research', *Journal of Computer Information Systems*, 2003, PP. 11-22, p. 11.

response rate, the heterogeneity of the population, and the available resources at hand (both time and finance).⁴¹

As a pure qualitative research project, taking various determinants into consideration, used data saturation technique in order to determine a workable sample size. Data saturation is normally defined as “*The criterion for judging when to stop sampling the different groups pertinent to a category is the category’s theoretical saturation.*”⁴² Hence, the researcher administered the following numbers of research participants based on personal evaluation: First, five government officials with close official gender-specific responsibility were interviewed in order to obtain insightful, authoritative information. Following that, 16 female workers from various departments in the factory (with one rejection) completed the survey questions and engaged in unstructured interviews. In addition, seven (7) key personnel with managerial responsibilities in the factory were interviewed. In total, the study addressed 29 participants as a final sampling frame.

1.7.4. Data Collection Method

1.7.4.1 Primary Sources

The study employed both primary and secondary sources of qualitative data gathering tools. At this stage, the study used mainly three different data collection tools, i.e. Female employees mainly participated in filling Survey questions, interviews and personal observations. Regarding primary data sources, Data was collected through carefully structured survey questions, personal observation and interviews, targeting selected female employees, authorities and those with administrative roles in the factory. The interview questions took both structured and unstructured forms flexibly depending on the context and the condition of the interviewees. Thus, for those participants in which the researcher believed they are professionals and capable of appreciating the objective of the study themselves (those in leadership position in particular), has been treated with semi-structured and open ended interviews. Whereas, a fully structured and assisted interview was conducted when the researcher believes otherwise.

⁴¹Supra 26.

⁴² Fusch, P. I., & Ness, L. R. (2015). *Are We There Yet?* Data Saturation in Qualitative Research. *The Qualitative Report*, 20(9), 1408-1416. <https://doi.org/10.46743/2160-3715/2015.2281>.

Firsthand data was also gathered from analyzing different primary documents, including treaties, FDRE Constitution, labor law and the FDRE Criminal Code.

1.7.4.2. Secondary Sources.

Concerning secondary data sources, this study used available previous works in the form of books, journal articles, case comments, various UN documents other than treaties, reports by different organizations and governmental institutions, and other relevant literature as secondary sources.

1.8 Scope and Limitation of the study

The researcher was only interested in investigating the nature and level of existing human rights conditions for female factory workers throughout the course of this research. It was limited to examining the existing working conditions of female workers by giving special attention to those assuming relatively lower or less-professional posts at the site. This is because previous research has shown that less skilled female workers are subject to frequent harassment and labor-related rights violations, and this study is interested in determining whether similar exploitations exist at the study's working site. In addition to limiting the target group and area of study in this research, other potential restraints were also considered during the whole life of this paper.

Generally, in undertaking this research, the following were the major challenges:

- Financial limitations, the research is mainly sponsored by Bahirdar University based on a fixed lump sum payment of a small amount of money which was too minimal to cover necessary costs. The existing, unpredictable inflation was also another financial challenge hindering efficiency in this regard.
- Unwilling respondents: It is reasonably expected that finding a genuine participant in research is always a bigger challenge in undertaking research. Similarly, a few research survey questionnaires were rejected for being poorly and negligently filled up or complete refusal.
- Complex bureaucracy, government bureaucracy and government services in the region are still suffering from efficiency problems. In the data collection period, the researcher was forced to have a frequent visit to regional government offices that are selected as a data destination for non-availability and the absence of a culture of cooperation.

1.9 Data analysis techniques

Once the necessary data was sufficiently gathered in accordance with the data collection techniques and methods discussed in this chapter, it was then analyzed using content analyzing method as a primary tool of analysis. The data was first categorized into different groupings and themes, such as official sources, victim sources, employee sources, and professional sources, interviews, surveys etc. Then, first, the data gathered through interviews and personal observation was transcribed into written format which then thematically analyzed. Thematic analysis is the process of identifying patterns or themes within qualitative data.⁴³ In particular, the researcher used defining and reviewing the themes comparatively to identify phenomenal patterns in the interpretation of interview data. And then, the data was rearranged into a meaningful structure using content analysis approach. It is then reported based on the approaches used throughout the data collection process and the level of responses that are properly returned. The researcher also

Finally, the next step had been to briefly discuss the data gathered and analyze it by making important conceptual correlations in order to yield the intended result using various forms of presentation techniques.

1.10 Citation and Reference Guidelines

The rule of citation applied to this study was the guidelines of the Bahirdar University school of Law research guideline, which is in particular focused on the Bluebook; referencing style was used in this thesis. However, for domestic laws and court decisions, the researcher also used the rules of citation adopted by the Journal of Ethiopia Law.

1.11 Ethical Consideration

The major ethical issues that were considered by the researcher are:

- The research was conducted based on the full authorization of *Bahirdar* University School of Law.

⁴³ Moira Maguire & Brid Delahunt. *Doing a Thematic Analysis: A Practical, Step-by-Step Guide for Learning and Teaching Scholars*. Dundalk Institute of Technology. Vol. 3 2017. P 3352.

- Permission had been first sought from participants before taking or recoding their views.
- The confidentiality of the research data and information was strictly ensured.
- The privacy and anonymity of the respondents kept in secret.

CHAPTER 2

WORKING CONDITIONS AND THE LEGAL FRAMEWORK ON THE SPECIAL PROTECTION OF FEMALE WORKERS.

Introduction

This particular chapter focuses on showing the thematic understanding of important concepts such as working conditions in general, discussions addressing the question of what constitutes working conditions for employees, specific protections for female employees in particular, and governing rules for each thematic concept.

Essentially, the chapter is divided into multiple sections and sub-sections that deal with a variety of issues that aid in understanding key concepts such as working conditions, special privileges incorporated into international law, and domestic protections exclusively accorded to female workers. Therefore, a thematic understanding of the working environment with technical definitions was presented. Moreover, an attempt was made to illustrate some of the key areas of protection for women at work. Hence, a number of relevant international documents pertaining to the protections of women employees within each topic are discussed.

2.1 Understanding working Conditions in General

Introduction

According to various sources, the term working condition is defined differently. The ILO, on its way understood the expression as “*Working conditions cover a broad range of topics and issues, from working time (hours of work, rest periods, and work schedules) to remuneration, as well as the physical conditions and mental demands that exist in the workplace.*”⁴⁴ Hence, the ILO simply tried to illustrate some issues and deliberately left the definition wide-open, so that, enumerating

⁴⁴ *Decent work for sustainable development*, ILO resource platform. Accessed from <https://www.ilo.org/global/topics/dw4sd/themes/working-conditions/lang--en/index.htm>. On 09 Sep. 2022

specific conditions and adopting a context-based definitional approach in ensuring healthy working environment will be the business of member states. On the other hand, the definition provided by *Mariani* and *Valenti* (Italian influential social science researchers), has provided a better definition by listing out some objective elements, such as: *Wage, job security, protection from harassment, safety, discrimination, and freedom of association*.⁴⁵, the researchers conceptualized working condition as elements that, workers experience at the work place referring to wage, working hours including overtime work, health and safety at work place, freedom of association, leaves and availability of a responsible organ protecting the rights of workers. This according to the researchers helps in understanding the working condition of the garment factory taking some of the above listed measurable variables in to consideration.

Generally, according to the ILO, Working Conditions means the making, changing and revising of collective agreement clauses, changes affecting working conditions, job classification system, organization of group insurance, salary scales, every measure affecting what, in the collective agreement are termed working conditions.⁴⁶ In the same token, the constitution of the ILO in defining the original mandate of the organization in its preamble stated as follows:

*primarily it is aimed at the improvement of conditions of labor work by regulation of the establishment of a maximum working days and weeks, 'hours of work' which includes; the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of employment, protection of women, provision for old age and injury, recognition of the principle of equal remuneration for work of equal value, recognition of the principle freedom association, the organization of vocational and technical education and other measures.*⁴⁷

⁴⁵Riccardo David Mariani and Fabrizio Valenti. (2013). Working Conditions in the Bangladesh Garment Sector: Social Dialogue and Compliance, Delft University of Technology. Available at; www.fairwear.org/ul/cms/fckuploaded/documents/countrystudies/bangladesh/workingconditionintheBangladeshigarmentsectorsocialdialogueandcompliance.pdf. Last accessed n 04 Nov. 2022.

⁴⁶ Domat, G., A. Adler, R. Dehejia, D. Brown and R. Robertson. 'Do Managers Know what Workers Want? Manager-worker information asymmetries and Pareto Optimal working conditions. *Better Work Discussion Paper Series*, No. 10. ILO, Geneva

⁴⁷ ILO, see at its 2nd preamble.

In Ethiopia, the present labor proclamation stated that, one of the reasons for revising the previous labor law; i.e. proclamation 377/2003 was the need to improve work rights and conditions at workplace in general. It was in particular emphasized as,

*“the need to create favorable environment for investment and achievement of national economic goals without sacrificing fundamental workplace rights by laying down well considered labor administration; and determine the duties and responsibilities of governmental organs entrusted with the power to monitor labor conditions; occupational health and safety; and environmental protection together with bilateral and tripartite social dialogue mechanisms; political, economic and social policies of the Country;”*⁴⁸

Further, the proclamation defines the term conditions of work as follows, *“Condition of work means the entire field of labor relations between workers and employers including hours of work, wage, leave, payments due to dismissal, workers health and safety, compensation to victims of employment injury, dismissal because of redundancy, grievance procedure and any other similar matters.”*⁴⁹ Here, one may understand the definitional approach followed by the labor proclamation resembles to that of ILO as it provides it in illustrative form, hence, it can be concluded working conditions in general refers to any kind of positive measure at work place in order to make working environment better. In this sense, the state is under a duty for the full respect of each of these important components in the workforce.

The contention found within the progressive realization of socio-economic rights in the human rights protection is no longer to be subjectively capitalized. States are expected to meet the newly emerging minimum human rights obligations in setting a baseline of essential services in health, food and similar other standards. The minimum core obligation is a concept introduced by the Committee on Economic, Social and Cultural Rights with the aim of ensuring „the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State

⁴⁸ See the 2nd paragraph of the preamble of the new Labor proclamation.

⁴⁹ Ibid

party.⁵⁰ As a result, Ethiopia, being a signatory to those basic human rights instruments and the convention on socio-economic rights specifically, enters into a duty to ensure the realization of a minimum qualitative floor of the right to work within its territory. Therefore, it's within the researcher's believe that taking quick intervention measures in the betterment of the work environment for this group of workers can be operationally regarded as a core state obligation to respect under international human rights law.

For the purpose of this study however, the term *working condition* is limited to investigating only few major components which are specifically indicated under the proclamation. In particular, it examined wage and salary, recruitment procedures, leave, workplace safety, compensation for work injury, working hours and overtime paying, benefit packages, sexual harassment and grievance handling and compliance procedures in general.

2.2 Special Protections Accorded for Female workers in General

2.2.1 The right to equal opportunity and equal remuneration for work of equal value

Accessing equal economic opportunity of women has been a fight ground of any gender affiliated body for many years. Economic opportunities for women matters not just because they can bring money home, but it's also because those opportunities empower women in a more broader context of playing a positive impact on other socio-economic matters in the society.⁵¹ Gender equality in the workplace means employees of all genders have access to the same rewards, opportunities and resources at a company.⁵² Workplace gender discrimination comes in many different forms, but generally it means that an employee or a job applicant is treated differently or less favorably because of their sex, gender identity, or sexual orientation.⁵³ Many countries in the world did not

⁵⁰ The World Bank, Minimum core obligations of socio-economic rights. Available at <https://www.worldbank.org/en/about/legal/publication/minimum-core-obligations-of-socioeconomic-rights>.

⁵¹ Annette Dixon, World Bank blogs. "*Equal opportunity for women benefits all*", available from <https://blogs.worldbank.org/e-povertyinsouthasia/equal-opportunity-women-benefits-all>. Last accessed on 04 Nov. 2022. (Emphasis added).

⁵² Indeed for employers '*How to Promote Gender Equality in the Workplace*', available at <https://www.indeed.com/hire/c/info/gender-inequality-in-the-workplace>. Last accessed on 31 Oct. 2022.

⁵³ Equal rights advocates, "*Gender discrimination at work*," available at <https://www.equalrights.org/issue/economic-workplace-equality/discrimination-at-work/>. Last accessed on 03 Nov. 2022.

achieve gender equality in employment at its true sense. Often, it's argued there are multiple constraints in culture, markets, and institutions inhibit women from accessing equal opportunities in the world of work.

The right to equal pay and equal opportunity of women at work is then one of the primary goals of the UN. An immense global effort has been contributed in order to bring acute economic equality of women in Employment. The principle of equal pay for work of equal value addresses a specific aspect of workplace discrimination, namely the undervaluation of work commonly done by a disadvantaged group.⁵⁴ This indicates mistreatment of women employed in unskilled job positions is still prevalent. From the international perspective, the UN commitment towards the realization of equality of men and women starts from the very foundation of the organization itself.⁵⁵ Hence, member states of the UN affirmed their commitment towards realization of gender equality in its very preamble which states, "*We reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.*"⁵⁶ Therefore, the UN is under international commitments to realize the equal rights of women around the globe.⁵⁷ Thus, the promotion and respect of human rights of both men and women around the globe is one of the main goals of the United Nations. The UN is under an obligation to protect the human rights of women without discrimination based on sex.⁵⁸

Similarly, the UDHR like the UN charter, in its preamble affirmed equal rights of men and women based on human dignity.⁵⁹ The UDHR repeatedly emphasized that sex should not be taken as a ground for making distinctions in the course of enjoying all rights and freedoms enshrined under

⁵⁴ Sandra Fredman. 'The right to equal pay for work of equal value', OHCHR background paper, Background Paper for the Working Group on Discrimination against Women in Law and Practice (the Working Group): Economic and Social Life.

⁵⁵ Etsegenet Kedir "Major Gaps on the Rights of Women in Ethiopia". Lund university faculty of law master thesis 2016. P.15

⁵⁶ Charter of the United Nations, conference on International Organization, San Francisco 26 June 1945. See the preamble in particular.

⁵⁷ Supra note 44 Etseegenet.

