

Seera Hojjetaa fi Hojjechiisaa (Labsii 1156/2011)



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Adoolessa 2011

ILQSO, Adaamaa

Kaayyoo Leenjichaa

Leenjichi kaayyoo armaan gadii ni qabaata.

- Seerota hariiroo hojii fi daangaa isaaniirratti hubannoo leenjitootaa cimsuu, rakkoo qabatamaa waliin wal barsiisuu
- Waliigaltee hojii addaan kutuu keessatti rakkooolee hiikkoo fi raawwii seeraa mul'atan hubachuu
- Turtii waliigaltee hojii ilaalchisee qajeeltoo

Kaayyoo (kan itti fufe)

- Bu'aawwan waliigalteen hojii hordofsiisan kaayyoo waliigalaa seerichaa waliin haala wal simatuun hiikuu irratti gahuumsa leenjitoota dabaluu
- Aangoo qaamolee falmii hojii keessummeessan adda baasuu irrattii hubannoo leenjitoota cimsuu
- Miidhaa hojiirraa adda baasuu fi beenyaa murteessuu irratti hubannoo leenjitoota

- Ka'uumsi seera hojjetaa fi hojjechiisaa warraaqsa industirii jarraa 18ffaa kan bu'urufeetedha.
- Bara warraaqsa industirii mootummaaleen dhimma hojjetaa fi hojjechiisaa irratti imaammata *'laissez-faire'* (free from government intervention) hordofaa waan turaniif hojjetootni miidhaa cimaaf saaxilamanii turan (job security, Hazardous working environment , fair payment, etc).



Seensa ... Kan itti fufe

- Kun immoo hojjettoonni gurmaa'uun mirga isaaniif akka falmachuu jalqaban taasise.
- Bara 1919 immoo dhaabbatni Hojjetaa fi Hojjechiisaa Addunyaa (ILO)'n hundaa'e.
- Kaayyoon isaa mootummaalee, hojjetootaa fi hojjechiistota waliin ta'uun **haalota hojii fooyya'oo** uumuu dha. Kunis konveenshinootaa fi ...

International Labor Standards (ILS)

- **CONVENTIONS**

- Binding when ratified
- If not ratified, are sources of inspiration for domestic law
- 189 Conventions

- **RECOMMENDATIONS**

- Not open to ratification
- Provide general or technical guidelines for national action
- 205 Recommendations

- **PROTOCOLS**

- Partially revise conventions
- 6 (as of today)

International Labor Standards (ILS):

Subjects addressed by the ILO's ILS

- ▶ **Freedom of association**
- ▶ **Collective bargaining**
- ▶ **Forced labour**
- ▶ **Child labour**
- ▶ **Equality of opportunity**
- ▶ **Tripartite consultation**
- ▶ **Labour administration**
- ▶ **Labour inspection**
- ▶ **Employment policy**
- ▶ **Employment promotion**
- **Vocational guidance and training**
- **Employment security**
- **Wages**
- **Working time**
- **Occupational safety and health**
- **Social security**
- **Maternity protection**
- **Social policy**
- **Migrant workers**
- **Seafarers**
- **Fishers**
- **Dock workers**
- **Indigenous and tribal peoples**
- **Other specific categories**



Fundamental (Core) ILO conventions

- **# 29** Forced Labour (1930)
- **# 87** Freedom of Association and the
Protection of the Right to
Organize (1948)
- **# 98** Right to organize and collective
bargaining
(1949)
- **#100** Equal Remuneration (1951)
- **# 105** Abolition of Forced Labour
(1957)
- **# 111** Anti-discrimination -
Employment and Occupation
(1958)

Employees' rights and duties

Rights	Duties
To work	Loyalty to the firm
For just compensation	Respect for current legal and moral norms
To free association and strike	Respect the rights of the employer
For privacy	Just contribution to the organization
For freedom of speech	Maintain secrecy/confidentiality
To due process	Cooperation with boss/subordinates
For participation	
For healthy and safe working conditions	
To job satisfaction	

Employers' rights and duties

Rights	Duties
Demand minimal productivity from employees	No discrimination in rules for recruitment and conditions for firing
Loyal cooperation from employees	Fair compensation
Requirement of correct behaviour at the workplace	Work oriented code of conduct
No disruption in work	Acceptance of criticism from workers
Peaceful ways of settlement	Acceptance of labour court jurisprudence in conflicts
	Improving QWL

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- Biyyi keenyas ALA bara 1923 miseensa Dhaabbatichaa taaterti . Bu'uura kanaanis, konvenshinoota bu'uuraa saddeettan dabalatee konveenshinoota 22 raggaasifteetti.

Conventions ETH ratified other than the basic 8 ones:

- C002 - Unemployment Convention, 1919 (No. 2)
- C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)
- C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)
- C080 - Final Articles Revision Convention, 1946 (No. 80)
- C088 - Employment Service Convention, 1948 (No. 88)
- C096 - Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)
- C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
- C116 - Final Articles Revision Convention, 1961 (No. 116)
- C155 - Occupational Safety and Health Convention, 1981 (No. 155)
- C156 - Workers with Family Responsibilities Convention, 1981 (No. 156)
- C158 - Termination of Employment Convention, 1982 (No. 158)
- C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
- C181 - Private Employment Agencies Convention, 1997 (No. 181)

Heera Mootummaa RDFI

- **Kwt 42:** hojjetaan mirgoota:
 - waldaan gurmaa'uu,
 - waliin ta'uun sagalee isaanii dhageessifachuu fi hojii dhaabuu /strike/,
 - sa'aatiin hojii daanga'uu,
 - boqonnaa fi hayyama kanfaltii waliinii, ayyaana uummataa irratti kanfaltii argachuu,
 - naannoo hojii fayyaa fi qaama namaa irratti miidhaa hin geessisne

- **Kwt 35(5) fi (8)** ---dubartootni hojii dhiira waliin qixa yeroo hojjetan :
 - kanfaltii qixa argachuu fi
 - hayyama da’uumsaa kanfaltii guutuu waliin argachuu akka qaban,
 - mirga kanfaltii fi guddina sadarkaa dhiira walin qixa ta’e akka qaban tumeera.
- **kwt 36 (1) (d)** --- daa’imman hojii qaama, fayyaa yookin baruumsa isaaniirratti dhiibbaa geessisu irraa eeggamuu akka qaban

Labsii hojjetaa fi hojjechiisaa lakk.
377/1996: *yeroo lama fooyya'eera.*

- **Labsiin 466/97**, tumaa labsichaa **kwat 144(1) fi (2) haquun** fooyya'eera.
- **Labsii lakk. 494/98** tumalee labsii 377/96 **kwat 3/2/c/ , kwat 130** (waliigaltee gamtaa), **kwat 185** (adabbii tumaa labsichaa cabsuun hordofsiisu) **fi kwat 39** jalatti dhimmoota kanfaltii hojii irraa gaggeessaa hojjetaaf kanfalchiisan irratti fooyya'e.
- **Yeroo ammaa kana immoo labsii haaraa lakk. 1156/2011'dhaan**

- Seerota rogummaa qaban biroo :
 - Labsii lakk. **714 fi 715/2011 fi 907 fi 908/2007** soorama hojjettoota (dhaabbilee misooma mootummaa dabalatee)
 - hojjettoota dhaabbilee misoomaa mootummaa inshuraansiin galameef yeroo hin jiraanne labsii sooramaatiin beenyaan miidhaa akka kanfalamuuf teechifameera.
 - Labsii lakk.**632/2001** -- Ejansoota Tajaajila Hojjetaa fi Hojii walqunnamsiisuu kennan to'achuuf bahe.

- Danbii fi Qajeelfamoota Jiran. Fkn:
 - Dambii hariiroo dhaabbileen amantaa fi tola ooltotaa hojjettoota isaanii waliin uuman bituuf bahe, **Dambii lakk 342/2007**
 - Qajeelfama nageenya ogummaa fi fayyaa, bara 2008
 - Qajeelfama hojjettoota dubartoota hojiiwwan ulfaatoo yookin fayyaaf balaafamoo ta'an yookin haala da'iinsaa irratti dhiibbaa geessisan murteessuuf bahe (2005)

BOQONNAA 1

HARIIROO HOJII FI DAANGAA RAAWWII

SEERA HOJJETAA FI HOJJECHIISAA

- Hariiroo waliigaltee hojii bu'ureeffachuun hojjetaa fi hojjechiisaa gidduutti uumamuudha (*employment relation or industrial relation*)
- Hariiroo hojii adda baasuuf qajeeltoon gargaaru '***Principle of Primacy of the fact***' jedhamuun beekama. – Haala qabatamaa jiru ilaaluuni dha.