⁵⁸ Sandip B.Satbhai,i 'Protection of human rights of women', international and national perspective, Gokhale Education society's

⁵⁹ See the 1st preamble of the UN charter.

the declaration. Accordingly, every human being, male or female, is entitled to get employed, to equal pay, and to safe working conditions without making any distinction. Both men and women should be equally remunerated for work of equal value. The remuneration for work must also be sufficient to ensure *the existence of the worker and his family*.⁶⁰

On the same way, the ICESCR, which is the other key human rights instrument, provided that state parties are under obligation to ensure equal wage and remuneration, equal opportunity and decent working conditions for everyone without discrimination.⁶¹ Therefore, these rights shall be exercised without any discrimination on any ground including based on sex. It also expressly obliges the State parties to ensure that women and men enjoy these rights equally. Article 3 of the Covenant specifically prescribes that States parties undertake to “*ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights*”.

At this point, the ICESCR general comment on the right to work elaborated that ‘states are under general obligation to assure individuals equal right to freely chose or accept work, including the right not to be deprived of work unfairly.’⁶² The Committee underlines the need for a comprehensive system of protection to combat gender discrimination and to ensure equal opportunities and treatment between men and women in relation to their right to work by ensuring equal pay for work of equal value.⁶³

In addition to the above rules, Convention on the elimination of all forms of discrimination against women (CEDAW), sometimes called the constitution of women rights, obliges states to ensure non-discrimination in realizing the right to work, the right to same employment opportunities especially by applying the same criteria for employment selection, the right to freely choose profession, and the right to equal pay.⁶⁴ Further, the state is under obligation to prohibit termination of employment of women on the ground of marriage and/or pregnancy, to introduce maternity leave,

⁶⁰ Id. Art. 23(3)

⁶¹ See art. 7 of ICESCR in particular.

⁶² General comment No. 18, committee on economic, social and cultural rights, adopted on 24th Nov. 2005. Parag. 4

⁶³ Id.

⁶⁴ See art. 14(2) (e) of the Convention on the elimination of all forms of discrimination against women, (CEDAW), Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979.

and to provide special protection for women during pregnancy from works harmful to them⁶⁵. Thus, one can understand from the above broad commitments, the purpose of CEDAW is to lay down general standards and guidelines that would apply as conceptual and instrumental sources of domestic legislations.

Nevertheless, the principle of equal pay for men and women for work of equal value is given a broader attention in the 1951 ILO Equal Remuneration Convention. It defined "equal remuneration as follows, *"for the purpose of this Convention,*

(a) The term "remuneration" includes the ordinary, basic, or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;

*(b) The term "equal remuneration" for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.*⁶⁶

Non-discrimination and promoting equality have been fundamental principles underpinning the work of the International Labor Organization (ILO) since its creation in 1919.⁶⁷ In this vein, the ILO have adopted numerous instruments addressing discrimination at work. For example, the 1998 ILO fundamental principles and rights at work” discriminatory employment practices. It identifies as fundamental conventions calls state parties even if not party to this particular even if they have not ratified the Conventions in question, have an obligation to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely.⁶⁸ Based on this specific declaration, states shall in particular undertake to ensure freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labor,

⁶⁵ Id. Art.11(2)a

⁶⁶ ILO Equal Remuneration Convention, 1951 (No. 100) accessed from the ILO official website on 22 September 2022.

⁶⁷ *Gender equality and decent work condition*, Selected ILO Conventions and Recommendations that promote Gender Equality as of 2012.

⁶⁸ Article 2 of ILO declaration on fundamental principles and rights at work. June 1998 Geneva.

the effective abolition of child labor, the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment.⁶⁹

In this respect, states shall ensure the promotion and implementation of the principle of equal remuneration through national laws or regulations, legally established or recognized machinery for wage determination, collective agreements between employers and workers, or a combination of these various means.⁷⁰ The expected obligation of member states is then to avoid gender-based payment systems in their respective territories.

2.2.2 Maternity protections and benefits.

Protection of maternity right is a crucial step in achieving women work place rights. The mother's right to a period of rest in relation to childbirth is a crucial means of protecting the health of the mother and her child.⁷¹ As a special protection of pregnant women at work, maternity rights must be comprehensive which also includes protection of healthcare at the workplace, a period of full maternity leave, cash payments and medical benefits while on maternity leave, job security (employment protection), non-discrimination, daily breastfeeding breaks and childcare support.⁷²

According to the American pregnancy association, maternity leave refers to "*the period of time that a new mother takes off from work following the birth of her baby.*"⁷³ However, it would be equally important to understand this definition is not much relevant as it suffers number of pitfalls. For one thing, this type of leave does not necessarily depend on giving birth, but being pregnant suffices. Second, maternity leave is accorded even before delivery for various health related reasons. Accordingly, maternity leave can be referred to as a "leave available to the working mother

⁶⁹ Ibid

⁷⁰ Id. Article 2.

⁷¹ Id

⁷² Kathrine Pereira Kotze, Tanya Doherty and Mieke Faber, "*Maternity protection for female non-standard workers in South Africa: the case of domestic workers*", an open access research, available at <https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-022-04944-0#:~:text=Comprehensive%20maternity%20protection%20includes%20health,and%20childcare%20support%20%5B7%5D>. 22 August 2022

⁷³ Maternity leave, American pregnancy association, accessed from <https://americanpregnancy.org/healthy-pregnancy/planning/maternity-leave/>. On 09 Sep. 2022.

sometime following pregnancy, which would be taken just before, during, and immediately after the child's birth.

Women's right of maternity protection is laid down in number of fundamental human rights instruments such as the, ILO, ICESCR, CEDAW and other documents. Essentially protecting the maternity of women workers has been a core issue for the member States of the ILO since its establishment in 1919.⁷⁴ Indeed the first convention on maternity protection was adopted in this same year.⁷⁵ Both pregnant women and those who have born to a new child are entitled to range of financial as well as medical protections under those international instruments.

At present, pregnant women workers are beneficiary of post and pre-birth fully paid leave not less than 14 weeks.⁷⁶ The previous ILO maternity convention limited the maximum maternity leave only for three months until the existing ILO convention extended the period of leave to a minimum of 14 weeks, six of which must be taken following the condiment.⁷⁷ This right may also be extended with the production of medical evidence in case of prenatal.⁷⁸

In addition, the present maternity Convention No. 183/2000 provides additional basic rights such as the right to have at least one or more daily breaks or a daily reduction of hours of work to breastfeed her child for breastfeeding women workers in particular.⁷⁹

The protocol on the African charter on the human and people's rights, specifically on the protection of women, (the Maputo protocol) laid down a general state duty to guarantee adequate and paid pre- and post-natal maternity leave in both the private and public sectors.⁸⁰ With this view, according to previous studies by ILO, in Africa and Asia, only a minority of women in employment (less

⁷⁴ Conditions of work and employment program, working sheet.

⁷⁵ See for example "Maternity Protection Convention," 1919 (No. 3).

⁷⁶ ILO Convention No. 183 Convention concerning the Revision of the Maternity Protection Convention (Revised), 1952.

⁷⁷ Supra 65 (the working sheet).

⁷⁸ Id. Art. 4(5) of the convention.

⁷⁹ Id. Art. 10(1)

⁸⁰ Protocol to the African charter on human and people's rights on the rights of women in Africa, (Maputo protocol), 25 Nov. 200. See art.13 (I) in particular.

than 10 per cent) are effectively protected with maternity leave cash benefits.⁸¹ This indicates that the greater number of women in Africa are deprived of maternity related rights.

2.2.3 The Right to Collective Bargaining and Freedom of Association

The right to freedom of association and collective bargaining is one of the basic human rights in the international as well as regional systems. Assuring equality at collective bargaining means fully integrating women in negotiating teams, as well to follow up on the implementation of collective agreements by assessing their impact on women.⁸² Basically, according to the ILO, the term freedom of association, refers to the right of workers and employers to create and join organizations of their choice freely and without fear of reprisal or interference.⁸³ Another ILO document referred freedom of association as “*workers and employers can set up, join and run their own organizations without interference from the State or one another.*”⁸⁴ In this sense, the ILO convention on freedom of association recognized it as, workers' and employers' organizations shall have the right to establish and join federations and confederations and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers.⁸⁵ These principles cannot be ignored or prohibited for any sector of activity or group of workers.⁸⁶ Rights of workers are better protected when they stand together and act collectively. Nevertheless, trade unions, associations or federations must be always independent, impartial and free from bias in discharging their established goals.

⁸¹ ILO, “*Maternity protection; making it in Africa*”. Available from https://www.ilo.org/africa/whats-new/WCMS_243028/lang--en/index.htm. Last accessed on Nov. 5 2022.

⁸² Syndicat European trade union, collective bargaining and gender equality. Taken from, <https://www.etuc.org/en/collective-bargaining-and-gender-equality>. On 10 Nov. 2022

⁸³ ILO, Freedom of Association and Collective Bargaining, ‘Trade union unity and principles of freedom of association in Eastern Africa’, https://www.ilo.org/actrav/events/WCMS_315488/lang--en/index.htm. accessed on 18 Sep. 2022

⁸⁴ The International Labor Organization’s Fundamental Conventions, in focus program on promoting the declaration. ISBN 92-2-112761. P. 9

⁸⁵ The ILO Convention concerning Freedom of Association and Protection of the Right to Organize (Entry into force: 04 Jul 1950) Adoption: San Francisco, 31st ILC session (09 Jul 1948).

⁸⁶ Ibid

The ILO Convention concerning the Promotion of Collective Bargaining, 1981 (No. 154) defines collective bargaining as follows: For the purpose of this Convention the term

"collective bargaining" extends to all negotiations which take place between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more workers' organizations, on the other, for:

(a) Determining working conditions and terms of employment; and/or

(b) Regulating relations between employers and workers; and/or

(c) Regulating relations between employers or their organizations and a worker's organization or workers' organizations.⁸⁷

The other specific ILO declarations, which was adopted in 1998, on Fundamental Principles and Rights at Work, commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions.⁸⁸ These categories are freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labor, and the abolition of child labor; equal remuneration of women and men for work of equal value; and the elimination of discrimination in respect of employment and occupation.

Now a days, the concerns and interests of women worker which were in the past often been overlooked in the process of collective bargaining strategies, are increasingly becoming the major agendas of employment negotiation.⁸⁹ Traditional bargaining agenda items have been approached without the input of women and issues of particular concern to women.⁹⁰ But now that women are making up a greater share of the paid workforce and are an important and often untapped source

⁸⁷ ILO Promoting collective bargaining convention 1981 (No. 154) see art. 2 in particular.

⁸⁸ ILO. *"Empowering Women at Work"* Government Laws and Policies for Gender Equality. Published in 2021.

⁸⁹ Ibid

⁹⁰ A booklet by international labor office on Gender equality bargaining an overview. Available at https://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@actrav/documents/publication/wcms_113700.pdf. Last accessed on 18 Nov. 2022.

of potential union membership, women, unions, women's groups and employers are acknowledging the need to deal in collective bargaining with issues of interests.

Therefore, the proper recognition and effective enforcement of this right will help to promote women's bargaining power. It's an extrinsic fact that women are better respected for their rights when they act collectively rather than independently, stepping on their natural vulnerability, often individual women find themselves helpless following any sort of injustice against them at workplace. Therefore, protection and recognition of the right to association certainly serve a crucial purpose when it comes to the special protection of women at work.⁹¹

2.2.4 Protection against Sexual Harassment at work

Workplace sexual harassment continued to be a significant social problem for most low-income countries including Ethiopia. From a health science perspective, Sexual harassment or violence in some cases, is defined as

*any sexual act, attempt to attain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against, women's sexuality, using coercion (i.e., psychological intimidation, physical force, or threats of harm), by any person regardless of connection to the target, in any setting, including but not limited to home and work.*⁹² From a human rights perspective, the Australian human rights commission defined sexual harassment, *“an unwelcome sexual advance, unwelcome request for sexual favors or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.”*⁹³

On the other hand, based on the unofficial translation of the ILO code of conduct on sexual harassment, *work place sexual harassment is a form of sex discrimination that negatively affects the*

⁹¹ Ibid

⁹²Jewkes R, Dartnall E. More research is needed on digital technologies in violence against women. *Lancet Public Health*. 2019. P. 270-271

⁹³Australian human rights commission, 'sexual harassment in the work place, legal definition, <https://human-rights.gov.au/our-work/sexual-harassment-workplace-legal-definition-sexual-harassment>.

working environment, undermines gender equality at work, creates unfair practices in employment, and adversely impacts the dignity and well-being of workers. It creates psychological anxiety and stress for victims and, if ignored, can result in high costs for companies through loss of productivity, low worker morale, absenteeism, and staff turnover."⁹⁴ Technically, it is one of the biggest challenges of female employees in particular. Cognizant of the existing intense problem of sexual violence, women have a serious of protections under international law.

The ILO adopted a specific convention on protection of sexual violence and harassment. According to this convention, the term "*violence and harassment*" *in the world of work refers to a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.*⁹⁵ Based on the convention, each state party shall undertake to adopt laws regarding the prohibition of violence and sexual harassment, establish enforcement mechanisms, ensuring access to remedies and support for victims, providing for sanctions and developing tools, guidance, education and training, and raising awareness, in accessible formats as appropriate.⁹⁶

Within this understanding, the committee on CEDAW adopted a recommendation on sexual violence, accordingly, it elaborated that "equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace."⁹⁷

The African women's protocol (Maputo protocol hereafter) enshrined the following duty in relation to sexual harassment: governments have the responsibility to "*Ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;*"⁹⁸ In terms of academic writing, sexual harassment can be defined as including "*unwelcome sexually*

⁹⁴ ILO code of conduct on sexual harassment in the workplace, unofficial translation by May 2015. Accessed from <file:///C:/Users/Tom/Downloads/ILO%20code%20of%20conduct%20on%20sexual%20harassment.pdf>. On 15 Sep. 2022.

⁹⁵ Art. 1(1)a of ILO Violence and Harassment Convention, 2019 (No. 190),

⁹⁶ Id. Art. 4(2) emphasis added.

⁹⁷ General recommendations adopted by the committee on CEDAW, (1992) No. 19: Violence against women. On article 11 parag. 17.

⁹⁸ Art. 13(c) of the Maputo protocol.

*determined behavior as physical contact and advances, sexually colored remarks showing pornography or sexual demands, whether by words or actions. Such conduct is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.*⁹⁹

2.2.5 Other Special protections

Because of their natural feeling of insecurity, women needs a maximum range of special protections. As a result, there are many privileges and rights exclusively enjoyed by female workers in addition to the above discussed ones. The first to begin is protection against night work. Preventing women from working at night, especially during midnight periods, is one of the goals the ILO aspires to achieve in relation to the work-related rights of women. In order to regulate the normal working hours of women, the ILO also adopted another convention concerning night work. For the purpose of this convention, the convention first defines the term "night work" as follows:

(a) "Night work" means all work that is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organizations of employers and workers or by collective agreements, night work is understood as;

*(b) The term "night worker" means an employed person whose work requires the performance of a substantial number of hours of night work that exceeds a specified limit. This limit shall be fixed by the competent authority after consulting the most representative organizations of employers and workers or by collective agreements.*¹⁰⁰

Based on article 6 of this particular convention, night workers certified, for reasons of health, as unfit for night work shall be transferred to a different working hour where they are fit and, whenever practicable, to a similar job for which they are fit. If transfer to such a job is not practicable,

⁹⁹ Id. (Maputo protocol).

¹⁰⁰ See art. 1 of the convention No. 171, the convention concerning night work, 1990.

these workers shall be granted the same benefits as other workers who are unable to work or to secure employment.¹⁰¹ In such cases, appropriate social services shall be provided for night workers and, where necessary, for workers performing night work.¹⁰² Beside payment, remuneration, or compensation for night work or any benefits for night workers in the form of working time, employers shall recognize the nature of night work.

Female workers are also protected during and after pregnancy, including the prohibition of engaging in work that is deemed hazardous to the mother's or the fetus's health; a minimum of 14 weeks maternity leave; and a leave upon medical recommendation before or after giving birth.¹⁰³ In addition, pregnant women workers are protected from working in the night shift - from 10 p.m. to 7 a.m.¹⁰⁴ Further, employed women are protected from being dismissed on account of their sex, for being pregnant, for having family responsibilities, or for their marital status.¹⁰⁵ The ILO conventions also provide women workers with the right to form or join trade unions of their choice, to bid for trade union leadership, or to choose.¹⁰⁶

The other special benefit is termination is prohibited for absence related to maternity, to get a separate restroom, prohibition not to work in dangerous posts and prior treatment.

2.3. Special protections of female workers in Ethiopia

2.3.1 FDRE Constitution

The 1994 FDRE constitution is cognizant that the fundamental human rights of citizens are emanating from the nature of mankind shall be inviolably, inseparably and equally respected.¹⁰⁷ The major international instruments that are discussed in previous sections are parts of Ethiopian laws by virtue of article 9(4) of the constitution. In particular it provides “*all international agreements*

¹⁰¹ See art. 6(2).Of the convention concerning night work. 1990

¹⁰²Id art. 9

¹⁰³ Convention No. 183 concerning the Revision of the Maternity Protection Convention (Revised), 2000

¹⁰⁴Ibid

¹⁰⁵ Id. Article 8.

¹⁰⁶ Supra 39.

¹⁰⁷The constitution of the federal democratic republic of Ethiopia, proclamation No. 1 federal Negarite gazette extra ordinary issue.1994. See art. 3 in particular

ratified by Ethiopia are an integral part of the law of the land". The careful reading of this particular provision reiterates, treaty ratification in Ethiopia requires no further step of approval or any other process for it to become part of the domestic applicable law.¹⁰⁸ This is technically referred a monist approach of treaty ratification. Since the government of Ethiopia ratified the majority of international human right treaties, it is under an international obligation for the implementation of these conventions through national laws and domestic streaming strategies. Most importantly, the Constitution explicitly guarantees the right to fully paid maternity leave,¹⁰⁹ protection from harm, and equal pay for men and women.¹¹⁰ However, under the International Labor Organization's equal remuneration Convention, equal remuneration means more than just equal pay. It also includes benefits provided as part of an employee's total compensation package.¹¹¹ Further, work of equal value not only refers to the same or similar jobs, but also to different jobs of the same value.¹¹² Hence, when Ethiopian men and women perform work that is different in content but is of overall equal value, they should receive equal remuneration. Moreover, the government of Ethiopia is committed a duty to ensure participation of women in equality with men in all economic and social development endeavors.¹¹³

2.3.2 Ethiopian national policy of women

Policy frameworks are documents that provide a common vision to guide policy and program development, such as national action plans, ministerial regulations, policy statements, strategic plans, protocols, and other mechanisms.¹¹⁴In addition to adopting those international and national gen-

¹⁰⁸ Milka Demeke, *'Treaty-Making Power and Procedure in Ethiopia.'* A thesis for the partial fulfilment of Master's Degree of Law (LLM) in Human Rights Law. Addis Ababa University College of law and governance studies. Nov. 2020. P.30. the researcher added his emphasis.

¹⁰⁹ Ibid see art. 35(4(1))

¹¹⁰ Ibid, article 35(7).

¹¹¹ Ibid

¹¹² Ibid

¹¹³ Ibid, see the constitution under article 98 (7)

¹¹⁴ Mac Aslan.E. Global guidance on addressing school-related gender-based violence.

Paris: UN Women.2016.

der-sensitive legal instruments, Ethiopia has taken a number of policies to mainstream gender affairs in all areas and each sector.¹¹⁵ By mainstreaming, it is to mean all institutions are urging to consider the gender aspect while designing and planning their regular tasks.¹¹⁶

The 1993 Ethiopian women policy was adopted by the then transitional government of Ethiopia. The policy was formulated by taking into consideration the differentiated needs and interests of women in rural and urban areas. The objectives of the policies include the need to protect and respect the democratic and human rights of women in order to eliminate the inequality and inferiority of women in social, economic and political spheres.¹¹⁷ Based on this objective, the policy directs that gender office shall be established in all of government offices and organizations to mainstream gender. Regional states women offices are also stakeholder in mainstreaming gender in all spheres of life. Under its implementation strategy, the policy, among other things, provides that all appropriate measures shall be taken to ensure that the democratic and human right of women are respected by guaranteeing them their freedom of speech, writing, peaceful assembly and forming associations as well as the right to work in governmental and non-governmental organization, their right to form and join lawful organization. Furthermore, the implementation strategy also provides that all appropriate measures shall be taken to ensure that women are made beneficiaries on an equal basis with men of equal pay for equal work. When we see the organizational system for the implementation of national women's affairs policy, it is the office of the prime minister at the top, which is directly responsible to supervise the overall activities done by stakeholders under it. This clearly shows us how far the national policy has gone to create conducive environment for women's right.

¹¹⁵ Marew Abebe, Salemotand and Alemtseyahe Birhanu, *the Ethiopian Legal Frameworks for the Protection of Women and Girls from Gender Based Violence*. Pan African Journal of Governance and Development, Vol. 2, No. 1, February 2021. P. 15.

¹¹⁶ Id

¹¹⁷ Ibid

2.3.3 National employment policy and strategy of Ethiopia.

Ethiopia first established its National Employment Policy and Strategy (NEPS) in 2009.¹¹⁸ The objectives had three dimensions: objective of providing guidelines for streamlining productive employment and decent working conditions in the country and there by promote social welfare and equity through poverty reduction; objective of accelerating and sustaining economic growth and development through proper utilization of the country's labor force in a productive manner as the most important resource of the country; and objective of contributing towards reducing and avoiding political and civil unrest that would result from mass of unemployment by addressing both the supply and demand side of the labor market towards the creation of productive employment. Labor is recognized as one of the most important resources of Ethiopia under the Policy. The labor supply is continuously growing as the country has more population joining the labor force than leaving it.¹¹⁹ The policy states that the government shall support micro and small enterprises in order to enhance their productivity.

Women play a major role in non-paying agricultural activities. In order to reduce rural poverty women and youth shall be introduced to non-farm activities and rural wage employment shall be introduced to ensure economic equity. This policy recognizes the disparity between men and women in their ability to access jobs. Such disparity is a concern in ensuring a real distributional effect of economic development in a given country. Institutions such as Ministry of Labor and Social Affairs and Bureaus of Labor and Social Affairs at regional levels should support youth, women and poor households by assessing active labor market services. Affirmative action measures shall be taken so that a specified portion of beneficiaries of formal sector employment are women. The policy provides strategies for mainstreaming gender in employment generation including;

- 1) Enforcing affirmative action so that specified portion of beneficiaries of programs and projects are women.

¹¹⁸ Zewdu Teshome *Review of National Employment Policy of Ethiopia: Reference to Labor Proclamation 1156/2019*. Federal Meles Zenawi Leadership Academy, Addis Ababa, Ethiopia, March 31st 2020

¹¹⁹ (Eruyan solution).

- 2) Coordinating efforts to encourage institutions to target women as beneficiaries of skill and business development programs as well as schemes aimed at improving access to resources.
- 3) Encouraging gender-friendly appropriate technology to reduce the drudgery women's domestic and economic activity and enhance their productivity and incomes and as a result their income earning capacities.
- 4) Facilitating the establishment of child-care centers for young working mothers.

2.3.4 FDRE Criminal code, proclamation No.414/2005.

The Criminal Code is another instrument that can be referred to make judicial measures and Corrective justice on perpetrators in Ethiopia in general. The code punishes criminal offences whether committed by men or women without making gender based distinction. Physical violence such as bodily harm and assault, psychological violence such as insult and intimidation and sexual violence such as rape are punishable under the criminal code.¹²⁰ Article 625 in particular stated, criminalizes procuring sexual intercourse or any other indecent act by taking advantage of her material or mental distress or of the authority he exercises over her by virtue of his option function or capacity as protector, teacher, master or employer.

2.3.5 Industrial Park proclamation No.886/2015

The labor relationship between investors in industrial parks and employees is governed by labor proclamation number 1156/2019. Labor contract can be negotiated between the employer and the employee by taking into account the peculiar features of industrial parks.¹²¹ However, the minimum rights of workers provided under the labor proclamation shall not be undermined by such contract as stipulated under article 28 (1) and 28 (2) of the industrial park proclamation. Ministry of industry has the mandate to organize technical and vocational training in collaboration with concerned government entities and investors in industrial parks.¹²² The ministry is also mandated to facilitate

¹²⁰ Proclamation No.414/2004, the federal democratic republic of Ethiopia.

¹²¹ Ibid.

¹²² Ibid

technology transfer and skills development in general and domestic manufacturing sector capacity building through clustering and other best practice approaches.

2.3.6 Ethiopian labor proclamation No. 1156/2019

Ethiopia had its first fully comprehensive labor law in the year of 2003. After it stayed more than fifteen years in service, this proclamation was replaced by the new proclamation No. 1156/2019. According to this proclamation, worker- employer relations should be governed by the basic principles of rights and obligations in conformity with the international conventions which Ethiopia has been ratified.¹²³ The proclamation guarantees rights of workers including; employment relations, contract of employment, wage determination though no minimum wage is provided so far. It also deals with limiting hours of work and rest, public holidays, leave including annual, sick and maternity leave, working conditions of women and young workers, occupational safety, health and working environment, as well as collective relations.¹²⁴

In addition, the proclamation envisaged basic protection of female workers in particular, for example, to terminate a contract of employment during the period of pregnancy is a prohibited act.¹²⁵ It also prohibits discrimination based on sex in all respect.¹²⁶

The labor proclamation has dedicated a chapter on working conditions of women. Women shall not be discriminated against as regards employment and payment on basis of their sex. It is prohibited to employ women on type of work that is harmful to their health. There are particular protections provided for pregnant women. No pregnant women shall be assigned to night work between 10 p.m. and 6 a.m. or be employed on overtime work or assigned outside her permanent place of work. If a pregnant women's job is dangerous to her health. She shall be transferred to another place of work. A contract of employment of a pregnant woman shall not be terminated based on reason related to giving birth and pregnancy. Pregnant women are entitled to medical leave with pay based on recommendation of a medical doctor. Leave shall also be given with pay

¹²³ Federal democratic republic of Ethiopia labor proclamation No. 1156/2019, Negarit gazette 25th year No. 89 5th September 2019. (The proclamation hereafter). See the first preamble in particular.

¹²⁴ Ibid. in order to have a full understanding of all these abovementioned components of basic rights, it's advised to take a careful look at different provision of the labor code.

¹²⁵ Id. Article 87(6)

¹²⁶ Id. Article 87(1).

for medical examination. Pregnant women are entitled for 30 days pre-natal and 90 days of post natal leave, a total of 120 days maternity leave is guaranteed under the proclamation.

There is no minimum wage requirement provided under the labor law. The proclamation however, provides the duty of employers to comply with occupational health and safety requirements.¹²⁷ Workers shall be properly notified concerning hazards of their respective occupations and precautions necessary to avoid accident and injury. Moreover, employers have the duty to provide workers with protective equipment, arrange medical examinations, ensure that work place and premises do not cause danger to the health and safety of workers. Additionally, Ethiopian law does not mandate equal remuneration for work of equal value.

Discriminatory laws keep women out of the labor force by limiting their career opportunities and earning potential. The appointment of Ethiopian women to high level political positions is important. Reforming the law to allow women to take up the jobs of their choice is one way to solidify the considerable progress made towards greater gender equality in Ethiopia.

Dangerous job categories include, stunt women, working in construction, law enforcement and security, the council of ministries does not enact a regulation listing particularly dangerous jobs for women which was mandated pursuant to art. 87(3) of the labor proclamation, as a result, it was revealed from personal observation of the researcher that female workers were assigned to high labor demanding, dangerous steel works and

Ethiopian law restricts women from working in certain jobs that men are allowed to work in. For instance, women are specifically prohibited from working in jobs that require mixing, filling, packaging and spraying of pesticides and anti-weeds. Women are also prohibited from working in mining, underground drilling operations, and in industries requiring continuous carrying, moving and lifting of weights over 15 kg. Such measures may be designed to protect women workers, but they also prohibit them from getting the jobs of their choice. Protections should apply to all workers, regardless of their gender.