***Dhimma (Maftaha muumme faa(n-3) vs
Usmaan Alii, DhIMMWF, Lakk.Galmee 105555,
jiildii 17ffaa)***

- **Du'aan** konkolaataa qabeenya himatamaa ta'e **Dirredawaa gara Finfinneetti fe'ee osoo deemaa jiruu** dhukaasa karaaarratti itti banameen du'e
- Maxxantootni du'aa beenyaa gaafataniiru.
- hojichi yeroo jalqabame Ebla 2002 – guyyaa du'aa irra miidhaan ga'e /gurandhala 2003/'tti konkolaataa 1 finfinnee yoo geesse **qa.800** kanfalamaafii turuu
- **Himatamaan:** hariiroon keenya bu'uura SHH'tiin ilaalamuu qaba jechuun mormeera.
- Dhl's: 'haalli du'aan kanfaltii itti argataa ture muraan ta'uun, hariiroon hojii hin jiru hin jechisiisu' jedheera.
 - KWT 4, 2(1), 2(3), 58

***Waajjira qindeessaa Awaliyaa Vs
Mahaammad Siraaj, DhIMMWF, Lakk G
81405, jiil. 14ffaa***

- **Ogeessa seeraa** dhaabbatichaatu ani hojjetaa ta'ee oson jiruu seeraan ala waliigaltee koo addaan cite jechuun kanfaltiiwwan gaafateera.
- Dhaabbatichi himataan hoji gaggeessaa waan ta'eef LHH'tiin na hin gaafatu jedheera.
- Dhl: himataan kun yeroo dhaabbaticha tajaajilaa turetti **abukaattoo kan turani** dha.
- Himataan bejii dhuunfaa isaa nama

Dr Misrak Tilahun vs Addis **Deneral Hospital, vol 17: 101396**

- በቀን ለሁለት ሠዓት የራዲዮሎጂ የመያ አገልግሎት የሚሰጥ ባለመያ
- ተጠሪ ሙሉ በሙሉ በአመልካች መሪነትና ቁጥጥር ሣይሆን
በአመልካች ድርጅት ውስጥ በቀን ለሁለት ሠዓት ያክል ከአመልካች
ጋር የሆነፒታል ውል ለተዋዋሉ የአመልካች ደንበኞች የራዲዮሎጂ
የመያ ግልጋሎት በራሱ የመያ ኃላፊነት የሚሰጥ ነው።
- የሥራ ስምሪት መስጠትና አመልካችን ተቆጣጥሮ ማሠራት አይችልም።
- በፍትሐብሔር ህግ ቁጥር 2638 ንዑስ አንቀጽ 1
- የአዋጅ ቁጥር 377/1996 ከአንቀጽ 61 እስከ አንቀጽ 64፤ 65

Wantootta jiraachuu Hariiroo Hojii agarsiisan

- Hariiroon hojii jiraachuu fi dhiisuu adda baasuuf ulaagaaleen (tests) addaa addaa ilaalaman:

To'annaa (control test):

- hojii hojjetamuu fi akkaataa fi yeroo itti hojjetamu irratti hojjechiisaan **aangoo ajajuu** kan qabu yoo ta'e dha.
- Ajaja fudhachuu yoo dide bu'uura danbii hojii yookin waliigaltee gamtaatiin aangoo adabuu fi tarkaanfiiwwan bulchiinsaa biroo fudhachuu qaba. **Ethiotelecom vs Assalefech, Vol 8, 37027**

- ሠራተኞች ለሚፈፀሙት ጥፋት አሰሪው በሠራተኛው የተፈፀመውን ጥፋት ክብደት በመመዘን ይመጥናል የሚለውን ቅጣት መወሰን

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Integration test:

- hanga hojjetaan caasaa dhaabbata hojjechiisaa keessatti **makamee tajaajila kennu** dha.
- **qaama dhaabbatichaa ta'ee**, tajaajila ykn oomisha dhaabbatichaa keessatti hirmaannaa barbaachisaa ta'e qabaachuu qaba.

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Itti gaafatamummaa diinagdee (the economic reality test):

- **Meeshaalee dhiyeessuu fi**
- **Qaama baasii barbaachisaa raawwatu,**
- **qaama itti-gaafatamummaa diinagdee (business risk) fudhate**
 - Itti gaafatamummaa kanneen kan fudhate qaama hojjechiisu taanaan namni hojjetu akka hojjetaatti lakkaa'ama.

Dirqamnii fi faayidaan gamaa gamana jiraachuu (*mutuality test*):

namni hojjetuu fi hojjechiisu mirgaa fi dirqama waliif qabaachuu;

- hojjechiisaan hojii dhiyeessuu,
- kanfaltii raawwachuu,
- hojjetaan immoo hojii hojjeta

Seerri keenya Ulaagaa kanneen walkeessa makuun fayyadama (*multiple test*)

➤ Control test:

➤ LHH kwt 13/2/ --ajaja fudhachuu

- Hojjetaan dirqama hojii ofiin hojjetuu kw.13(1)

➤ The economic reality test:

➤ LHH kwt 12/2/ --meeshaa dhiyeessuu

➤ Mutuality test:

➤ LHH kwt 12 /1 fi 2/ -- hojii fi + kwt 13/1/ --hojii hojjechuu

- Bu'ura kwt. 2(3) fi 4(1)- hojjechiisaaf tajaajila kennuuf waliigale

➤ Tajaajila hojjetaan kennuuf kanfaltii idileen

Daangaa Labsii HH

- Akka qajeeltootti, labsiin HH **hariiroo hojii qacarrii bu'uureffatee uumamu** irratti raawwatamiinsa qaba (kwt 3/1/).



EXPRESSLY EXCLUDED RELATIONS:

- ✓ waliigaltee leenjii yookin baruumsaan walqabatu,
- ✓ waliigaltee kaayyoon isaa guddisaaf yookin wal'aansaaf taasifame
- ✓ waliigaltee tajaajila dhuunfaa bu'aa argachuuf hin taaneef taasifamu,
- ✓ waliigaltee **nama gita hoji-gaggeessummaa** irratti ramadame waliin taasifamu,
- ✓ **waliigaltee hojii hojjettoota mootummaa seera biraatiin bulaniin** walqabatuu
- ✓ waliigaltee nama dhaabbata qabeenyummaan isaa kan mataa isaa ta'e

የሰበር መ/ቁ. 14414/ የጊምቢ አስተዳደር ጽ/ቤት እና ወ/ሮ መረርቱ ፈቃዱ/

- አንድ በሕዝብ አስተዳደር አካል ውስጥ የሚሰራ ሠራተኛ በመንግስት ሰራተኞች አስተዳደር አዋጅ አለመሸፈኑ በራሱ በአሰሪና ሰራተኛ አዋጅ የሚሸፈን አያደርገውም።

CONDITIONALLY EXCLUDED RELATIONS (KWT 3/3/)

Hariiroon hojii

✓ **Qaama diippiloomaasii biyya alaa fi dhaabbata idil-addunyaa Vs lammii Itoophiyaa**

labsichaan **kan hin uwwifamne** --- dambii mana maree ministerotaatiin yookin waliigaltee addunyaatiin yoo murtaa'e.

- Dambiin mana maree ministeerotaan bahe hin jiru.
- Biyyi keenya konveenshinii dhaabbata mootummoota walta'aniif **/UN/** dawoo fi mirga addaa kennu mallatteessiteerti

➤ *CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, 1946*

- United Nations Development Program (UNDP),
- Office of the United Nations High Commissioner for Refugees (UNHCR),
- World Food Program (WFP)

Hojii Gaggeessaa (Managerial Employee)

- Labsiin lakk 494/2006 (kwt 2/1/) hoji-gaggeessaaf hiikaa yoo kennu: nama-
 - ✓ bu'uura seeraan ykn aangoo bakka bu'ummaa hojечиisaa irraa argateen **imaammattoota hojii baasuu fi raawwachiisuu** keessatti gahee taphatu *yookin /fi*
 - ✓ hojjetaa **qacaruu, jijjiiruuf, hojiirraa daangessuuf, gaggeessuuf, ramaduuf yookin tarkaanfii naamusaa fudhachuuf** aangeffame
 - ✓ **Dursaa tajajila seeraa** fedhii hojечиisaa eegsisuuf tarkaanfii hojечиisaan fudhachuu qabu irratti yaada kennan ni dabalata.

Labsii Haaraa

- Hiika hoji gaggeessaa:
 - o Adabbii/ Tarkaanfii naamusa sasalphaa /akeekkachiisa barreeffamaa yookin afaanii/ fudhachuuf kan aangoo qabu hoji gaggeessaa hin jedhamu.
- Manni marii ministeerotaa haala hojii hoji-gaggeessaa ilaalchisee danbii ni baasa.
- Hangasitti mirgi hoji gaggeessaan waliigalteen isaa adda cite qabu qabu SHH 2570, 2573, 2574, 2571, 2577, 2562tiin bitama.

- Dhaabbatni hojjechiisaa tokko **dambii ittiin-bulmaataa hariiroo hojii hoji-gaggeessitoota isaa waliin qabu bitu** baafachuu danda'a.
- DhIMMWF lakk. G 60489 (*jild 13ffaa*)--- dambichi seera yookin hamilee kan hin faallessine yookin sababni biraa dambichi akka hin raawwatamne godhu hin dhiyaatne yoo ta'e ,
 - **dambichi dursi kennameefi walitti dhufeenya hojii qaamolee kana jidduutti uumamu kan bitu ta'a** jedheera.
- Kanaaf tumaaleen SHH mirgaa fi dirqama hoji-gaggeessitootaa teechisan **(kwt 2512 -2609)** hojiirraa oolmaa kan qabaatan yeroo dhabbileen hojjechiisaa **dambii ittiin bulmaataa hin qabne** ykn fudhatama dhabe ta'a.

CBE vs Mulat Tarekegn, Vol 8, 36894

- የሥራ መሪ በሆነ የሥራ መደብ ላይ በጊዜያዊነት መስራት
ግለሰቡን የሥራ መሪ ከመሆን የሚያስቀረው ስላለመሆኑ
– አዋጅ ቁ. 377/96 አንቀጽ 3/2/ /ሐ/

Hojjetoota Dhaabbilee Amantaa

- **Labsii HH Kwt 3/3/b/**

- **Dambiii lakk 342/2007 baheera**

- **አንቀፅ 3 የሃይማኖት ድርጅቶች በቅጥር ላይ የተመሠረቱ የሥራ ግንኙነቶች**

1. በሃይማኖት ድርጅቶች ውስጥ **መንፈሳዊ አገልግሎት የሚሰጡ አገልጋዮች** ላይ አዋጁ ተፈፃሚነት አይኖረውም።
2. በሃይማኖት ድርጅቶች ውስጥ መንፈሳዊና አስተዳደራዊ ወይም መንፈሳዊና የበጎ አድራጎት ተግባር በአንድ ሰው በጣምራ ከተከናወነ አዋጁ ተፈፃሚነት አይኖረውም።
3. በሃይማኖት ድርጅቶች ውስጥ **በገቢ ማስገኛ ሥራዎች** ላይ በተሠማሩ ሠራተኞች ላይ አዋጁ ተፈፃሚነት ይኖረዋል።
4. በዚህ ደንብ በአንቀጽ 5 ላይ የተደነገገው እንደተጠበቀ ሆኖ በሃይማኖት ድርጅቶች ውስጥ **አስተዳደራዊ ወይም የበጎ አድራጎት ተግባርን ለማከናወን** በተሰማሩ ሠራተኞች ላይ አዋጁ ተፈፃሚነት ይኖረዋል።

...

– Kwt 2/1 fi 2/

- “መንፈሳዊ አገልግሎት” ማለት በሃይማኖት ድርጅት ውስጥ ከእምነት ጋር ቀጥተኛ ግንኙነት ያላቸውን መንፈሳዊ ተግባራትን ብቻ ማከናወን ነው፤
- “ገቢ ማስገኛ ሥራ” ማለት በሃይማኖት ወይም በበጎ አድራጎት ድርጅት ስር በተሰሰሰ < 3/4” ÓÉ } sTf የሚከናወን ዕቃዎችን የማምረት ወይም የማከፋፈል፣ አገልግሎት የመስጠት ወይም ሌላ መሰል የገቢ ማስገኛ ሥራ ነው፤

Dhaabbilee Tola Ooltotaa

Kwt 2/3/

- “የበጎ አድራጎች ድርጅት” ማለት ትርፍ የማግኘት ዓላማ የሌለው ሰብዓዊ፣ ማብራቂያ ወይም የልማት አገልግሎት ለሕዝብ ለማበርከት የተቋቋመ መንግሥታዊ ያልሆነ ድርጅት ወይም ማኅበር ነው፤

KWT 4

1. የበጎ አድራጎች ድርጅቶች በሚያካሂዷቸው የገቢ ማስገኛ ሥራዎች ላይ በተሠማሩ ሠራተኞች ላይ አዋጁ ተፈፃሚነት ይኖረዋል።
2. በዚህ ደንብ በአንቀጽ 5 ላይ የተደነገገው እንደተጠበቀ ሆኖ በበጎ አድራጎች ድርጅቶች ውስጥ አስተዳደራዊ ወይም የበጎ አድራጎች ተግባርን ለማከናወን በተሠማሩ ሠራተኞች ላይ አዋጁ ተፈፃሚነት ይኖረዋል።

KWT 5/1/

የሃይማኖት ወይም የበጎ አድራጎች ድርጅቶች የህብረት ድርድር ለማድረግ አይገደዱም።

BOQONNAA LAMA

Waliigaltee Hojii

Qabiyyee:

- Bifaa fi qabiyyee waliigalteen hojii qabaachuu qabu
- Turtii yeroo waliigaltee ilaalchisee qajeeltoo seerri teechisee fi rakkoo qabatamaa jiru
- Qacarrii yeroo yaalii Mirgaa fi dirqama waliigaltee hojii irraa maddu
- Waliigaltee hojii fooyyessuu
- Waliigaltee hojii yeroof daangessuu

Bifaa fi Qabiyyee

Waliigaltee Hojii

- **Kwt 4/3/ Qabiyyee waliigaltee hojii**

- gosa hojii, iddoo hojii, mindaa fi haala shallaggii kanfaltii akkasumas turtii yeroo waliigaltichaa hammachuu qaba.

- **“gosa hojii” kan jedhu gita hojii qofa moo ibsa hojichaas?**

- **Kwt 4/2/ ---** waliigalteen hojii mirgaa fi dirqama H fi H haalaa shakkisiisaa hin taaneen agarsiisuun **ifa ta’uu** qaba --
job description!

- **Kwt 5 ---** Waliigalteen hojii haala addaan seeraan yoo ibsame malee bifa (form)

...

- **Kwt 6 fi 7---** Gosoota waliigaltee hojii
 - kan barreeffamaa fi
 - barreeffamaan ala taasifaman
- Waliigalteen hojii barreeffamaan ala raawwatamu afaaniin ykn gochaan (conduct) ta'uu mala --- barreeffamatti jijjiiruun **hojjetaaf guyyoota 15 keessatti kennamuu qaba.**

ELPA vs Tirsit Degefu, Vol 8, 03171

- ተጠሪ በክሣቸው በአመልካችና በተጠሪ መካከል የሥራ ውል አለመኖሩን ተከራክረዋል።
- የአመልካች ድርጅት ምስ/ሪጅን ጽ/ቤት ታይፒስት ፀሃፉ ደመወዝ ብር 453.00 ማስታወቂያ ወጥቶ ተወዳድረው ማለፋቸውን፣ ከዚህ በኋላ አመልካች መስሪያ ቤት ከኅደር 1 ቀን 1999 ዓ.ም ጀምሮ የመ/ቤቱ ሰራተኛ መሆናቸውን ገልፆ የአሻራ ምርመራ ደብዳቤ መፃፋቸውንና በጡረታ ቅጽ ላይ ማረጋገጡን፣ ምድብ ቦታቸውም ማሳወቁን ነው።
- አመልካች በበኩሉ ፈተናውን ማለፊቸውም ሆነ ለአሻራ ምርመራ የተፃፈው ደብዳቤ የሥራ ውል አይመሰርትም።

- Waliigaltee hojii keessatti yeroo hedduu **gahee hojii (job description) tarreessuu dhabuun rakkoo dha.**

Dhimma

Amaani Aliyyee Vs Industirii Nyaataa Halaalaa, MMA Lumee, Lakk G 44954.

- Himattuun gita hojii qulqulleessituu irratti qacaramtee hojjetu yoo ta'u, **uffata hojii hojjetootaaf akka raabsitu ajajamtee waan diddeef** ajaja hoogganaa dhiyoo fudhachuu dhabde jedhamtee waliigalteen hojii ishii addaan citeera.

TYPES OF WORKPLACE DISPUTES

<i>Interest disputes</i>	<ul style="list-style-type: none">• are caused by actual or perceived competition over substantive, procedural or psychological interests.
<i>Rights disputes</i>	<ul style="list-style-type: none">• are caused by disagreement about the interpretation or application of existing rights in laws and conventions.
<i>Structural disputes</i>	<ul style="list-style-type: none">• is caused by unequal control, ownership or distribution of resources or by environmental or time constraints.
<i>Value disputes</i>	<ul style="list-style-type: none">• may be caused by differing ideologies, religious beliefs, cultural norms and ethnicity.
<i>Data disputes</i>	<ul style="list-style-type: none">• are rooted in lack of information, misunderstanding, or differences over the interpretation or relevance of data.
<i>Relationship disputes</i>	<ul style="list-style-type: none">• are caused by breakdown in interpersonal acceptance, liking, communications and understanding.

Dispute of interest vs dispute of right

Dispute of interest:

- any dispute concerning a proposal for new or changed conditions of employment
- does not include disputes to be resolved by court of law or arbitration.
- might arise when party to employment relationship feels they should be, but are not yet entitled to something
- E.g. new wage levels, new conditions of work etc

Dispute of right

Dispute of right:

- Occurrence of an actual entitlement or obligation in:
 - contract of employment;
 - collective agreements,
 - in pieces of legislation

E.g.

- Employer's refusal to:
 - Implement conditions of employment set out in a CA.
 - Implement an arbitration award

Turtii Yeroo Waliigaltee

- Waliigalteen hojii yeroo hin murtoofneef, yeroo murtaa'eef ykn hojiin murtaa'e tokko hanga dhumutti kan turu ta'uu danda'a.
- **Kwt 9** --- Akka qajeeltootti, waliigalteen hojii hundinuu kan yeroo hin murtoofneef raawwatame ta'ee lakkaa'ama.

- KWT 10: Haalotni hojjechiisaan hojjetaa yeroo ykn hojii murtaa'eef hojjetaa itti qacaruu:
 - hojjetaa duraan ture **yeroof bakka buusuuf**,
 - Fkn miidhaan hojii irra gahee
 - baay'ina hojii uumame hir'isuuf,
 - hojii balaa tasaa dhufu ittisuuf,
 - hojii darbee darbee dhufu,
 - hojii **waqtii murtaa'e** keessa dhufuu fi
 - yommuu caasaan dhaabbataa

የኢትዮጵያ ቴሌኮሙኒኬሽን ኮርፖሬሽን
እና አቶ ገንታ ገምአ፤ 16273 ቅጽ 1-3

- አንድ ሠራተኛ ከውሉና ከሕግ አንጻር ጉደለብኝ የሚለው መብት ካለ ከሚጠይቅ በቀር ቋሚ ልሁን በሚል የሚያቀርበው ጥያቄ የክስ ምክንያት /Cause of action/ የለውም፡

Qacarrii Yeroo Yaalii KWT 11

- Hojjetaan tokko hojii gara fulduraatti hojjetu irratti **gahuumsa qabaachuu** isaa adda baasuuf hojjechiisaan yeroo yaalii guyyaa walitti fufaa 45 hin caalleef qacaruu danda'a.

Labsii Haaraa

- Yeroon yaalii guyyaa 45 gara guyyaa 60'tti akka ol ka'u

...