In addition to the proclamation, imposes an obligation on employers to provide an annual health checkup for female employees involved in working conditions including: works without suitable

¹²⁷ Supra 109. See art. 92 of the labor proclamation.

seat and who work standing for long hours and works with high temperature. Besides, the employer should transfer pregnant women from difficult and challenging working conditions to easier works without affecting their salaries. In the directive female employees are also guaranteed to get adequate training on safety and protection of their health.

2.4 Institutional Enforcement of women rights in Ethiopia

Introduction

Pursuant to art. 9(4) of the constitution, international treaties ratified by Ethiopia becomes part of the Ethiopian laws, the country is a member to the majority of those international human right instruments. So far, Ethiopia has ratified 23 ILO Conventions.¹²⁸ Twenty-one are still in force, including 8(eight) Fundamental Conventions that protect freedom of association and the right to organize and prohibit forced labor, child labor, the worst forms of child labor and discrimination.¹²⁹

The FDRE constitution fully acknowledged different forms of gender-related rights throughout number of provisions. Among others, women are entitled for the right to equal treatment in all social, political as well as economical activities. Women have also an equal right to employment, promotion, pay and transfer of pension entitlements.¹³⁰ Generally, the state is under obligation to enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.¹³¹ Thought, this provision expressly prohibited laws, practices or customs that would cause bodily injury to women, the researcher is of the view that, these same provisions may apply to pecuniary and economic interests too. Further, another provision of the constitution laid down a government duty to ensure the participation of women in equality with men in all economic and social development endeavors.¹³² Accordingly, the following different institutions which are mandated to the enforcement of women's special rights in Ethiopia are established.

¹²⁸ See the ILO ratification index by country at the official website of ILO, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:11200:0::NO::P11200_COUNTRY_ID:102950. Last visited on 11 Nov. 2022.

¹²⁹ Id

¹³⁰ See art. 42(1) d & 35(8) of the FDRE constitution

¹³¹ Ibid art 35(4)

¹³² Ibid art. 89(7)

2.4.1 The ministry of labor and social affairs

Based on the new Ethiopian labor law, the ministry of labor and social affairs is vested with the power and responsibility to enforce the labor law in general. Specifically, the ministry is mandated to issue directives with regard to occupational safety, standards of work, and other related matters.¹³³ It may identify types of work that are particularly hazardous or dangerous to the health and reproductive systems of women workers.¹³⁴ The ministry is empowered to undertake frequent labor inspections for the practical enforcement of the provisions of the labor code and other relevant laws. It shall carry out activities such as ensuring a harmonized labor dispute, conducting studies and research, and supervising, educating, and developing labor standards to ensure the enforcement of the provisions of this proclamation and other laws pertaining to working conditions, occupational safety, health, and the working environment, among others.¹³⁵

2.4.2 Regional Labor Authorities

Parallel to the federal ministry of labor, regional states have their own enforcement authorities in addition to the federal labor ministry.¹³⁶ The Amhara regional state executive organ re-establishment proclamation organized 23 different executing bodies as a regional bureau, commissions, and authorities.¹³⁷ Of those, the Bureau of Work and Training is the highest regional authority, which is directly responsible for implementing the labor proclamation.¹³⁸ Accordingly, it's given overall supervisory role in the implementation of national labor policies, laws and programs in the region. It has also the power to undertake site-based inspections, ensure the laws are respected, undertake researches, mediate employment disputes and take appropriate actions when found nec-

¹³³ Art. 171 of the labor proclamation.

¹³⁴ Ibid

¹³⁵ Art. 177(2) of the Labor proclamation

¹³⁶ Art. 2(5) of the proclamation

¹³⁷ Amhara regional state council Zikre hig gazette, Proclamation No. 280/2021 the Amhara national regional state executive organs re-establishment and determination of their powers and duties, proclamation. Bahirdar January 23 2022.

¹³⁸ Id. Art. 23 in particular.

essary. Further, the bureau organized itself into different lower level executing offices and department.¹³⁹ Two institutions are undertaking a direct site based supervisory and supportive responsibilities, the labor inspection officer is responsible to discharge continues evaluation into the working conditions of different working sites in the region, it receives complaints from employees and other concerned bodies and undertake investigations accordingly.¹⁴⁰

On the other hand, the office of social dialogue and work place cooperation facilitates the development of an inclusive dialogue culture at work place. Hence, it provides, technical, advisory as well as strategic support in the promotion of social dialogue that includes employees, employer and other concerned bodies.

2.4.3 Associations and civic societies

The adoption of the new civic society law in 2019 by the Ethiopian parliament inspired more civic society organizations, especially those working on gender equality and women's empowerment in the country. At present, various professional as well as non-professional associations are operating for the protection of women's rights in Ethiopia. The majority of gender-based associations by far established the Ethiopian Women's Federation in 2008 with the aim to enable women in Ethiopia to ensure their advantages and civic rights in well-organized, self-driven, and voluntarily oriented commitments across the entire regional states and city administrations of the country.¹⁴¹ In addition to the federation, the network of Ethiopian women's associations, which comprises more than 35 associations, was established in 2003 with a view of creating synergy and a stronger advocacy voice for women's advancement.¹⁴²

In this regard, one of the pioneering and most influential professional associations is the Ethiopian Women Lawyers Association (EWLA), which was first founded in 1995 at the federal level and is currently able to expand its office in seven regions.¹⁴³ The association has provided women with free legal aid, advocacy services, and research for the last 27 (twenty-seven) years. In order to

¹³⁹ Personal visit to the regional work and training bureau on 22 August 2022.

¹⁴⁰ An interview with Mr. Getnet, an officer in the labor inspection office on 24 August 2022.

¹⁴¹ Background information of Ethiopian women's federation. Accessed from <https://ethiopianwomansfederation.org/full-background/>. On 17 Nov. 2022.

¹⁴² Network of Ethiopian women's associations, available at <https://newaethiopia.org/>. last accessed on 20 Dec. 2022

¹⁴³ See at <https://ewla-et.org/about-us/>.

facilitate its service and reach more women, the association organized a 55 (fifty five) -member volunteer committee operating in the regional orifices.¹⁴⁴ As a most successful women professional association, it has won a number of awards and recognitions for its achievements.

CHAPTER THREE

WORKING CONDITIONS OF FEMALE WORKERS AT BAHIRDAR TEXTILE FACTORY

3.1 Introduction of Bahirdar Textile and Garment Factory.

Bahirdar Textile Factory is one of the oldest and most successful companies in the textile and garment industry, it was established in the year 1961 with 9.6 million birr given by the Italian government as a compensation for its second time invasion of Ethiopia.¹⁴⁵ It's located 570 Km North-West of Addis Ababa just on the beach of the river Blue Nile. Initially, it was a government owned integrated mill manufacturing 100 % woven cotton fabric. However, as of September 30, 1999, the factory is changed from public enterprise to share company and financially restructured itself. Then, in 2018 the company is changed from share to regional government owned after government reformation is made once again. Right now the factory is owned by the Amhara regional

¹⁴⁴ Ibid

¹⁴⁵ *Bahirdar* textile factory, draft magazine, accessed from the factory's HR office.

government trade Enterprise Company previously known by *Tiret* and what is now re-named *Nigat*. The present working capital of the factory is estimated 554,000 birr with a total fixed capital of 54,000,000 (fifty four million).¹⁴⁶

According to the company's latest data, the existing workforce employs are 1260, which 1232 of them are permanently employed and the rest 28 are contract employees.¹⁴⁷ Of these, nearly half of them (600) are women. The migration rate is only 0.2%. The Company's present total land holding is 480,000 square meters of which 39,200 Sq. Mts. is covered by building. It has expanded its project with more than 600 million Birr with technological advanced machines and integrated cotton mill consisting of spinning, weaving, dyeing or finishing and garment departments 2013. The factory has a vision of becoming one of the best competitive garment manufacturing in the world by the year 2025.



Figure; 3.1.1 pictures of Bahirdar textile factory showing the part view of weaving department and women working in the sewing department of the factory respectively. Source; from the internet.

The production process contains three major departments and multiple stages in each of these departments; basically, the manufacturing process starts at the spinning department and ends at the garment (warehouse).

In the spinning process, fibers are spanned together in to either spun yarns or filament yarns. Filament yarns are made from continuous fine standards of man-made fiber and spun yarns are composed of overlapping staple length fibers that are bound together by twist. In this department, there

¹⁴⁶ An interview with Mr. Remrem, Office of human resource, in particular as to the organization, hiring and administration of employees, etc. on 16 August 2022.

¹⁴⁷ An interview with Mr. *Nebiyu Temesgen*. Head of plan and management information system service. About night work, over time pay and salary grading on 12th August 2022.

are sub divisions that include blowing, carding, drawing, robbing, yarn spinning and auto cone-winding. According to data, the spinning has the capacity of producing 15 thousand tons of yarn per day since 2019.

In weaving process, yarns are converted into fabric after passing pretreatment processes. These pretreatment processes are subdivisions of weaving department that include warping, sizing, and looming divisions. An integrated weaving department has the capacity of producing 69-thousand-meter fabric per day.

After inspection has been doing, quality fabrics are further processed by washing and de-sizing machines. After all pretreatments processes completed, the flat sheet is treated by dyeing process or printing machines so that the required color or printed sheet is made. Therefore, the finishing process imparts the final aesthetic, chemical oriented fabrics based on user requirements. The common finishing subdivisions are inspection, pretreatment, bleaching, dyeing, painting and ironing process.

The garment department is the final process where bed sheets (for export and local market), which can be dyed or printed, Kutta and Abujedid are made. The department can also produce up to 10 thousand pairs of bed sheet per day. In this department, there are process divisions that include cutting, sewing and folding or packing.

One of the priding factors for its long age of success is the fact that, in addition to its primary focus of satisfying local demand and strong leadership, employees are highly professional and the role of leadership, dedicated employees & their ownership mentality. More than half of the factory's employees have served ten years and above in the company, as a result, a sense of owning is created among the factory's employees.

In terms of organizational structure, the factory follows its own form of administration under the regional government's ownership. Since it's formally owned by a government enterprise called "Nigat Corporate," the board of Nigat Corporate holds the highest administrative position in the factory. Next to the board of the corporation, the textile and garment industry directorate is the immediate highest administrative body. And the general manager of the factory is found underneath as the immediate top administrator, followed by various department directors and services. Generally, the following image depicts the hierarchical level of administration in the company.

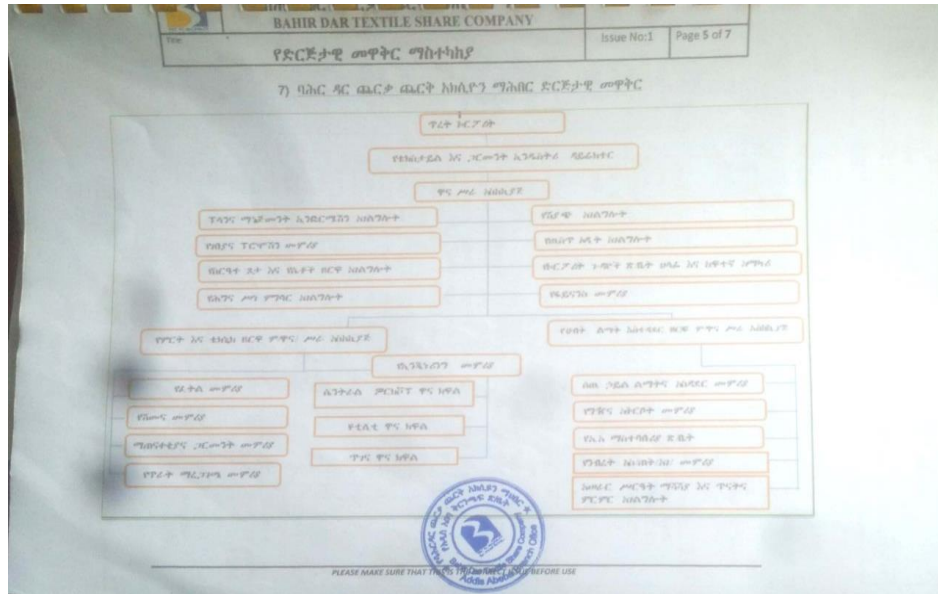


Figure. 3.4.1 An image showing the organizational administration of the factory. Taken from the factory’s human resource office.

3.2 Data analyzing and research findings

Under this section, data gathered using different methods of data collection as discussed under the first chapter such as physical observation, interviews, survey questionnaires and document analysis were discussed structurally, throughout the discussion, as it is indicated in the first chapter of this paper, first, each interview together with that obtained by focus group discussion, analyzed within its specific content. Example, a case study in previous victims of sexual harassment undertaken to understand the existing reality in the factory. The data gathered through survey questions and other secondary data also reproduced using analytical technique. In fact, a substantial amount of data was gathered primarily from female workers who are currently working in different departments of the factory using semi-structured survey questions. The following table generally shows a description of job positions and bio-data profiles of those females participated in the survey.

No.	Job Position	Educational qualification	Residence	Age	Number of Children	Service period/in Years	Remark

1	Product supervision	Degree	Bahirdar city	30	2	8	
2	Weaving	Degree	Bahirdar	24	0	6	
3	Machine operator	9 th grade	Bahirdar	40	4	19	
4	Machine operator	10 th grade	Bahirdar	30	3	14	
5	Secretary	Degree	Bahirdar	29	0	13	
6	Machine operator	Certificate	Bahirdar	24	2	5	
7	Machine operator	12 th grade	Bahirdar	50	4	20	
8	Ceiling operator	10 th grade	Bahirdar	48	5	13	
9	Machine operator	10+3	Bahirdar	26	0	5	
10	Finance	Degree	Bahirdar	29	0	10	
11	Tailor	10+2	Bahirdar	30	2	10	
12	Tailor	10+3	Bahirdar	33	2	15	
13	Time control	Degree	Bahirdar	32	3	7	
14	Officer	Degree	Bahirdar	29	2	9	
15	Messenger and sanitation	10+1	Bahirdar	29	1	6	

The factory is undeniably one of the leading and most successful companies in the country's garment sector, and it has received recognition from international quality organizations such as OEKO-TEX STANDARD 100, for its quality and environmental management system. In relation to this, considering its employees as its backbone is one of the company's core values.¹⁴⁸ However,

¹⁴⁸ Bahirdar textile and garment factory draft magazine. Accessed from the office of the human resource.

despite all these great achievements, the working condition of female factory workers in the company is still characterized by various challenges. Based on the collected data, female workers in the factory reported that most of their basic needs and benefits have not been fulfilled in the workplace. Therefore, the following sections in particular present a detailed overview of the existing general working conditions in the factory.