- Kaayyoon qacarrii yaaliis hojjetaan tokko gita irratti ramadamuuf barbaadameef nama sirrii ta'uu **/suitability/** mirkaneessuufi dha.
- Hojjetaan kun seeraan, dambii mana hojichaatiin ykn waliigaltee gamtaan haala biraan yoo murtaa'e malee **mirga hojjetootni yeroo yaalii fixan qaban ni qabaata.** /except when not provided otherwise by law, CBA, etc): e.g:
 - No sick leave, art 85(1)
 - No severance pay, art 39/1/.

...

- Hojjetichi gita sanaaf nama sirrii akka hin taane yoo mirkanaa'e yeroo kana keessatti akeekkachiisa kennuun osoo hin barbaachisne, **kanfaltii** hojiirraa gaggeessaa yookin beenyaa kanfalamuuf tokko **malee** waliigalteen hojii isaa hojjechiisaadhaan adda cituu danda'a.
- Ta'us, hojjetaan kun **yeroon yaalii isaa kan dhumee fi hojicha kan itti fufe yoo ta'e**, gita sana irratti guyyaa yaaliif qacarame irraa qabee **akka qacarameetti** lakkaa'ama. Kwt ---11(7)

የኢትዮጵያ አየር መንግድ እና
ወ/ት ፍፁም ሀይሉ ቅጽ 17፣ 101890

- የመከራ ጊዜ ውል ለ 45 ተከታታይ ቀናት የሚቀጥል ከሆነ ግለሰቡ በመጨረሻው ቀን በመገምገም ለታቀደው ቦታ ተስማሚ ነው ወይስ አይደለም የሚለውን ውሳኔ ለማስተላለፍ የመጨረሻ ቀን የሥራ አፈፃፀም ውጤት ጭምር ታሳቢ መደረግ ያለበት በመሆኑ በ46ኛው ቀን የሰንብት ደብዳቤ መፃፉ የሕጉን ይዘትና መንፈስ የሚቃረን አይደለም።

Dirqamoota hojjechisaa KWI

12

- Provide work to the worker in accordance with the contract of employment;
- Provide implements and materials necessary for the performance of the work;
- Pay the worker's wages and other emoluments in accordance with this Proclamation or the collective agreement;
- Respect the worker's human dignity;
- Take all the necessary occupational safety and health measures, and abide by the standards and directives to be given by the appropriate authorities in respect to these measures;
- Cater for the cost of medical examination of the worker whenever such medical examination is required by law or the appropriate authority;

Dirqamoota hojjechiisaa (kan itti fufe)

- Keep a register containing the relevant particulars (weekly rest days, public holidays and leave) utilized by the worker, health conditions and employment injury, and other particulars required by the Ministry;
- In the case of termination of a contract of employment or upon the request of the worker, provide certificate stating the type of work he performed, the length of service and the wages he was earning;
- Observe the provisions of this Proclamation, collective agreement, work rules, directives and orders issued in accordance with law; and
- Record and keep information necessary for the Ministry to carry out its functions.

Labsii Haaraa

Kwt 12 dirqama hojjechiisaa:

- Qorannaan mana yaalaa yeroo ajajamu baasii danda'uu
- Ragaa haala fayyaa hojjetaa agarsiisu /HIV'n alatti/ qabachuu
- Hojjetaa 10 fi isaa ol kan qacaree hojjechiisu danbii hojii qabaachuu fi hojjetaas hubachiisuuf dirqama qaba

What an employer should not do

- art 14/1/

- Reprimand or take any measure against the worker because he exercises his right;
- Discriminate against female workers, in matters of remuneration, on the ground of their sex;
- Discriminate against workers on the basis of their nationality, sex, religion, political opinion, or any other conditions;
- Arbitrary termination of the contract without respecting the provision of the Proclamation;
- Coerce any worker in a manner to join or not to join, to cease to be a member of a trade union, and/or to vote for or against any given candidate in elections for trade union offices; and
- Require any worker to execute any work, which is hazardous to his/her life.

Labsii Haaraa

Kwt 14/1/ waantota hojjechiisaaf dhorkaman (hoji-gaggeessaas dabalatee):

- Tuttuqqaa saalaa bakka hojii
- Marii gamtaa taasifamu lafarra harkisuu, laphee soroora dhabuu

Loogiirraa eeggamuu

Gaaffii

- hojjattootni yeroo murtaa'aaf qaxaraman fayidaa **boonasii, guddina mindaa fi sadarkaa, barnootaa fi leenjii hin argatanii?**
- **Heyyama da'uumsaa fi yaalaa** hojjettoota dhaabbataaf qofa?
- Hojjattootni yeroo murtaa'aaf qaxaraman **miseensa waldaa ta'uu hin danda'anii?**
- **Kwt 14/f/:** sabummaan, saalaan, amantaan, siyaasaa fi kkf'niin loogii raawwachuun dhorkaa ta'uu
- **Kwt 28/1/a** – leenjii fi carraan barnootaa wabii hojii waliin waan walqabatuuf loogiin hin hayyamamu.

Jijjiirraa

Gaaffii marii?

- Hojjachiisaan aangoo hoggantummaa waan qabu qofaaf hojjetaa yeroo fedhe jijjiruu ni danda'aa?
- **Kwt 4/3/ ---** Iddoon hojii waliigaltee hojiitiin ibsama.
- Jijjiraan hojjataa waliigaltee gamtaatiin, qajeelfama hojiitiin murtaa'uu danda'a.
- **Kwt 28/3/ --** dhaabbatni hojjechiisaa teessoo isaa yoo jijjiirrate waliin socho'uuf ni dirqama.

Dirqamoota Hojjetaa /kwt 13/

- Perform work specified in the contract of employment;
- Follow instructions given by the employer based on the terms of the contract and work rules;
- Handle with due care all instruments and tools entrusted to him for work;
- Report for work always in fit mental and physical conditions;
- Give all proper aid when an accident occurs or an imminent danger threatens life or property in his place of work without endangering his safety and health;
- Immediately inform the employer of any act which endangers himself or his fellow workers, or which prejudice the interests of the undertakings; and
- Observe the provisions of this Proclamation, collective agreement, work rules and directives issued in accordance with the law.

What a worker should not do

art 14/2/

- Intentionally commit, in the place of work, any act which endangers life and property;
- Take away property from the work place without the express authorization of the employer;
- Report for work in a state of intoxication;
- Except for HIV test, refuse to submit himself for medical examination when required by law or by the employer for a good cause; and
- Refuse to observe safety and accident prevention rules, and to take the necessary safety precautions.

Labsii Haaraa

Kwt 14/2/ Hojjetaaf waantota dhoorkaman:

- Waliigaltee gamtaa irratti yoo teechifameen alatti sa'a hojiitti walgahii taa'uu
- Marii gamtaa taasifamu lafarra harkisuu, laphee soroora dhabuu
- Tuttuqqaa saalaa bakka hojii
- Bakka hojiitti miidhaa qaamaa /reebicha/ geessisuu



SHARK



TEDDY BEAR



DOVE



TURTLE



WOLF

Avoider

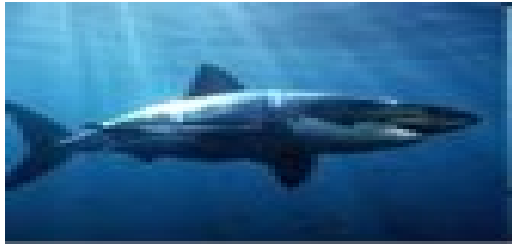


Withdrawal

Give up their personal goals and relationships.

They believe it is easier to withdraw from conflict than face it.

Competitor



Forcing

- Goals are more important to them and relationship is of minor importance.
- **not concerned with the needs of other people.**
- conflicts are settled by one person winning and the other losing.
- They try to win by attacking, overpowering, overwhelming and intimidating other people.

Accommodator



Smoothing

Relationship is of great Importance, while their own goals are of little Importance.

They want to be accepted and liked by other people. They give up their goals to preserve relationships.

Compromiser



Compromising

Moderately concerned with their own goal and about their relationship with other people.

They give up part of their goals and persuade the other person to give up part of their goals. They seek a solution to conflicts where both sides gain something. They are willing to sacrifice part of their goals and relationships in order to find agreement for the common good.

Problem-Solver



Confronting

- View conflicts as problems to be solved
- seek solution that achieves both their own goals and those of other persons in conflict
- See conflicts as improving relationships by reduction between two people.
- Seek solutions to satisfy both themselves and other person, dove maintains the relationship.

Waliigaltee hojii fooyyessuu

- Labsii 377/96 kwt.15tiin waliigalteen hojii bu'ura
 - Labsichaatiin
 - Waliigaltee gamtaatiin
 - Dambii hojii bu'ura labsiin bu'uutiin fi
 - Waliigaltee barreeffamaa hojjetaa fi hojjechiisatiin

fooyya'uu danda'a.

...

KWt 16

- Walitti makamuun , adda bahuun dhaabbilee yookin jijjiiramuun abbaa qabeenyaa **waliigaltee hojii hin fooyyessu.**
- Bu'ura labsichaa Kwt. **28tiin** hojjechiisaan omishtummaa dabaluuf, adeemsa ykn technology haaraa fayyadamuuf (28(2)c), 28(1)d) gitni hojii:
 - yoo **dacha'e** ykn **haqamee** fi hojjetaa gita biraatti darbeef hojjechiisan waliigaltee hojii fooyyessuu danda'a.