3.2.1 Workplace safety and security

The ILO constitution sets forth the principle that workers in general must be protected from sickness, disease and injury arisen from their employment.¹⁴⁹ In addition, the recommendation concerning the revision of maternity protection (Recommendation No, 2000), envisages also “members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. Members shall also ensure the overall health of employees is protected from dangerous chemicals, and take appropriate steps to ensure that workers are properly instructed and notified concerning the hazards of their respective occupations; and assign safety officer; and establish an occupational health and safety committee. The results of the assessment should be made available to the woman concerned.”¹⁵⁰ In fact, the focus of this recommendation is only limited to women workers who are in the status of motherhood.

With respect to domestic legislation, the revised Ethiopian labor code proclaimed that “employers shall have a duty to take necessary measures to safeguard adequately the health and safety of workers; it shall in particular respect all the necessary obligations that are enumerated under Article 92 of the code.”¹⁵¹ This includes providing protective equipment, clothing, and other essential safety tools; establishing a safety officer; registering employment accidents and occupational diseases and reporting them to the labor inspection service; and ensuring that the work place and premises of the undertaking do not pose threats to the health and safety of workers. In general,

¹⁴⁹ The official website of ILO. <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.htm>. Last accessed 3 Sep. 2022.

¹⁵⁰ See Art. 6(1) of the ILO recommendation No. 191 Members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made available to the woman concerned.

¹⁵¹ Art. 92 (1) of the Labor proclamation emphasis was added to the code.

almost all human rights instruments, as well as domestic Ethiopian legislation, have adequately recognized the issue of "safe working environments."

The general working condition in the factory can be described as "a place of minimized risk." The data obtained from personal observation and an in-depth interview with female employees revealed various safety measures are in place. But, in many cases, they are inadequate, workers in each department are given some of the necessary safety tools, such as gloves, gowns, safety shoes, and welding glasses, biannually. Nonetheless, nine respondents out of 15, which estimatedly represents 3/4th of the research population, expressed that the safety tools that are provided to them are both insufficient and unfair. The reason that was repeatedly mentioned by them is that, first, the biannual program needs reconsideration as the majority of those safety tools as for example hand gloves serve only for a limited period. Second, there is no means of replacement once the material gets lost or damaged, which usually happens at work. Hence, they believe additional protective tools should be given more frequently and additional safety measures should be taken by the company. For example, in an interview with a woman machine operator in the garment department, she said,"

*"I have served more than 20 years in this company in different job posts, and I spent much of my career life as a machine operator in the garment department." As you can see, my job exposes me to heavy light that is dangerous to my eye and it may sooner or later cause me to lose my sight for once. "I have repeatedly reported my concern to the company in order to get an eyeglass, yet nothing has been done for me so far."*¹⁵²

In addition, the greater number of respondents affirmed that in assigning a worker to a specific job, the company applies similar objective criteria all the time, such as experience, educational preparation, efficiency, and others. As a result, with the exception of pregnancy, women are treated similarly to men when it comes to assigning work which includes working at midnight, which goes against the ILO's stated goal. At this point, the researcher observed many women in the weaving department, which involves dangerous chemicals and sensitive machine operation duties that are prohibited under the ILO. There are specifically identified jobs that will not be assigned to female

¹⁵² Respondent No. 7

workers merely for being female. This includes loading and unloading, material transport, cutting, and powerful chemical operation areas. Nonetheless, the researcher personally observed a considerable number of females working in a heavy machine-operating department, for example, in the weaving section that exposes them to high radiation as well as continuing physical injury.

On the other hand, information collected from the office of human resources shows that, though the company provides all the necessary equipment and safety tools, the majority of workers are reluctant to use them properly at the work place.¹⁵³ The researcher is of the view that this hugely contradictory view is the result of an existing gap in communication and ignorance of basic rights that prevailed in the factory.

3.2.2 Procedures for Promotion and recruitment.

Pursuant to Article 35 of the FDRE Constitution, women shall have a right to equality in employment, promotion, pay, and the transfer of pension entitlements. The constitution has also recognized the fact that women shall receive a special privilege in certain socio-economic affairs as a means of rectifying historical marginalization and in order to enable them to compete equally with men.¹⁵⁴ Furthermore, in terms of equal employment opportunity, the federal women's policy document stated that "all appropriate measures shall be taken to ensure that women are made beneficiaries on an equal basis with men of equal pay for equal work and equal pay for equal training."¹⁵⁵ In a more recent context, the labor proclamation recognized that "*women shall not be discriminated against in all respects of work-related treatments on the basis of their sex.*"¹⁵⁶ However, this confirmation must not be understood in a way that means women shall be treated equally in all respects, because doing so will be contrary to what is provided by the international human rights instruments that are already part of Ethiopian law pursuant to the constitution. On top of this, the

¹⁵³ Interview with *Mr. Yitayew*. The company's human resources expert on issues relating to night work, overtime pay and compensation for employment injury. 12 August 2022.

¹⁵⁴ See art. 35 (3) of FDRE constitution for more.

¹⁵⁵ Federal democratic republic of Ethiopia national policy on women formulated in 1993. See the 3rd paragraph of implementing strategies in particular.

¹⁵⁶ *Supra* 109 Labor proclamation. Art. 87(1)

constitution allows for special treatment in the form of *affirmative action*.¹⁵⁷ And the ultimate goal of these legislative instruments is to guarantee equal opportunity for women in the world of employment.

The collective agreement governs women's access to equal employment and related economic benefits in the context of a working factory. In particular, it was stated that both recruitment and promotion should be carried out by a separate committee that comprises the head of the human resource development office (chairperson of the committee), one supervisor appointed by the general manager, one representative from the labor union, the head of the human resource administration, and a human resource officer.¹⁵⁸ The collective agreement further enumerated some specific mandates and working procedures for the committee. In addition, based on the decision of the board, one person from the gender office (usually a female) takes part in the recruiting procedure.

The existing trend of employment orientation in the factory is mainly focused on recent university graduates with different areas of expertise, mainly engineers. According to information gained from the office of human resources, "*this strategy had begun following a structural reform in the factory during the year 2019.*" The officer added that, previously, the company had implemented an employment policy that specifically accepted female applicants for certain identified job posts. Nevertheless, this kind of recruitment no longer exists in the factory following the 2019 structural reform. Generally, although the practice has no legal justification, the factory still prefers to assign female employees to the sewing department of the production unit. On the one hand, there is a natural assumption that women are more careful and tolerant compared to men. In this regard, the researcher discovered that the sewing department, which is the final stage in the production unit, necessitates long hours of sitting, making women preferable to men due to their natural capability to sit for extended periods of time. In addition, some young female informants in this department appreciate the practical skills they acquire in sewing, which would make them competitive in the labor market, especially for those thinking of starting their own private business, for example, working as a professional designer.

¹⁵⁷ Supra 140

¹⁵⁸An interview with *W/ro Fentanesh*, an officer in the Gender office. On 04 August. 2022.

The factory's recruitment policy, as set out under the collective agreement, is similar for both male and female applicants,¹⁵⁹ The majority of respondents (over 70%) said there was no special treatment of female applicants at all during the time they were employed; however, 5 of the respondents said *they had been evaluated differently and given additional marks ranging from 2–5 for being female during their employment. In the interview with one of the respondents working in the weaving department, she said, "There is nothing I could possibly remember of any special evaluation done to me during my employment time."*¹⁶⁰

Here, the researcher found the collective agreement is in compliance with the labor proclamation in terms of setting recruitment preconditions; accordingly, additional 5 points will be given for female candidates competing for administrative positions, and 3 points will be added to the total mark for those female candidates in the case of other normal job positions.¹⁶¹ At this point, one can see a clear discrepancy between the expression of female informants on the one hand and the collective agreement together with the information taken from human resources on the other hand, because most informants are either marked equally with men or they are unaware of the fact that they had been evaluated differently with gender-based additional points for lack of transparency in the factory.

In fact, the elements of an employment contract are stated in the labor proclamation, and as far as possible, the elements are outlined in the collective agreement in a similar context. These include "specification of type of work, rate of wage, method of calculation, duration of contract, and manner of payment, among others." So does the collective agreement when it comes to specifying essential components as well as the form of an employment contract.¹⁶² However, under the collective agreement, *age and gender* are also specified as additional criteria for recruitment, which is in clear contradiction with the constitution and major international human rights instruments that are part of Ethiopian law, including the ILO declaration, as sufficiently discussed in the preceding chapters.

¹⁵⁹ Article 8.1.2 (h) of the collective agreement.

¹⁶⁰ Respondent No. 3

¹⁶¹ Ibid

¹⁶² Can be seen from article 9(6) b of the collective agreement.

The majority of the respondents (8/15) still believe the recruitment procedure is fair, transparent, and competency-based in general, while three of them believe there have been some minor challenges, such as the complexity of the criteria or the blurring between the vacancy and the evaluation process.

3.2.3 Salary and wage rate

Wages are among the most important conditions of work and a major subject of collective bargaining.¹⁶³ According to the ILO report of 2012 on working conditions, wage is described as the “*central feature of working conditions which has a direct effect on work motivation and job satisfaction.*”¹⁶⁴ According to the ILO's 2020-21 wage report, “following the economic impact of covid-19 since 2020, low-paid countries, among whom the majority of them are women,” workers have lost their wages.¹⁶⁵ Based on the report, women especially in Europe are heavily hit by the crisis, and they have lost nearly 8.5 percent of their wages.

In Ethiopia too, various reports revealed the pandemic has significantly affected the country’s economy since the virus first discovered on 20 March 2022. On the other hand, In Ethiopia, despite a revised labor law having been adopted and came into force in 2019, the proclamation, like its predecessor, failed to determine a minimum wage that should apply across the country. It simply mandated the council of ministers to adopt a regulation specifying a minimum wage, which it has not come to realize yet. However, the ILO obliges states to adopt a minimum workable wage limit. Though no minimum wage has been implemented in the country as of yet, the proclamation defined wages, as “*the regular payment to which a worker is entitled in exchange for the performance of work under a contract of employment.*”¹⁶⁶ In the proclamation, in addition to giving a precise definition for the term, it has also excluded certain payments such as over-time payments, service charges, commissions, and bonuses from the regime of wages.

¹⁶³ International labor organization, available at <https://www.ilo.org/global/topics/wages/lang--en/index.htm>. Last accessed on 9 Sep. 2022. See also Tsgie G/Michael, at supra 30.

¹⁶⁴ Full report can be reached from the ILO official at <https://www.ilo.org/global/research/global-reports/global-wage-report/2012/lang--en/index.htm>.

¹⁶⁵ Ibid. personal emphasis is included.

¹⁶⁶ Art. 53(1) of the labor proclamation.

With regard to the working site, 18 different levels of salary scales are in application. The minimum salary (the first scale) is 1565 birr and the maximum found on the last highest scale is 26,709 birr. Data gathered from a field survey shows many women in the factory are employed in the lowest grade posts, and the average income of these women is between 2000 and 4000 birr. The problem is salary grades are to be fixed arbitrarily at the decision of the company.

Most informants told that salary scales are to be made based on major objective criteria determined by the collective agreement, and the company's payment strategy and financial ability. However, ranking is the sole power of the company in anyway. According to an interview with leaders of different departments, the salary scale is deemed to be based on salary grades outlined parallel to a particular position, educational preparation, job ranking, and promotion.

The data collected from all the 15 participants confirmed that no gender-based payment system is applied in the company; respondents also agreed that salary is one of the common agenda items for discussion among workers whenever general meetings are called. 70%, or 10 out of 15 participants, stated that they are extremely dissatisfied with their current wage, they replied, payment is "*Extremely low.*" while the remaining five believed, the amount of salary they are getting paid is reasonably fair. In an interview with the human resource administration leader, the company uses specified criteria that are deemed to be used as a basis for determining a salary scale. The requirements include educational qualifications, experience, job responsibilities, performance, and job position, all of which are used to determine different salary grades in the factory. In accordance with the collective agreement, the employer must prepare a bill that clearly shows the gross, net and deductions from the total salary and discharge payment accordingly,¹⁶⁷ which the company did so as shown in the figure below. Pursuant to article 126 of the labor law, employees' right to collective bargaining on matters of employment including salary and wages is recognized. Nevertheless, as discussed somewhere above, both the practice and information taken from the informants proves deciding on salary related issues is totally the power of the employer. One respondent, for example, said,

¹⁶⁷ Article 11.1 of the collective agreement.

"In most cases, previous experience, efficiency, and job rank serve as the basis for determining salary scales in the factory. The problem here is these criterias in general and efficiency in particular, is one of the major sources of inequality. Bi-annual work efficiency, a result showing performance at work, is filled by the closest department managers or supervisors, and often they are biased due to special relationships, hatred, or any other reason."¹⁶⁸

Workers said they remain in poor living conditions despite they are dedicatedly serving the company for longer working periods which leaves them unable to support their families and improve their living standards. As mentioned above, most of my informants (80%) earn a gross salary ranging from 2,000-4,000 ETB. According to the informants, they earn only a meager salary compared to the work load they are doing. For example, one informant mentioned that *"the amount of the salary I earn around only 2,400 ETB, which is insufficient even to feed me and my child properly"*.¹⁶⁹ The company last revised the existing salary scale before five years. Hence, specially, these days with unprecedented increasing in the cost of living, fulfilling the basics for themselves and their families has become a thorny challenge for most of my informants.

Nonetheless, the ICESCR recognized the “rights of everyone to the enjoyment of just and favorable conditions of work, the right to get fair remuneration that enables them to live a decent living for themselves and their families.”¹⁷⁰

¹⁶⁸ Respondent No. 15

¹⁶⁹ Ibid

¹⁷⁰ Supra 51. Art. 7(a) (ii) ICESCR.