Hojjetaa Yeroof Hojiirraa Daangessuu

- Hojjetaan yeroof hojiirraa yeroo daanga'u akka qajeeltootti:
 - Hojjetaan **dirqamni hojii** hojjechuu,
 - Hojjechiisaan immoo **dirqamni mindaa** fi kkf kanfalu addaan cita.
 - Ta'us, dirqamni hojjechiisaan yeroo kana qabaachuu qabu seeraan ykn **waliigaltee gamtaan murtaa'uu** ni danda'a.
- Sababootni waliigaltee hojii yeroof daangessan labsii HH **kwT 18 fi 27(4)** jalatti tarreeffamanii jiru.

- **Kwt 18(1)---** Hojjetaan **kaffaltii malee yeroo murtaa'eef hayyamni akka kennamuuf** gaafatee, hojjechiisaan yoo mirkaneesse
- **Kwt 18(2) fi (4) --** Sababoota **dantaa hawaasaa** kabachiisuun wal qabataniin
- **Kwt 18/3/--** Hojjetaan **guyyaa 30 hin caalleef to'annoo jala oolee fi** guyyaa 10 keessatti yoo beeksise ykn hojjechiisaan dhimma kana kan beekuu qabu yoo ta'e
- **Kwt 18/5/ --** Sababni humnaa olii hojii dhaabbatichaa **guyyaa 10 oliif akka addaan citu yoo taasise** waliigalteen hojii yeroof ni daanga'a.
- **Kwt 18/6/ hanqinni jijjiirraa maallaqaa** **badii hojjechiisaan ala** ta'e mudatee

- **Kwt 27(4) --- Badii hojjetaa qulqulleessuuf** hojjechiisaan hojjetaa **hanga guyyaa 30'tti** hojiirra daangessuu danda'a.
 - ***DhIMMWF, Lakk G 53985, jiildii 11ffaa***
- Haala kanaan hojjechiisaan waliigaltee hojii yoo daangessu Ministeera hojjetaa fi hawaasummaa **guyyaa 3** keessatti beeksisuu qaba **(kwt 19)**.
- Hojiirraa daangessuun **guyyaa 90** caaluu hin qabu (kwt 21/1/).

Labsii Haaraa

**Kwt 22 Hojjetaa waliigalteen
hojii isaa daanga'ee ture yeroo
deebi'u:**

- **Hojjechiisaan bakka
hojjetaan dura irra turee fi
mindaa isaa duraatti
deebisee ramaduu qaba.**

Boqonnaa 3

Addaan Citiinsa Waliigaltee Hojii

Xumura boqonnaa kanaatti leenjifamtootni:

- sababoota waliigaltee addaan kutuuf dandeessisanii fi rakkoolee qabatamaan jiran,
- adeemsa waliigaltee addaan kutuuf keessa darbamuu qabuu fi rakkoolee hojiirra oolmaa keessatti quunnaman,
- bu'aa waliigaltee seeraan ala addaan kutuun hordofsiisuun walqabatee rakkoolee mul'atan ni tarreessu

- Dhaabbatni hojii addunyaa (ILO) waliigaltee hojii addaan kutuu irratti konveenshinii (TEC, C158,1982) baaseera.
 - Waliigaltee hojii kaka’uumsa hojjechiisaatiin addaan citu qofa ilaallata.
 - Sababoota waliigaltee hojii addaan kutuuf dandeessisan teechiseera.
- Isaanis:
 - Dandeettii/amala hojjetaa
 - Sochii hojii/tajaajila dhaabbatichaatiin walqabatu.
- Biyyi keenya konveenshinicha mallatteessiteerti

Addaan Citiinsa Waliigaltee Hojii - Labsii HH keessatti

- Labsii HH kwt 23 jalatti waliigalteen hojii addaan cituu kan danda'u:
 1. seeraan,
 2. walta'iinsa gareewwaniin,
 3. kaka'uumsa hojjechiisaan,
 4. kaka'uumsa hojjetaa fi
 5. sababoota waliigaltee gamtaa keessatti ibsaman
- **Kwt 23(2) ---** Dhaabbattootni gara garaa walitti makamuun tokko ta'uun ykn adda adda bahuu ykn gara abbaa qabeenyaa birootti darbuun waliigaltee hojii addaan kutuuf sababa qahaa miti

Haala Waliigalteen Hojii Seeraan

Addaan Citu

- **Kwt 24 ---** Waliigalteen hojii seeraan addaan cita jechuun fedhii gareewwanii tilmaama keessa osoo hin galchiin ija seeraan haala waliigalteen itti addaan citu jechuu dha. Isaanis:
 - hojjetaan **yoo du’u**,
 - hojjetaan **soorama bahuu** (waggaa 60 Labsii lakk.714/2003 kwt 17(1)
 - sababa kasaaruutiin yookin sababa biraatiin hojjechiisaan **hojii yoo dhaabe**,
 - hojjetaan sababa miidhaan qaamaa irra gaheen **dandeettii hojii yoo dhabe** fi
 - **turtiin yeroo yookin hojiin** waliigaltee keessatti irratti waliigalame **yoo xumurame** dha.

CBE vs Alemayehu Wolde; Vol 6; 33314

- በአዋጅ ቁጥር 97/90 መሠረት ሥራውን በማከናወን ላይ የነበረን ፋብሪካ የተረከበ ባንክ ከሠራተኞች መብቶች ጋር በተያያዘ ለሚነሱ ጥያቄዎች ምላሽ እንዲሰጥ ሊገደድ የማይችል ስለመሆኑ
 - አዋጅ ቁ. 377/96 አንቀፅ 16፤ አዋጅ ቁ. 97/90

KWT 24/1/ - expiry of the period/completion of the piece work

Gaaffii:

- hojii amala itti fufaa qabu irratti akkaataa faallaa seeraa ta'een waliigalteen hojii yeroo daanga'eef yoo taasifamee fi yeroon turtii isaanii yoo xumuramu waliigalteen hojii seeraan addaan ni cita moo hin citu?

KWT 5, 9, 10, 24(1), 4(5)

Walta'iinsa Gareewwaniin Waliigaltee Hojii Addaan Citu

- **Kwt.25 ---** Waliigaltee hojii walta'iinsaan addaan kutuuf waliigaltichi **barreeffamaan** raawwatamuu qaba.
- hojjechiisaan kaffaltii adda addaa **kan akka kaffaltii hojiirraa gegeeffamaa kaffaluun** isaa qofti waliigaltee addaan hin kutu.

Waliigaltee Hojii Kaka'uumsa Hojjechiisaan Addaan Citu

- Waliigaltee hojii kaka'uumsa
hojjechiisaan addaan citu bakka saditti
qoodama.
 - ✓ gaggeessaa akeekkachiisa malee
raawwatamu (summary dismissal) –
kwt 27
 - ✓ gaggeessaa akeekkachiisa kennuun
raawwatamuu (ordinary dismissal) –
kwt 28
 - ✓ hojjettoota baay'ee yeroo tokkotti
gaggeessuu (lay off) – kwt 28/2/ fi 29

...

I. AKEEKKACHIISA MALEE HOJJETAA GAGGESSUU

- **Kwt 27(1)** ---Sababootni waliigaltee hojii akeekkachiiisa malee addaan kutan tarreeffamanii jiru ---Isaanis *amala yookiin naamusa hojjetaa* waliin walqabatu.

A. Sa'aatii hojii kabajuu dhabuu

- **Kwt 27/1/ a/---**Sababa gahaa malee akeekkachiisni osoo kennamuufi **irra deddeebiin sa'aatii hojii kabajuu dhabuu**

Labsii Haaraa

- o Sababoota hojjetaa tokko yeroo hojii kabajuu hin dandeessisne jedhamanii waliigaltee gamtaa, danbii hojii yookin waliigaltee hojii keessatti caqamaniin alatti **osoo akeekkachiisni kennamuufi ji'a tokko keessatti yeroo lama yookin ji'a jaha keessatti yeroo shaniif yeroo hojii kabaju dhabuu**

B. Gochaa Goyyomsuu fi waliin dhahuu

- Akkaataa labsii HH kwt 27/1/c tiin gochaan **goyyomsuu fi waliin dhahuu** akeekkachiisa malee hojjetaa hojiirraa gaggeessisuuf:
 - Hojjetaan yeroo dirqama hojii isaa raawwatu kan raawwate ta'uu fi
 - Dhimmichis cimina kan qabu yoo ta'e dha.

Labsii haaraa

- o “**goyyomsaa cimaa**” kan jedhu gaalee “**bakka hojiitti goyyomsaa raawwachuu**” kan jedhuun bakka bu'eera.

Hoteela Hilton Finfinnee Vs Yoonaas Xilaahun, DhIMMWF, Lakk G 50009

- Waamamaan kun konkolaachisaa dhaabbatichaa ta'ee **hiriyoota isaa kaaffee hojjetoota dhaabbatichaatiif malee maamila alaatiif hin hayyamamne geesse** – hojii waliin dhahuu cimaa raawwate jedhamuun hojiirraa gaggeeffame.
- Dhl: **gochi kun kallattiin hojii waamamaa waliin kan wal hin qabanne waan ta'eef, kaafteeriyaan jedhames sirna hordoffii mataa isaa kan qabu waan ta'eef, hojiirraa kan isa gaggeessisu miti.**

c. Qabeenya hojjechiisaatti seeraan ala gargaaramuu

ደሣለኝና ቤተሰቡ ኃላ/የተ/የግል ማህበር እና አቶ በፈቃዱ በላይ፣
ቅጽ 8፤ 39118

- የተረከበው የአሠሪ ንብረት የጠፋበት ሰራተኛ ንብረቱን ለግል ጥቅም ወይም ለሌላ ሰሰተኛ ወገን ጥቅም ያዋለው ያለመሆኑን ካላስረዳ በቀር የንብረቱ መጥፋት ሠራተኛውን ያለማስጠንቀቂያ ከሥራ ለማሰናበት የሚያስችል በቂ ምክንያት ሊሆን የሚችል ስለመሆኑ
 - አዋጅ ቁ. 377/96 አንቀጽ 27(1)(መ)(ቀ) 14(2)(ለ)
(2)

...

C. Bakka Hojiitti Jeequmsa Kaasuu

- **Kwt 27(1)(f)** Bakka Hojiiti hojjetaan yoo jeequmsa kaase hojjechiisan akeekkachiisa malee hojiirraa gaggeessuu ni danda'a.

Warshaa bu'aalee Rifeensaa Umar (DhIM) Vs Ayyaanaw, Dh/I/MMWF, Lakk G 148643

- hojjechiisan miindaan hojjetaa akka hin kanfalamne waan dhorkeef
- hojjetaan kun itti gaafatamaa isaatiin **“haadha kee ****” jedhee arrabse, namni kan wal irraa qabe.**
- MM's: bu'uura labsii HH **kwt 27(1,f)'tiin of eeggannoo malee waliigalteen hojii akka citu gochuun seera qabeessa** jechuun murteessera.

Giyoon Tiraavelii fi Tuursii Dh/I/M Vs Daani'el Asfaawu, Dh/I/MMWF, Lakk G 49958

- hojjetaan **“ana yookiin situ jiraata”** jechuun doorsisni bakka hojiiti raawwate
- MM: jeequmsa kaasuu / **ulaagaa kwt.27(1)(f) ni guuta** jechuun murteesseera.

Body Language



notes below

...

Qabxiin biraa ilaallamuu qabu ‘bakka hojii keessatti’ gaalee jedhu dha.

- bakka hojii jechuun **mooraa hojjechiisaa keessa qofaa?**

Dhaabbata misooma Aannanii fi waamamaa Tamasgeen Biyooneny, Dh/I/MMWF, Lakk G, 23205

- ***mooraa dhaabbataatiin alatti***
(fageenya metira 2-3) hoogganaa kutaa suphaa miilaan dhitee lolli ka’e-bakka hojii ni jedhama.

gahuu

- **Kwt 27(1)(h)** --Hojjetaan qabeenya hojjechiisaa irratti **itti yaadee ykn dagannoo cimaadhaan** miidhaa yoo dhaqqabsiise akeekkachiisa kennuu osoo hin barbaachisiin gaggeeffama.
- Gochaa kanaan hojjetaa hojiirraa gaggeessuuf **haaldureewwan 4** guutuu qabu. Isaanis:
 - ✓ *Waanti miidhaan irra gahe sun hiikkaa ‘qabeenyaa’ guutuu qaba.*
 - ✓ *Qabeenyi sunis kan hojjechiisaa yookin hojii dhaabbata hojjechiisaa waliin hidhata kallattii qabuu ta’uu qaba.*
 - ✓ *Miidhaa fi gochaa yookin al-gochaa hojjetaa jidduu hariiroon sababaa fi bu’aan jiraachuu fi*

...

*i. Waanti miidhaan irra gahe sun hiikkaa
'qabeenyaa' guutuu qaba.*

Dhimma 14ffaa

***Dhaabbata Daldalaa fi Fichisiisaa Jimlaa
Itoophiyaa Vs Nigusee Zallaqaa, Dh/I/MMWF,
Lakk G 17189, Jiildii 2ffaa***

- himataan Dhaabbatichatti itti-gaafatamaa damee tokkoo ta'ee yeroo hojjetaa jirutti
to'annaa fi hordoffii dhabuudhaan
 - hojjetaan maallaqa-qabduu ta'e **galii sassaabu guyyaa guyyaan gara Baankii galchuu dhiisuudhaan hir'isee** argameera.
- Maallaqni qabeenya dhaa?

Koollejjii Admaas Vs Salamoon Mulu'aalam, Dh/I/MMWF, Lakk G 34669, Jiildii 8ffaa

- hojjetaan barsiisaa koolleejjii ta'ee yeroo hojjetutti **qabxii qormaataa barattootaa yeroon galchuu dhabuudhaan**
- dhaabbatichi baasii dabalataa baasee qormaata lamuu akka qoru gochuun baasiif saaxile.
 - Isin gochaan kun bu'uura kwt 27/1/h' tiin itti-gaafatamummaa kan hordofsiisu dha jettuu?

- Dh/I/MMWF dhimmoota falmii hojii isaaf dhiyaatan kanneen irratti hundaa'uun yaadrimee 'qabeenya' jedhu “የአሰሪና ሰራተኛ አዋጅን አጠቃላይ አላማም ሆነ የንብረት ህግ ጽንሰ ሀሳቦች ባህርያት ግንዛቤ ውስጥ ስናስገባ **ንብረት ማለት ዋጋና ኢኮኖሚያዊ ጠቀሜታ ያለው እንዲሁም በአብዛኛው ሀብትነት ሊያዝ የሚችል ነገር መሆኑን ለመገንዘብ አስቸጋሪ አይሆንም**” jechuun ibseera (Koollejjii Adimaas Vs Salamoona Mulu'aalam, Dh/I/MMWF, Lakk G 34669, Jiildii 8ffaa).
 - waanta kamiyyuu gatii fi faayidaa diinagdee qabu

***ii. Qabeenyi sunis kan hojjechiisaa yookin
hojii dhaabbata hojjechiisaa waliin
hidhata kallattii qabaachuu qaba Kwt
27/1/h/***

***Komershaal Noominiis Vs Hayiluu Nariyee,
Dh/I/MMWF, Lakk G 74400, jiildii 13ffaa***

- Hojjetaan konkolaachisaa ta'e konkolaataa oofaa ture irratti balaadhaan miidhaa geessiseera.
- konkolaataan miidhaan irra gahe kan dhaabbata himatamaa osoo hin taane kan dhaabbata biraa(sister company -Ghion Gass) ti.
- **Dhl: hidhata kallattii hojii dhaabbatichaa**

iii. kutaa yaadaa /state of mind/ barbaadamu

- **beekaa ykn dagannoo cimaan ta'uu qaba**
- Dagannoo cimaan akkamitti mirkanaa'a?
- Dagannoo cimaan mataa isaatiin '**ijoo dubbii**' ragaadhaan mirkanaa'u miti.
- firii dubbii ykn 'faaktiiwwan' /facts/ haala gochaan sun ittiin raawwatame xiinxaluun dagannoon cimaan jiraachuu fi dhiisuun adda baha.

Dhimma

- Konkolaachisaan konkolaataa **mooraa** hojjechiisaa keessa dhaabee bakka **gargaaraan** jirutti **furtuu irratti gatee bu'e**
- Gargaaraan furtuu sanaan konkolaataa kaasee balaa uumee konkolaaticharraa miidhaa gahe
 - Dagannoo cimaan ni jiraa?

Gochaa seeraan alaa KWT 14/2/ jala jiru raawwachuu

- አንድ አስተማሪ የሚያስተምራቸውን ተማሪዎች በአግባቡ የመቆጣጠርና የመከታተል ህጋዊ ግዴታ ያለበት ስለመሆኑና የክንን ግዴታውን ተላልፎ ተማሪን ቢደበድብ ያለማስጠንቀቂያ የሥራ ውሉን ሊያቋርጥ የሚችል በቂ ምክንያት ስለመሆኑ
 - የኢ.ፌ.ዲ.ፊ ህገ መንግስት አንቀጽ 16
 - አዋጅ ቁጥር 377/96 አንቀጽ 27(1)(ቀ) ፣አንቀጽ 14(2) (ሀ)
 - የፍ/ሕ/ቁ 2124 እና 2125

Adeemsa Waliigaltee Akeekkachiisa Malee Adda Kutuu

- **kwT 27(2)---** Xalayaa guyyaa fi sababa addaan citiinsa waliigaltee beeksisuu qaba.
- **kwT 27(3)---** Hojjechiisaan balleessaan raawwatamuu **erga beekee guyyaa hojii 30** keessatti tarkaanfii fudhachuu qaba.
 - Hojjechiisaan yeroo kana keessatti tarkaanfii fudhachuu yoo baate sana booda mirga waan dhabuuf hojjetaa gaggeessuu hin danda’u.
 - Guyaan 30’ni kun **yeroo itti qorannaa naamusaa gaggeessu hin dabalatu.** Guyyaa balleessaa raawwachuun mirkanaa’e irraa qabee kan lakkaa’amu dha. **Dhaabbata Tajaajila Poostaa vs**

Bu'aa Ibsa addaan citiinsaa bu'uuraa kwt 27/2/tiin kennuu dhabuu

- Ibsi kun osoo hin kennamiin sababni gahaan jiraatee hojjechiisaan waliigaltee afaaniin yoo addaan kute maal ta'a?

Alhabash Sugar Meals PLC Vs Tekalign Mirkana, 49797, Vol 9

- Hojjetaan kun konkolaachisaan ramadameefii osoo jiruu
- Furtuu harkaa fuudhee oofuudhaan
- Wayitti buusee miidhaa konkolaaticharraa gaheera.
- Hojjechiisaan afaaniin gaggeesseera.

II. AKEEKKACHIISA KENNUUN HOJJETAA GAGGEESSUU -- KWT 28

- a. Hanqina dandeettii
- b. gitni hojii hojjetaan irratti hojjetu sababa gahaan yoo cufame,
- c. hojjetaan rakkoo fayyaa isa mudateen ykn miidhaa qaamaa irra gaheen guutummaan hojii hojjechuu yoo dadhabe,
- d. dhaabbatni hojjechiisaa teessoo hojii yoo jijjiiratu hojjetaan bakka sana deemuuf fedhii yoo dhabe,
- e. hanqinni dhiyeessa meeshaawwan dheedhii hojjechiisaa yoo mudate,

Labsii haaraa

Kwt 28: dandeettiin hojii hojjetaa hir'achuun walqabatee:

- kwt xiqqaa itti dabaluun dandeettiin hojjeticha hir'achuu isaa MRH yeroo yeroon gaggeeffame akka ragaatti dhiyaachuu akka qabu kaa'eera.