ሠንጠረዥ 8.3
የባሕር ዳር ዳር ተቋማት ለሰው ሀብት አገልግሎት ለሰጠው የሥራ ጊዜ የሥራ ሰዓት የሥራ ሰዓት የሥራ ሰዓት የሥራ ሰዓት የሥራ ሰዓት

ደረጃ	የደርጅ ዕድሜ መደብ	የሥራ ሰዓት መደብ	የሰዓት ጊዜ										የሥራ ሰዓት መደብ	ስፕራድ	ስፕራድ %
			1	2	3	4	5	6	7	8	9	10			
I		1565	1697	1841	1997	2165	2345	2537	2741	2957	3185	3425	3677	1860	119
II	50	1697	1841	1997	2165	2345	2537	2741	2957	3185	3425	3677	3941	1980	117
III	50	1841	1997	2165	2345	2537	2741	2957	3185	3425	3677	3941	4217	2100	114
IV	49	1997	2345	2537	2741	2957	3185	3425	3677	3941	4217	4505	4805	2508	126
V	44	2537	2741	2957	3185	3425	3677	3941	4217	4505	4805	5117	5441	2580	102
VI	42	2957	3185	3425	3677	3941	4217	4505	4805	5117	5441	5776	6122	2819	95
VII	41	3425	3677	3941	4217	4505	4805	5117	5441	5776	6122	6479	6847	3054	89
VIII	39	3941	4217	4505	4805	5117	5441	5776	6122	6479	6847	7226	7616	3285	83
IX	38	4505	4805	5117	5441	5776	6122	6479	6847	7226	7616	8017	8429	3512	78
X	28	5776	6122	6479	6847	7226	7616	8017	8429	8852	9286	9731	10187	3955	68
XI	22	7616	8017	8429	8852	9286	9731	10187	10655	11135	11627	12131	12647	4515	59
XII	16	10187	10655	11135	11627	12131	12647	13175	13715	14267	14831	15407	15995	5220	51
XIII	14	11135	11627	12131	12647	13175	13715	14267	14831	15407	15995	16595	17207	5940	45
XIV	13	12647	13175	13715	14267	14831	15407	15995	16595	17207	17831	18467	19115	6660	40
XV	12	14267	14831	15407	15995	16595	17207	17831	18467	19115	19775	20447	21131	7395	36
I	11	16447	17126	17825	18543	19281	20038	20812	21606	22420	23253	24105			
II	10	20038	20812	21606	22420	23253	24105	26709	27665	28685	29740	30820			30
III	10	26709	27665	28685	29740	30820	31925	33055	34210	35390	36595	37825			28

Figure; 4.5.1 a picture showing the existing salary scale in the company, taken from the factory’s legal directorate.

3.2.4 Leave

Generally speaking, work leave is simply the time employees take off work during otherwise normal working hours. It is an essential human rights component in the world of employment. ICESCR described the need to recognize reasonable work leave as a fundamental right of employees and stated,

"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work that ensure, in particular, rest, leisure, and reasonable limitation of working hours, as well as periodic holidays with pay and remuneration for public Holidays."¹⁷¹

¹⁷¹ Id. Art. 7(d)

In Ethiopia, the current labor proclamation classifies a variety of work leaves into two broad categories. Basically, the two types of work leave as set out in the proclamation are general and special category leaves.

The labor proclamation prefers to treat annual work leave, which entitles workers to a fully paid leave of not less than 16 working days in the first year, with one additional working day of leave every two years of service.¹⁷² The law also states that the right to leave is an essential working right and that any agreement to exclude this right from the employment contract will be null and void.¹⁷³ The main reason universal annual leave measures are important in legislation is that they are aimed at preserving workers' health and wellbeing by allowing them time away from the stress and strains of the work place.¹⁷⁴ Ultimately, these measures are meant to help workers remain productive and motivated when they are at work.”

Accordingly, the rest of the other forms of leave constitute a "*special category of work leaves.*"¹⁷⁵ Such as leaves for certain unexpected social affairs, such as marriage, mourning, sick leaves, and of course, maternity leave, are identified as special leaves under the proclamation.

Based on the information obtained from the office of human resources, annual leave will be allowed for any employee upon his or her request following the procedure outlined in the collective agreement. At this point, the collective agreement is in compliance with the labor proclamation in providing all the recognized forms of leaves with sufficient detail and the inclusion of unique categories in the list.

Hence, the discussion under this particular sub-section is limited only to those special categories of leaves that specifically try to address major issues and existing realities of the working company in relation to maternity and sick leaves.

¹⁷² Art. 77 of the proclamation, for better detail, it is good to see art. 77(1) a, b and c

¹⁷³ Id. See generally Art. 76 of the labor proclamation.

¹⁷⁴ A joint ILO-euro fund research report on "*Working Conditions*", a Global Review, 2013, Geneva, Switzerland.

¹⁷⁵ Id. Art. 81

3.2.5.1 Maternity leave

"Those female survey respondents in the factory who have such experiences stated that they receive one month of paid maternity leave and three months of fully paid maternity leave, for a total of four months of paid leave, as stated under the collective agreement."¹⁷⁶ The proclamation, which is in line with the ILO maternity convention in this regard, fixed a minimum of 4 months of paid maternity leave.¹⁷⁷ In this case, the practice shows the factory is complying with the minimum legal duty by providing the specified four months of fully paid maternity leave. Nonetheless, women workers who had delivered previously complained of the insufficiency of such time. Information from human resources also indicated that mothers whose children are in the daycare center are allowed 10 additional minutes for nursing and delivery in every interaction period. Further, one woman in particular stated that *"once we are on our probable one month of pre-delivery leave but do not deliver within the first month, we will be allowed another undefined time of leave based on medical recommendations and the production of documents proving accordingly."* *This is really a good thing, she said.*¹⁷⁸

Participants in the interview also stated, "If a woman becomes pregnant and requires a medical checkup, she can receive free treatment from the company's clinic, as well as full leave if she becomes ill." Furthermore, if a pregnancy-related illness causes further complications, she will be expected to seek better treatment outside the company's clinic in the hospital with which it has a contract, or even from a private medical center at her own expense, which will be reimbursed by the company."¹⁷⁹ These rights are very significant not only for women but also for the communities that women are generating. To be more specific at this stage, the nature of the work most women are engaged in has a negative effect on the health of the children they give birth to unless they obtain adequate protection at work. Protection for pregnant women includes not only the woman who is facing difficulties, but also the child to whom she will give birth.

¹⁷⁶ An interview with a manager in garment department. Note, this special type of privilege is recognized under the collective agreement. See art. 16(1) (4) in particular.

¹⁷⁷ Art. 88(4) the proclamation.

¹⁷⁸ Respondent No. 8

¹⁷⁹ Respondents No 2, 6, 10 and 5.

3.3.5.2 Sick leave

Protection of workers against sickness, injury, and disease related to their working environment is one of the central points of the ILO.¹⁸⁰ The Ethiopian labor proclamation also confirmed the duty of employers to give the maximum period up to six months of sick leave when an employer is rendered incapable of working due to sickness other than an employment injury.¹⁸¹ As per the proclamation, employers shall assume further duties to provide medical care and cover the expenses whenever the employer sustains an employment injury.

The data obtained from the head of the company's clinic indicated that a medium-level clinic that is well equipped gives uninterrupted medical service to employees in the company. According to Mr. Ayele, the clinic's director, the clinic is currently well-equipped in terms of materials and medical instruments, and a variety of medicines, including those that are not available elsewhere. In terms of human resources, at present five nurses and two medical laboratory specialists are on a full time employment base.

Based on interviews with the majority of the respondents, when the employees get sick at work, they are not entitled to leave the workplace for a medical checkup or to take rest. According to human resources data, the clinic is now limited in its ability to grant sick leave, a decision made in response to the fact that most women frequently request sick leave for minor issues and then use it for other purposes.

The biggest problem in relation to sick leave, according to the data gathered from respondents, was the arbitrary denial of sick leave for most women who were in need of leave as a result of sickness.

3.3.6 Working hours and overtime pay

The 1930 ILO convention on "working hours," which focuses on workers in the office and commercial sectors, defines, "*For the purpose of this Convention, the term "hours of work" means the time during which the persons employed are at the disposal of the employer; it does not include*

¹⁸⁰Alli, B. O. Fundamental Principles of Occupational Health and Safety / Benjamin O. Alli; International Labor Office Geneva: ILO 2008.

¹⁸¹ Art. 85 (1) of the labor proclamation.

*rest periods during which the persons employed are not at the disposal of the employer.*¹⁸² As a result, working hours beyond the fixed time limit are considered overtime work," according to the ILO. "*Working time regulation has an impact on the protection of workers' physical and mental health; it is a cardinal assumption that productivity is directly implicated with the health condition of workers in manufacturing industries.*" The reconciliation of work and personal life, which has a direct impact on employment opportunities for men and women and wages."¹⁸³

Generally, workers are expected to work for only a certain fixed period of time that is to be set in accordance with the law or the collective agreement of the company. In this regard, the federal labor proclamation adopted a similar working hour in compliance with the ILO convention. "*Normal hours of work*" in this proclamation means "*the time when a worker actually performs work or makes himself available for work in accordance with the law, a collective agreement, or work rules.*" "*Normal hours of work*" shall not exceed 8 hours per day or 48 hours per week.¹⁸⁴ *None-theless, the labor proclamation did not define "normal working hours."* However, according to the working custom of the factory, a normal working hour simply refers to "*working only in the day shift,*" that is, between 2:30 a.m. 5:30pm. The proclamation simply envisioned methods of payment without, of course, defining important terms, including overtime in its accurate form. It has provided the following in particular: "*Work done in excess of the normal daily hours of work fixed in accordance with the provisions of this proclamation shall be deemed to be overtime.*"¹⁸⁵

The official working hours of the *Bahirdar textile factory* as outlined under the collective agreement are between 8:30 a.m. and 5:00 p.m., and the official working hours are from 8.30 a.m. to 12:30 p.m. in the morning and from 1:30 to 5:00 p.m. in the afternoon, with a one-hour lunch break in the middle.¹⁸⁶ Under normal conditions, according to the office of the human resources department head, workers in the factory work for eight hours per day. He further mentioned that the

¹⁸² ILO. Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312175. Last accessed on 16 Sep 2022.

¹⁸³ Supra 60 (the 2012 ILO report).

¹⁸⁴ Supra 109. Art. 61

¹⁸⁵ Id. Article. 66(1) the proclamation.

¹⁸⁶ Article 16(1) (2) of the collective agreement.

workers work from Monday to Saturday; Sunday is a formal weekly rest day for the company, making it a total of 48 hours a week in a normal context, which is in compliance with the country's legislative limits on normal weekly working hours.

Based on the collective agreement, the factory may assign overtime work in the factory, which is entirely voluntary. 10 of the 15 respondents had previous overtime work experience; the remaining five had no prior experience working in the off-hours. The respondents mentioned that since it is a manufacturing company, "*there are a number of overtime working conditions in the factory.*" *They said that overtime is totally consent-based. "Usually, we would be offered to do over-time work either through our team leaders, department managers, or even sometimes," was posted on a notice board.* And then they would have to decide whether to accept it or decline.

70% of the participants in general explained that they get a double payment for any kind of overtime work without taking any consideration as to the time or nature of the work; this double expression implies they get two times their hourly wages multiplied by the number of hours they have worked. On the other hand, both the proclamation and the collective agreement specifically outlined ranges of overtime pay scales depending on the particular working hour in particular.¹⁸⁷ And this shows that workers are unaware of applicable payment procedures in the company. In which the company failed to discharge its legal duty of raising employee awareness of the work rules of the organization,¹⁸⁸ and providing a copy of the collective agreement to each employee so that they would know their rights and duties properly. Because Article 4.2.8 of the collective agreement expressly states that the employer, with a view to raising awareness about basic rights at work, has a duty to provide each employee a copy of this agreement.

¹⁸⁷ See art. 68 of the labor proclamation. For example, pursuant to art. 17(1)a of the collective agreement, over time work done in between 6:00-10:00pm shall be remunerated by calculating the normal hourly salary multiplied by 1.5. Article. 17(1) b also states, for work done between 4:00pm-6:00am in the evening shall be paid by calculating their normal hourly income by 1.75. And other ranges are provided accordingly.

¹⁸⁸ Art. 12 (12) of the proclamation

3.3.7 The right to Association and Collective Bargaining.

The FDRE Constitution recognizes the right to freedom of association as the right to form and join a trade union and the right to participate in trade union activities.¹⁸⁹ Similarly, the factory's collective agreement incorporated certain provisions on workers' freedom of association. However, the collective agreement expressly stated that "*any form of gathering in the compound without first securing the factory's permission is prohibited.*" The possible question that may be raised at this point is: Should employees get the company's permission before organizing meetings or any other form of gathering in the compound? What if the concerned body denies permission? Does this mean the right is conditional while it is actually enshrined unconditionally under the proclamation and human rights documents? Also, the collective agreement does not provide a clear procedure for accessing the required permission. Collecting a petition signature is also a prohibited act in the factory. According to the researcher, provisions like this one are unreasonable impediments to the exercise of basic unionizing rights. Hence, it should be reconsidered.

In relation to the condition of collective bargaining, the labor proclamation defined it as "*a negotiation process between employers and workers' organizations or their representatives concerning conditions of work in order to reach a collective agreement or the renewal or modification thereof.*"¹⁹⁰ The collective agreement also stated the following: "*The workers' association shall be the only legitimate body to represent workers for any kind of disagreements in relation to fundamental rights of employees recognized under this collective agreement*".¹⁹¹ The majority of female workers prefer to ask their department head for any work-related matter, according to the researcher's continued attention to the case of the reviled factory; the reason is that workers are suspicious of the independence and efficiency of women's associations.

According to the data gathered from participants, 8 of them said "they are free to form any kind of gender-related association or union for their own good." While the rest of them are in doubt about the existence of these rights and the enabling conditions for exercising them, their frustration is mainly related to either having had a failed experience before or not knowing about the existence of such rights in the factory at all. For example, two of my respondents mentioned that, "*Of course,*

¹⁸⁹ Art. 31 of the constitution.