Bu'a qabeessummaa dabaluuuf mala hojii /work methods/ ykn teekinolojii haaraa diriiru

Dhimma

***Taayyee Dabalee fi Gaazii Meerifiik Iraan
Dh.I.M, DhIMMWO, Lakk G 134454***

- Hojjetaan hojii eegumsaa irra yeroo dheeraaf hojjetaa ture.
- Hojjechiisaan gita hojii kana sababa dhaabbata Atilaas Sekiyuuritii jedhamutti dabarseef ('outsource' godheef) gaggeeffameera.
- **DhIMMWF** garuu dhimma biraa irratti /Lakk G 38435/ **'outsource' gochuu** dhaabbata hojjechiisaa waliigaltee **addaan kutuuf akka sababa qabaatti lakkaa'eera**

‘Sababa Gahaadhaan’ Gitni Hojii Yoo Haqame

- **Kwt 28/1/d/** --Sababni gahaan hojjechiisaan dhiyeessuu danda’u maali?

Haabtaamuu Shawaa Vs Pirojektii ‘Adama II Wind Power’ Haydroo-Chaayinaa CGCOC JV, MMA Adaamaa, Lakk G 82563

- ***‘as we consider that some of our Chinese workers have driving license and can drive themselves, we want to terminate the labour relationship with you after 1 month’***

Bu'aa Akeekkachiisa Kennuu
Dhabuun Hordofsiisu
Hojjetaa yeroo Murtaa'ee
akeekkachiisa akkaataa 35'tiin
osoo hin kenniin gaggeessuu

- ***Baankii Daldala Itoophiyaa Vs Hayilee G/Sillaasee, Jiildii 6ffaa, Lakk G 22275***
- Hojjechiisaan hojjetaa kana **yeroon qacameef osoo hin xumuramiin hojicha 'outsource' gochuun akeekkachiisa kennuu osoo qabuu** gaggeesseera.

Dbl-

Hojjetaa yeroo Hin Murtoofneef akeekkachiisa akkaataa 35'tiin osoo hin kenniin gaggeessuu

- ***SOS Mandara Daa'immanii Vs Kabbadaa Kumsaa (N-4), Lakk G MMWFI 38435***
 - Hojii eegumsaa dhaabbatichi 'outsource' godhee hojjettoota isaa gaggeesse
 - Addaan citiinsi kun sababa akeekkachiisni kennamuu dhabeef seeraan ala hin jedhamu

Ajaja yookin qajeelfama mootummaan bahu bu'uureffachuun waliigaltee addaan kutuu

DhIMMWF, Lakk G 69125, jiildii 13ffaa

- Himataan barsiisaa Ingiliffaa Dippiloomaa qabure.
- Mootummaan baruumsa kana namni sadarkaa diippiloomaa qabu kennuu akka hin qabne qajeelfama baase.
- Hojjechiisaan sana bu'uureffatee waliigaltee hojii addaan kuteera.
- DhIMMWF: addaan citiinsi kun seera-qabeessa dha. **Akeekkachiisaa fi kanfaltiin hojiirraa gaggeessaa kennamuu qabu hin jiru** jedheera.

Hojjettoota Baay'ee Akeekkachiisa Kennuun Hojiirraa Gaggeessuu (Hojjetaa Hir'isuu)

- Dhaabbatni tokko hojjetaa hir'ise jedhamuudhaaf haaldureewwan 3 guutuu qabu. Isaanis:
- **kwT 29(1) ---** Lakkoofsaan hojjetootni hir'ifaman 10% ykn dhaabbata hojjettoota 20 - 50 qabu keessatti hojjetootni 5.
- **kwT 29(1)---** Yeroon turtii hojjetaa hir'isuun itti taasifamullee guyyoota

- **Kwt 29/1/ fi 28/2/---**sababni hojjetaan hir'ateef kanneen armaan gadii keessaa tokkoon ta'uu qaba. Isaanis:
 - Sochiin hojii gariin ykn guutuun itti fufiinsaan akka dhaabbatuu fi hojjetaan akka hir'ifamu haalli kallattiin dirqisiisu yeroo uumame
 - Fudhatamummaa dhabuu oomisha ykn tajaajilaa—hir'achuu sochii hojii fi bu'aa dhaabbatichaa
 - Mala hojii fi teeknoloojii haaraa hojiirra oolchuun---hojjetaa hir'isuuf yoo murtaa'e

Adeemsa Hojjetaa Hir'isuu

- **Kwt 29/3/---**Hojjechiisaan yeroo hojjetaa hir'isu:
 - gamtaa hojjettootaa fi bakka bu'oota hojjettootaa waliin mari'achuu akka qabuu fi
 - hojjettoota gahuumsa fooyya'aa qabanii fi bu'a qabeessa ta'an akka hafan taasisuu qaba.
- hojjettootni ga'uumsaa fi bu'a qabeessummaa walqixa qaban hojjettonni dursa hir'ifamuu qaban tartiibaan yoo kaa'aman;
 - ✓ hojjettoota yeroo gabaabaa tajaajilan,
 - ✓ hojjettoota nama muraasaa gargaaran yookin hirkattoota muraasa qaban,
 - ✓ hojjettoota biroo olitti hin caqasamne,
 - ✓ hojii irratti kanneen miidhaan hojiirraa irra gahe,
 - ✓ bakka bu'oota hojjettoota,
 - ✓ dhumarratti dubartoota ulfa dha

Labsii haaraa

Kwt 29: hir'isuu

- Miidhamtootni qaamaa fi
- Dubartootni da'anii hanga baatii 4 hin guutne itti dabalamaniiru.

- **Kwt 30(2) ---** adeemsi hojjettoota hir'isuu kun **dhaabbilee hojii ijaarsaa** irratti bobba'an /yoo hojiin irratti qaxaraman xumurame/ hin haammatu .
- ***Sababni isaa:***
 - hojiin ijaarsaa hojjettoota ogummaa garaa garaa qaban yeroo adda addaatti akka qaxaru kan taasisuu fi
 - hojiin ogummaa tokko barbaadu akka xumurameen hojjechisaan hojjettoota hir'isuudhaan ogummaa yeroof barbaachisu qaxaruu akka danda'u taasisuufi dha.
- Adeemsa hir'isuu qofa osoo hin taane adeemsota biroo kanneen akka **akeekachiisa addaan citiinsaa** kennuufis hin dirqamani.
Afrikawit Construction PLC Vs Indris Ali, DhIMMWF, 42075, Vol 8

Bu'aawwan waliigaltee hojii seeraan ala addaan kutuu

- kaffaltii hojii irraa gaggeessaa (severance pay),
- kaffaltii beenyaa,
- kuufama mindaa,
- itti-gaafatamummaa yakkaa,
- dirqama hojiitti deebisuu

I. KANFALTII HOJIIRRAA GAGGEESSAA

- Kanfaltii hojiirraa gaggeessaatiif LHH hiika hin kennine.
 - Kanfaltii hojjetaa hojiirraa gaggeeffameef raawwatamu dha (beenya kan fakkaatu)

Yoom kanfalama?

- LHH haalduree 1 fi ulaagaalee 9 kaffaltiin kun itti raawwatamu teechiseera.
 - Haaldurichis: hojjetaa yeroo yaalii xumure
- Ulaagaalee sagal (9) keessaa 1 yoo guute.
 - Labsii HH kwt 39 ulaagaalee 6
 - Labsii lakk.494/98 kwt 2(2) jalatti ulaagaaleen sadi. Isaanis:

Isaanis:

1. hojjechiisaan sababa kasaareef kkf dhaabbatichi itti-fufiinsa haala qabaatuun cufamuu – 24/4/,
2. sababa seera-qabeessa hin taaneen kaka'umsa hojjechiisaatiin hojjetaan hojii irraa yoo gaggeeffame,
3. hojjetaan bu'uura labsii HH' tiin hojii irraa yoo hir'ifame
4. Hojjechiisaan kabajaa ykn hamilee hojjetaa gochaa miidhu waan raawwateef ykn gochi yakkaa waan irratti raawwatameef hojjetaan hojii yoo gadi-dhiise
5. Nageenyummaa ykn fayyummaa hojjetaa irra waanti miidhaa geessisu jiraatee hojjechiisaan tarkaanfii waan hin fudhatneef hojeetaan yoo gadi dhiise
6. sababa miidhaa hojiirratti gaheen gariin ykn guutuun hojjechuu dadhabuun isaa ragaa mana yaalaan yoo mirkanaa'e

...

- 7--kaffaltii pirovidenti fandii kan hin qabne ykn soorama kan hin qabne ta'ee umuriin sooramaa gahee yoo gaggeeffame,
- 8--sababa dhukkuba HIV/AIDS'tiin gaaffii ofiitiin hojjetaan hojii yoo gadi lakkise ykn
- 9- yoo xiqqaate hojjetaan waggaa 5 hojjechiisaaf hojjette dhukkubaan ykn du'aan ykn sababa leenjii isaaf kennameetiif dirqama hojiirra turuu kan hin qabne ta'ee fedhii isaatiin hojii yoo gadi dhiise dha.
- waliigaltee gamtaa keessatti sababa dabalataa haammachiisuun ni danda'ama (***Ayinaalem Bayilee Vs Baankii Daldala Itiyoophiyaa, Dh/I/MMWF, Lakk G 26077***).
- Ta'us sababni dabalataa haammatamu ***hojjetaaf haala mijataa kan uumu*** ta'uu qaba- ***LHH kwt 134/2/***.