¹⁹⁰ Art. 125(2). Of the labor proclamation

¹⁹¹ Article 5.1.1 of the collective agreement.

we definitely know the presence of a gender office and a women's association in the compound, nevertheless, but the association has never done anything meaningful that could help female workers who are subject to multi-dimensional exploitation at work."¹⁹²

On the other hand, the women from the company's gender office mentioned that, as far as the company's working norm is concerned, "Nothing restricts us from organizing ourselves in any kind of association other than those expressly prohibited by the law." A women's association is already in place in the company and comprises more than 12 members. But the problem is that most women are reluctant to join the association, despite a number of programs that have been undertaken to encourage female workers to join the association, which I believe would help us to better protect women's work-related rights. Due to the absence of cooperative effort and diminishing interest in joining, the association remains ineffective.

The other reason mentioned by a female working in the office of the labor union is that "*we always try to assist the women's association in anyway; however, the problem is, all the administrative members of the association are full-time employees in the company, and they rarely meet for association work because of their double role.*"¹⁹³

3.3.8 Protection against Sexual harassment.

Ethiopia has a responsibility under international law to protect female workers from sexual violence and harassment as per the above-discussed international human rights instruments. In this regard, the labor proclamation is the first to be mentioned in terms of legislative measures. As a result, the proclamation defined sexual harassment as "persuading or convincing another to submit for sexual favor without his or her consent through utterances, signs, or any other means."¹⁹⁴ The proclamation, in addition, introduced a new regime to regulate workplace sexual harassment and sexual violence by broadening unilateral measures by victim employees. Hence, sexual violence includes any sexual harassment accompanied by force or any attempt thereof. As a result, if the specified activities occur, they will be entitled to terminate their contracts without notice and will

¹⁹² Respondents No. 13 and 15

¹⁹³ An interview undertaken with the secretary of labor union, on 25 August 2022.

¹⁹⁴ Art. 2(11) of the proclamation.

also be eligible for severance pay and compensation.¹⁹⁵ The law provides a higher amount of compensation for employees who are forced to terminate their contract without notice for reasons of sexual harassment and sexual violence, i.e., three months of salary as a payment of compensation.¹⁹⁶

During the data collection stage, the researcher remained unable to find any documented evidence showing the magnitude or existence of sexual harassment in the factory. However, in the focus group discussion, which was the only one in this type, conducted with the leaders of the women's association, gender officer and other concerned female participants in order to gather data about its prevalence, it was understood that many female workers have experienced repeated suffering from sexual harassment at work. Though no case was entertained in the formal procedures available in the factory or even at the court level, a number of practical instances were mentioned by the participants.

On the other hand, data gathered from interviews with the women's association revealed that "often, reports come from female workers in the factory." *"Every time the office advises them to file a formal claim that is adequately supported by evidence, they prefer to drop their cases."*¹⁹⁷ During the interview with a previously harassed female worker, she said, "Of course, there are several instances in which we are facing similar problems in general, especially during night shift work; nonetheless, most women, including myself, prefer to deal with the matter in an informal conversation rather than taking it to the institutions or even to the formal adjudication." For reasons of privacy, this paper remained unanimous among the sources in relation to sexual harassment. Their reason, according to the participants, is that workers have no trust in the efficiency of their institutional function; further, since the majority of attacks came to their immediate leader or manager, taking the matter to a disciplinary committee would mean losing their job.

In his investigation, the researcher was also able to uncover a few instances of harassed female employees, which this paper preferred not to include due to privacy agreements. There were clear observations of young female workers employed in various heavy machine departments, with male

¹⁹⁵ Id. Art. 32(1)(b)

¹⁹⁶ Id. Art. 41(1)

¹⁹⁷ An interview with w/ro Ababaytu, the vice chair women in the women's association.

employees operating equally in all shifts, including nights. Hence, it could be safely concluded that there is actually an open possibility for harassment and related violence in the factory.

3.3.9 Additional Workplace Benefits

The present Ethiopian labor proclamation has introduced some key changes in relation to women's special protections. For example, under the previous law, maternity leave was covered for only 3 months with full payment. However, the existing law extends maternity leave from 90 consecutive days to 120 consecutive days.¹⁹⁸ The 30 working days are granted prior to giving birth and the 90 consecutive days following birth. Furthermore, the law now requires male employees to take three consecutive days of paternity leave.¹⁹⁹ In fact, this one is fewer in number compared to the 10 working days of paternity leave that are granted to civil servants under the Civil Service Law.²⁰⁰ Pursuant to the "Labor Proclamation," *women workers shall be given priority if they get an equal result with men when competing for employment, promotion, or any other benefit.*²⁰¹

One can say the garment industry has created numerous employment opportunities for Ethiopian women with the low educational qualifications of those days. The majority of respondents on the job site stated that the most important benefit arranged in the factory is the presence of a child care center, stating that "we are able to keep our children close to us at the center until they are three years old at a low cost, without which we could not have worked properly. "They stated that "*we are able to keep our children at the center at a low cost, which we could not have been able to do properly had the center not existed.*" Their statement seems sounder when one considers the existing reality in the country. The majority of female workers who have children get a tragically meager salary, making it hard to find other solutions such as having a maid or sending their children to a private care center. In this critical context, all daycare center beneficiaries, or 70% of the respondents, have mentioned it as the first and most significant advantage of their work. However,

¹⁹⁸ Id. Art. 88(3) of the labor proclamation.

¹⁹⁹ Id. Art. 81(2).

²⁰⁰ Proclamation No. 1064/2017, federal democratic republic of Ethiopia, civil servants proclamation. Negarit Gazette, 24th Year No.12 Addis Ababa, 15th December, 2017. Article 42(10).

²⁰¹ The proclamation.

most respondents also complained about the service term, which is only up to three years at present.

The second most frequently mentioned benefit in the factory was the availability of 100% free medical care. Including their children below 18 years of age and spouses, they are beneficiaries of free health care services. In an interview with the head of the clinic,

*"In the plant compound, a medium -level clinic that provides 24 hour medical service to any employee, contract or permanent, including day laborers existed." According to his expression, the clinic has two examiners, two pharmacists, and five nurses on a full-time employment contract. He further added that the clinic is complete in terms of pharmaceutical instruments, and medicines, which are rarely available in the outside market, are found in abundance in the clinic's pharmacy."*²⁰²

Moreover, Article 30 of the collective agreement affirmed that "whenever workers, including those who are at leave, get sick, they may receive medical treatment in the factory's clinic by bringing their medical card with them." Hence, the clinic operates based on only the collective agreement, he said, showing the researcher a compendium of the collective agreement out of the drawer. In relation to this, most female participants expressed that "they have a right to get medical examinations available in the company's clinic; further, pregnant women receive continued medical follow-up in the clinic unless they decide to go to a different health care center of their own choice."

Respondents, on the other hand, complained about the quality of the treatment; in most cases, we are prescribed to take similar medicines and tablets; they also said that getting a sick leave has become a daunting problem in the clinic these days, and as a result, we are sometimes forced to stay at work while we are seriously ill. At this point, Mr. Ayele said, *"We offer a professional service without anyone's intervention; hence, it's the medical examination result on which we base our decision to grant or refuse sick leave."*

²⁰² An Interview with Mr. Ayele Kassa, the head of the company's clinic about the health service given for pregnant workers on 26 Sep. 2022

On the other hand, according to information from the company's human resource office, it acknowledged the prevalent complaints about sick leave in the factory, but the majority of these complaints, based on our experience, are pointless: "most workers, especially women, frequently demand a sick leave for minor health problems and use it for unrelated purposes when they are granted as a result, the clinic would give sick leave only after undertaking a strict medical examination."²⁰³

The information gained from human resources and the factory's gender office also reveals that the company, in collaboration with different educational institutions, arranged free educational opportunities for female workers in the company. However, according to the gender office of the factory, most of the opportunities the company brings in collaboration with different educational institutions in order to benefit the female workers in the factory are simply wasted due to the beneficiaries' lack of interest in utilizing those chances effectively.

The other important benefit is that mother workers are given 30 minutes of breast-feeding time, which is important for both the child and the mother by maintaining the mother-child bond. Pregnant women, for example, will not be assigned to high-risk factory work; additionally, a woman who returns to work after giving birth will benefit from a standard shift working hour. This means she will have to work only during the day until six months after delivery. Finally, free transportation service is the other common benefit provided to all employers by the factory.

The researcher also asked female workers in the weaving department whether the company provided them milk in the amount stated under the collective agreement, and they said, "*We never receive any at all.*" However, the factory is required to take reasonable precautions to ensure that all work processes in the undertaking do not pose physical, chemical, biological, ergonomic, or psychological hazards to the workers' health and safety.²⁰⁴

3.3.10 Grievance handling mechanisms and workers awareness of rights.

The federal labor proclamation gives authorities the power to establish enforcement institutions. The authority is mandated with the power to undertake frequent inspections. From the interview

²⁰³ Supra 143. An interview with Mr. Yitayew Atinafu,

²⁰⁴ Id. Article 92(7) the labor proclamation.

with the leaders of different departments, data was gathered that shows that although there was an independent grievance handling committee in the factory, it remained inefficient due to the lack of adequate human and material resources.²⁰⁵

Concerning the grievance handling procedures in the factory, there is already an established compliance procedure in the factory. Anytime employees feel aggrieved, they may bring their complaint either orally or in writing to the labor union. Often, the women's association is the first body to handle gender-related grievances; accordingly, matters within the power of the association will be entertained through the procedures laid out in the rules of association.

Pursuant to Article 28 of the collective agreement, whenever a worker feels aggrieved in relation to employment, promotion, leave, or for any other reason, such complaints should be communicated in the first place to the shift leader, and the leaders must respond to any such grievances within a day. An employee who is dissatisfied by the measures taken by the leader may bring his dissatisfaction to the general directorate in writing. Again, an employee who is not happy with the decision of the human resources general directorate may still bring his case to the labor union similarly in writing. Finally, if he/she remains dissatisfied, he/she may take the case to the concerned authority, which is mandated to entertain labor cases and seek a solution. Moreover, the regional government also established a labor affairs authority in accordance with a regulation adopted on January 23, 2022.²⁰⁶

According to the secretary of the workers' association, inefficiency is primarily due to the existing reality of double roles assigned to members, as mentioned in a related section above. The majority of committee members are full-time employees in the factory, so they are reluctant when it comes to entertaining someone's case. Furthermore, members have no significant benefit for being there,

²⁰⁵ Interview with the manager in the garment department on 16 August 2022.

²⁰⁶ An interview with Mr. Atinafu, director at the regional work and training bureau, about the overall role of the bureau in the enforcement of female workers special rights on Sep. 18 2022.

although the company should have arranged a system of remuneration so that they would be encouraged.²⁰⁷ Often, women employees feel better to take their cases to the women association, however, due to those problems discussed above, the association remains ineffective.

With regard to external dispute management, a special regional authority is in place that focuses on the follow-up of workplace safety under the regional government. The employment affairs authority has established two crucial departments whose concern is the enforcement of the federal labor proclamation in the region. The first is social dialogue and workplace cooperation (የጭህበራዊ ምክክርና የስራ ቦታ ችግሮች),²⁰⁸ and the second is the labor inspection office. "This particular department is mandated with the responsibility of promotion and awareness creation in developing the culture of inclusive dialogues at the work place in order to resolve work-related disputes without, of course, the intervention of external bodies," said the officer in the former department."²⁰⁹ According to his expression, the office undertakes to organize various programs with a view to creating awareness about the need to promote social dialogues, create labor unions and other institutions, deliver trainings for selected stakeholders and leaders of associations, etc. The office ultimately paves the way in order to create an institutional culture of dispute management. The latter department, on the other hand, focuses on follow-up and inspection purposes at work. Hence, periodic expert travel to different manufacturing industries, including the working factory, is one of the key regulatory strategies. The office evaluates basic workplace rights recognized by the federal labor proclamation during this physical inspection, such as the practice of fair wages, work leave, freedom of association, special protections for women, and, of course, the provision of safety tools..²¹⁰

²⁰⁷ An interview with W/ro Ababayehu women association secretary, *on the communication of harassment cases to the association and actions taken*. On 17 August 2022.

²⁰⁸ An Interview with Mr. Chalachew. Legal directorate in in the factory, *about the adjudicative role of the directorate towards protecting women rights in the factory*. He is also an expert in the office of social dialogue and workplace cooperation, on 28 Sep. 2022. See also art. 141 of the proclamation in this regard.

²⁰⁹ Id. (Mr. Chalachew).

²¹⁰ Interview with Mr Getnet. The labor inspection officer in Amhara regional state employment affairs bureau. *On the role of the office in enforcing the rights of women workers at the factory*. On 28 Sep. 2022.

According to data collected from the regional authority, personal complaints of female workers' human rights violations are not common at the worksite; instead, the bureau, as the highest prioritizing executive body mandated to enforce the national labor law, would have to implement multiple checking strategies based on a prior periodic action plan upon its initiation.²¹¹ Therefore, a team of experts would be sent to different manufacturing sites in order to check whether workers' rights are respected, and in case a problem is actually identified in the process, the company will be ordered to fix existing problems within a reasonable time period. Second, if the company fails to take measures as ordered in the first stage, the authority issues a written warning stating the bureau will be forced to take legal measures as mandated by the proclamation and establishing a proclamation in case the company fails to take appropriate corrective measures to off-set the problems as recommended. Lastly, if no satisfactory counter-balancing measure is underway, the authority shall take the necessary measures, including bringing a court action or even suspending and closing the company in accordance with the relevant provisions of the labor law.

In addition, the bureau investigates the fulfillment of basic requirements that are enshrined in the proclamation in order to form unions or any kind of workers' associations and registers them when satisfactorily complied with. Both the company's labor union and women's associations, including the collective agreement, are now registered after passing similar evaluation procedures as per the proclamation.

3.3.11. Compensation for work injury

From a human rights perspective, compensation is a form of reparation for the injury caused by human rights violations and provides for any economically assessable damage such as "physical or mental harm; lost opportunities, including employment, education, and social benefits; material damage and loss of earnings, including loss of earning potential; moral damage; and costs required

²¹¹ See for instance the definition given as "*Appropriate authority*" means, a *Regional state organ vested with the power of implementing labor laws*" that is provided by art. 2(5) of the proclamation. We also notice similar expressions of "appropriate authority from the preamble all the way to its last provision in the code.

for legal or expert assistance; medicine and medical services; and psychological and social services.²¹² Almost all international human rights instruments recognize the human right to adequate compensation as a crucial component of civil rights. State parties are under an international duty to enforce and observe the enforcement of human rights provisions that are related to the right to compensation in the event of any violation of any kind of civil rights.

Three of the female research participants had sustained a previous physical injury at work; one of them, for example, said that she got her leg broken while she was transporting a finished product in the garment department. According to her statement,

It has been more than a year since the accident occurred, and I have visited a number of health care centers in search of better medication." By now, I'm taking my medication at a government hospital (Felege Ghion), which has a contract with the company. Despite my tireless efforts to find a better medication, I have seen no improvement in my health. My condition is getting worse and worse because getting good medication at a government hospital these days is almost impossible due to the complexity of the working bureaucracy and the availability of inefficient services.

In order to fully utilize the medical benefit arranged by the company, one must bring a bill evidencing the medical expenses incurred in a private pocket. That is totally impossible for a person like me, receiving only a meager salary in the factory. One other injured woman, who was working as a tailor in the sewing section, stated,

I have been injured both on my back and my leg; it has been more than five months since the accident occurred, and I'm still following medications in a government hospital that has a contract with the company; nevertheless, I have seen no meaningful change in my health, and as a result, now I'm forced to look for a better treatment in another health institution because I already gave up on the hospital because it would not help me much.

²¹² General assembly resolution No. 60/147 Dec. 2005. Available at https://legal.un.org/avl/pdf/ha/ga_60-147/ga_60-147_ph_e.pdf Accessed on 16 Sep 2022

To claim compensation for work injury, certain preconditions must be met, according to the company's collective agreement,²¹³ first, the accident must occur within the workplace or on the way to and from work; the injury must be registered by his next immediate manager immediately within 24 hours; and the factory's clinic must also submit a medical report to the human resource development directorate within a similar timeframe.

However, most of these criteria seem to be vague and unreasonable. First, the 24-hour time limit is too short in order to undergo a proper medical examination and identify the level of injury. As explained somewhere above, the women from the sewing section have faced the same problem. Several months have gone by without her receiving compensation because the hospital could neither timely treat her injury nor issue a medical certificate indicating her injury so that she would receive compensation in accordance with the law.

²¹³ See Article 21(8) b of the collective agreement.

CONCLUSION AND RECOMMENDATION

Conclusion

Under this survey research, a critical examination of available international as well as domestic legislation that is relevant for the protection of female workers' rights at work in general and in manufacturing industries in particular has been conducted. The paper attempted to demonstrate some of the major protections afforded to female workers in the country as well as the working environment at the Bahirdar textile factory through a practical case study visit to the working site.

In addition to national legislation, including international human rights instruments, a number of laws and working guidelines are in place as a protection framework. The labor proclamation being the first essential rule in this case and well understood by the majority of leaders in the factory, a collective agreement that details out the rights and duties of both the employees and employer is adopted on December 20, 2021. There are also various rules and orders specifying certain guidelines at work, prepared by the regional employment affairs authority. Furthermore, a number of concerns have been raised about its effectiveness, particularly with regard to the association; at this time, three fully registered institutions exist, with a primary focus on female factory workers. The labor union is one, and the female workers' and consumer associations are the other two in this respect. In addition, an anti-HIV/AIDS club that contains more than 40 female employees has been in operation since 2004. Hence, it can be said that the right to association is better respected in the factory compared to other protections. In particular, the study focused on assessing special privileges that are recognized by the 2019 revised federal labor proclamation and other relevant ILO conventions, which are the laws of the country by virtue of the constitution as discussed in the second chapter of this paper.

Since the factory is one of the oldest and most successful textile factories that has come through many ups and downs until the present day, existing institutional structures changed the first perception of the researcher in the end. As a result, it has established a relatively effective system of administration with an equally functioning system of rules, such as the collective agreement, which has been revised 19 times so far and would probably be one of the first kinds in the country.

The majority of its human resources are senior employees who have been with the company for more than a decade. In this regard, the greater numbers of female workers in the factory are older than 35 and were employed during their early ages.

According to the findings of a related study conducted on SHINTZS' garment factory at Bole Lemi Industrial Zone, the findings revealed massive human rights violations of female workers, such as low wages, humiliation and disrespect, arbitrary dismissal, repeated sexual assault, and an abusive working environment. Hence, compared to factories like this one, the study found that the Bahirdar textile factory has a better working environment.

Nonetheless, many issues that require greater attention and practical measures in relation to female workers were identified based on the findings of the practical survey assessment. The factory's working conditions are characterized by an extremely low wage system; its salary scale was last modified within the last five years; poor working conditions, particularly insufficient provision of safety tools and measures; and low worker protection. Because, according to the survey, the majority of respondents were found to be confused with regard to major rights at work, for example, overtime pay, benefits, and special privileges; the right to collective bargaining; compliance procedures in the factory; and a lot of other rights. Finally, the findings of this research shifted the blurred perception of the researcher in the beginning by uncovering the real working environment of female employees in the site factory.

Recommendations.

This paper in particular would like to pinpoint the following key recommendations.

- The researcher is in favor of re-considering a special transparent procedure of follow-up and independent inspection strategy in order to ensure protection of female workers from sexual harassment. it would be good to implement programs boosting women's confidence so that they feel more confident in defending their rights. For example, the *Hawassa* industrial park recently launched a new call center that would enhance transparency and accountability by providing accurate and timely information about labor laws, standards, and procedures to workers and employers in a simplified manner.²¹⁴ In relation to this, the researcher is of the view the country should ratify the ILO inspection convention (Labor Inspection Convention, 1947 (No. 81), so that it would serve as an important framework in establishing technical inspection organs in the country in general and in the study area in particular.
- According to the researcher's understanding from various sources and personal visits, those associations, particularly the women's association, which is the key institution in terms of promoting female employees' rights through collective bargaining, still need to be strengthened by providing special training and financial and leadership support from the factory as well as other concerned body.
- Benefits within the company also need improvement. For example, according to a personal visit, the child care center is untidy, narrow, and low-standard in terms of the necessary equipment. All the children are also kept in a single room without age and sex differentiation, which may cause injury to the infants in particular. Furthermore, the center is located about 200 m from the work site. As a result, respondents complained that it should be built inside the plant, so that they would be able to visit their kids frequently. Therefore, as the oldest and most successful company, a standardized care center needs to be built inside the factory's compound.

²¹⁴ www.allafrica .com 'Hawassa Industrial Park Launches New Call Center to Support Workers' on 19 August 2022 accessed from <https://allafrica.com/stories/202208190300.html>. on 29 Sep. 2022

- An independent labor inspection office which under takes continues supervision and investigation in similar manufacturing sites including the working factory, shall be established within the power of the concerned administration or at least under the city administration as manufacturing industries have been massively growing in the city of Bahirdar within the past few years.
- The company should revise the existing salary scale, which came into force five years ago in a way catching the unprecedented rate of inflation, so that female employees may receive a reasonable leaving wage that is in accordance with the provisions of ICESCR.
- The country must ratify other important ILO conventions and protocols, such as "occupational safety and health," the night work convention, the collective bargaining convention, and Labor Inspection Convention No. 81, 1947, so that workers' rights are better ensured.

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Appendix I

ILO conventions Ratified by Ethiopia

Fundamental conventions

- Abolition of Forced Labour Convention, 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Equal Remuneration Convention, 1951 (No. 100)
- Forced Labour Convention, 1930 (No. 29)
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Minimum Age Convention, 1973 (No. 138)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Governance priority convention

- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Technical Conventions

- Employment Service Convention, 1948 (No. 88)
- Final Articles Revision Convention, 1946 (No. 80)
- Final Articles Revision Convention, 1961 (No. 116)
- Maritime Labour Convention, 2006, as amended (MLC, 2006)
- Private Employment Agencies Convention, 1997 (No. 181)
- Right of Association (Agriculture) Convention, 1921 (No. 11)
- Termination of Employment Convention, 1982 (No. 158)
- Unemployment Convention, 1919 (No. 2)
- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
- Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
- Weekly Rest (Industry) Convention, 1921 (No. 14)
- Workers with Family Responsibilities Convention, 1981 (No. 156)

Appendix II; showing one of the semi-structured key informant interview questions with privacy statement.

Key Informants Interview

ይህ ጥናት በ 2014 ዓ.ም በባህርዳር ዩኒቨርሲቲ ህግ ት/ቤት በሰብአዊ መብቶችና የወንጀል ፍትህ መርሃ ግብር የሁለተኛ ዲግሪ ተመራቂ በሆነው ተማሪ ተመስገን አዲሱ “የሴት የፋብሪካ ስራተኞች ሰብአዊ መብት ሁኔታ በኢትዮጵያ የባህርዳር ጨርቃጨርቅ ፋብሪካ ሴት ስራተኞች በተለይ” በሚል ርዕስ የመመረቂያ ማሟያነት የሚካሄድ የዳሰሳ ጥናት ሲሆን በዚህ የጥናት ሂደት በመረጃ ሰጭነት ለመሳተፍ ፈቃደኛ ስለሆኑ አናመሰግናለን።

ሰብአዊነትና ሚስጥራዊነት (Privacy declaration)

በጥናቱ የሚደረግ ተሳትፎ ሙሉ በሙሉ በፈቃደኝነት ላይ የተመሰረተ ነው፤ ተሳታፊዎች በጥናት ሂደቱ መካከልም ይሁን ከጥናቱ በኋላ ማናቸውም ምቹት የማይሰጡ ሁኔታዎች ከገጠሟቸው ራሳቸውን ማግለል ይችላሉ። በተጨማሪም የመረጃ ሰጭው ግላዊ መረጃ የማይገለጽና ሚስጥራዊነቱም የተጠበቀ መሆኑን ሊረዱ ይገባል።

የጥናቱ ዋና ዓላማ (Objectives)

ይህ ጥናት በዋነኝነት አገሪቱ ፈርማ ያጸደቀቻቸው ዓለም አቀፍ የሰብአዊ መብት ሰነዶች በተለይም የሴት ስራተኞችን ልዩ የመብት ጥበቃ የሚመለከቱ ሰነዶች በአገር ውስጥ የህግ ማጠቃለያ ያላቸው እውቅናና አተገባበር፤ ብሎም ከቅርብ ጊዜ ወዲህ በከፍተኛ ሁኔታ እያደገ በመጣውና ለብዙ ሴቶች አዲስ የስራ እድል ምንጭ እየሆነ በመጣው የጨርቃጨርቅ ኢንዱስትሪ በጠቅላላው የባህርዳር ጨርቃ ጨርቅ ፋብሪካ ውስጥ ተቀጥረው የሚሰሩ ሴት ስራተኞች በተለይ መሰረታዊ የመብት አያያዝ ምን ይመስላል? የሚለውን ለመዳሰስ እየተከናወነ የሚገኝ የዳሰሳ ጥናት ነው።

1. በተቋሙ ውስጥ ያለዎት የሰራ ድርሻ ምንድነው? _____
2. ድርጅቱ የራሱ መተዳደሪያ ደንብ አለው? ይዘቱንስ እንዴት ይገመግሙታል? ማለትም ሴት ስራተኞችንና ያሉባቸውን ችግሮች ወይም የሚያስፈልጓቸውን ልዩ ድጋፎች የሚዘረዝሩ አናቅጽላች አሉ? _____

3. በደንቡ መሰረትም ይሁን በሌላ መንገድ ከስራተኞች የሚቀርቡ ቅሬታዎችን ተቀብሎ ለማስተናገድ ተብሎ የተቋቋመ የቅሬታ ሰሚኔ ወይም ተቋም አለ? ካለስ የቅሬታ አቀራረቡና ውሳኔ አሰጣጥ ሂደቱ ምን ይመስላል? _____

4. በድርጅቱ ያለው የድምዝ ስኬል የአከፋፈል ሁኔታና የደረጃ እድገት አሰራር ምን ይመስላል? ምን ላይ ተመስርቶ ይከናወናል?

5. ዓለም አቀፍ የሰብአዊ መብት ድንጋጌዎች በጠቅላላው፣ የሴቶችን መብት በተለየ ለማስጠበቅ የወጡትን ኮንሺንሽኖች፣ ስምምነቶችና ሰነዶችን በተመለከተ በተቋሙ ውስጥ ያለው ግንዛቤ ምን ይመስላል? በተቋሙ ውስጥ ያላቸውን እውቅናና ተፈጻሚነትም ቢብራራ

6. በተቋሙም ይሁን ከአጋር አካላት ጋር በመተባበር ስራተኞች ስለመብቶቻቸው ግንዛቤ የሚጨብጡበት ፕሮግራም ይካሄዳል? ሊጠቀሱ የሚችሉ መሰል አሰራሮች አሉ?

7. ሴት ስራተኞች በጾታቸው ምክንያት በደል እንዳይደርሱባቸው ለመከላለል የሚያስችል ስርዓት ወይም አሰራር አለ?

8. የሴት ሰራተኞችን ልዩ ፍላጎቶችና መሰርታዊ መብቶች በማስጠበቅ ረገድ ተቋሙ ያለው ሊጠቀስ የሚችል አሰራር፤ የቀደመ ታሪክና ተሞክሮ

ምንድነው? _____

9. ከሌሎች ጉዳዩ ከሚመለከታቸው ተቋማት ምሳሌ፤ የክልሉ ሰራተኛና ማህበራዊ ጉዳይ ቢሮ፤ ሴቶችና ህጻናት ቢሮ፤ የሰራተኞች ፌዴሬሽን እንዲሁም መንግስታዊ ካልሆኑ ሌሎች ተቋማት ጋር ያለው ተቋማዊና ህጋዊ ግንኙነት ምን ይመስላል?

በመጨረሻም መጨመር የሚፈልጉት ነገር ካለ ቢጨምሩ፤

አመሰግናለሁ!!!!