Labsii Haaraa

- o Seensi isaa yeroo yaalii kan xumuree fi kanfaltii sooramaa argachuuf kan hin dandeenye bifa jedhuun fooyya'eera.

Sababoota kaffaltii kana argamsiisan irratti kan dabalame:

- o sababa tuttuqaa saalaa hojjechiisaa, hoji gaggeessaa yookin hojjetaa biraatiin irra gahee hojjechiisaan beeksifamee tarkaanfii malu osoo hin fudhatiin waan hafeef hojjetaan yoo hojii gadi dhiise

Sababoota kanfaltiin hojiirraa gaggeessaa itti kaffalamu keessaa kan hir'ate:

- o 'waggaa shan tajaajilee fedhii isaatiin hojii yoo gadi lakkise kan jedhu'
- o Sababni isaas hojjechiisaan soorama hojjetaaf buusii

Hojjetaa Pirovidant fandii qabu - Lab. Lakk 494/98 kwt 2/2

- Sababoota KHG kanfalamuuf keessaa tokko hojjetaan kaffaltii pirovidenti fandii kan hin qabne ykn soorama kan hin qabne ta'ee umuriin sooramaa gahee yoo gaggeeffame dha.
 - provident fund --- an investment fund contributed to by employees, employers, and (sometimes) the state, out of which a lump sum is provided to each employee on retirement.
- DhIMMWF: kaayyoon KHG fi Providant fandii tokko waan ta'eef hojjetaan tokko hojjetaan mirga kanfaltii pirovidant fandii argate mirga KHG argachuu ni dhaba.
 - **Awash Int. Bank vs Efrem Neway, Lakk G 35197**
- DhIMMWF: Buusiin sooramaa hojjetaaf deebi'ee kan kanfalame yoo ta'e garuu hojjetaan mirga KHG ni qabaata.
 - **G7 Industries vs Aberrash Feyisa, Lakk G 73258**

Hanga kanfaltii hojiirraa gaggeessaa

- Kwt 40: muuxannoo hojjetaarratti hundaa'e bifa 2'n herreegama.
1. Muuxannoo waggaa 1'f
 - $KHG = 30 \times \text{mindaa guyyaa isaa}$ (avereejii mindaa torban dhumaa)
 - Waggaa 1 gadi yoo ta'e yeroo turtii isaatiin kan gitu kan waggaa irraa herreegamaaf
 2. Muuxannoo waggaa 1 ol
 - Tokkoon tokkoon waggaaf kanfaltiin olii fudhatamee, 1/3ffaan isaa bara tajaajilaatiin itti dabalama
 - **$KHG = \text{mindaa ji'aa} + 1/3 \times \text{mindaa ji'aa} \times (\text{bara tajaajilaa} - 1)$**
 3. Haala hojjetaan itti gaggeeffame irratti hundaa'e KHG dabalataan akka kwat 40/3'tti kanfalamuu danda'a. Innis Yeroo dhaabbatichi hojii dhaabee fi hojjetaan yeroo hir'ifame dha.

...

FKN: 1

Mindaan ji'aa Caalaa = 1800

Barri tajaajilaa isaa = ji'a 7

KHG isaa meeqa?

- Osoo waggaa 1 ta'ee KHG=30 x mindaa guyyaa isaa (avereeji mindaa torban dhumaa) =1,800
- Baatii 7=waggaa 7/12
- $7/12 \times 1800 = 1,050$

FKN: 2

- Mindaan ji'aa Turaa = qa. 4,500
- Barri tajaajilaa isaa = wag. 9
 - KHG isaa meeqa?
 - $\text{KHG} = \text{mindaa ji'aa} + 1/3 \times \text{mindaa ji'aa} \times (\text{bara tajaajilaa} - 1)$
 $= 4,500 + 1/3 \times 4,500 \times (9 - 1)$
 $= 4,500 + 12,000$
 $= 16,500$

II. Kanfaltii beenyaa

- Hojjetaan kanfaltii beenyaa argatu:
 - KWT 41 + 32/1/, hojjetaa mirgi namoomaa ykn nageenyaa isaa tuqamee ofii waliigaltee addaan kute --- **Beenyaa= 30 x mindaa guyyaa**
 - KWT 43/4/a/, hojjetaa dhaabbataan seeraan ala hojiirraa gaggeeffamee hojiitti hin deebi'iin hafe =180xMG
 - KWT 43/4/b, hojjetaan yeroo murtaa'ee seeraan ala hojiirraa gaggeeffamee hojiitti hin deebi'iin hafe =180xMG
- < mindaa isaa osoo hanga waliigaleetti turee argatu.
Hojjetaan yeroo beenyaa kanfalu
 - KWT 45 -akeekkachiisa sababa kennuu dhabeef hojjetaa beenyaa ni kanfalu. Hangi isaas < Mindaa ji'a tokkoo.

III. HOJIITTI DEEBISUU

Hojjechiisaan waliigaltee hojii seeraan ala yoo addaan kute:

- **43/1/** -- Sababoota kwt 26(2) jalatti tarreeffamaniin waliigalteen hojii yoo addaan cite fedhiin hojjetaa yoo jiraate --- gara hojiiti akka deebi'uu murtaa'uu qaba.
- **43/3/** -- Rakkoo ol'aanaa (serious difficulties) kan fidu ta'uun yoo hubatame --beenyaan kaffalamee akka gaggeeffamu
- **43/2/** -- Yeroo hojjetaan bu'uura LHH kwt 24,25,27,28,29'tiin gaggeeffame gara hojiiti deebi'uu yookiin beenyaan kaffalameefi akka gaggeeffamu murteessuun aangoo qaama falmii hojii dhagahuuf kenname ta'uu
- Hojjechiisaan ragaa fi sababa gahaa malee rakkoon olaanaan ni uumama jedhee waan falme qofaaf rakkoon olaanaan ni quunnama jedhanii kwt 43/3/ hojiirra oolchuun hin danda'amu ----***DhIMMWF, lakk G 49931, jiildii 9ffaa***

...

- Sababni gahaan jiraachuu mirkanaa'uu qaba.
- Kanas **haala qabatamaa dhimmichaa** keessattuu **hojiiwwan amaluma isaaniitiin amantaa olaanaa barbaadan** kan akka:
 - Hojii nageenya dhaabbatichaan walqabatu
 - Hojii sochii maallaqaan walqabatu
 - Hojii qabiinsa odeeffannoon walqabatu
 - Hojii dhimma mana murtii dhaabbatichaa bakka bu'uun waqabatan fa'a ilaalcha keessa galchuun barbaachisaa dha.
- Qabxiin bakka kanatti ilaalamuu qabu garuu, hojichi amantaa olaanaa kan gaafatu ta'uun qofti murteessaa dha jechuu osoo hin taane akka qabxii tokkootti kan ilaalamu dha.

...

- DhIMMWF murteewwan kenne hedduun yeroo ilaalaman:
 - Hojjettootni bu'ura **kwat 27'tiin gaggeeffaman** irratti waliigalteen seeraan ala addaan cite kan jedhamu yoo ta'e --- hojiitti deebisuurra **beenya kanfaluun gaggeessuutu** mul'ata.
 - Hojjettootni bu'ura **kwat 28'tiin gaggeeffaman** irratti waliigalteen seeraan ala addaan cite kan jedhamu yoo ta'e --- **hojiitti deebisuutu** yeroo hedduu mul'ata.

...

Wiirtuu Leenjii Teeknikaa fi Ogummaa Salaam Vs Kabbadaa Seefuu, Dh/I/MMWF, Lakk G 37454, Jiildii 8ffaa.

- Hojjetaan **wardiyyaa** dhaabbata hojjechiisaa ta'ee osoo hojjetuu akeekkachiisni barreeffamaa waan isaaf kennameef **hoogganaa isaatti dhaadatee**; waliigalteen hojii isaas **27/f'n** addaan citeera.
- Ta'us hojjechiisaan hojjetaan itti dhaadachuu isaa ragaa fiduu waan hin dandeenyeef seeraan ala hojiirraa gaggeesse jedhameera
- Dh/I kunis:
 - “hojjetaan kun gaheen isaa nageenyummaa dhaabbata hojjechiisaa kan eegu waan ta'eef, kunis **walamantaa cimaa kan gaafatu** waan ta'eef;
 - walitti dhufeenyi isaanii kan itti fufu yoo ta'e hojjechiisaa rakkoo fi miidhaa cimaaf saaxiluu waan danda'uuf hojjetichi beenyaa fudhatee haa geggeeffamu jedheera.

...

- Hojjetaan tokko dhaabbata hojjechiisaa keessatti **sassaabduu maallaqaa** ta'ee osoo hojjechaa jiruu **maallaqa osoo hir'ise jedhamee hojiirraa gaggeeffamee**, sababa adeemsa sirrii hin hordofneen, guyyaa 30 badiin erga raawwatee booda, gaggeessaan taasifame seeraan ala kan jedhamu yoo ta'e hojiitti deebi'uun isaa rakkoo olaanaa uuma jechuudhaaf sababa gahaa ni ta'aa?

- *Korporeeshinii Humna Ibsaa Itoophiyaa Vs Geetinnat Mokonnin, Dh/I/MMWF, Lakk G 64079 - Eeyyee*

- Hojjetaa **sababa hanqina gahuumsaatiin** gaggeeffamee ture tokko ilaalchisee hojjechiisaan hanqina kana mirkaneessuu waan dadhabeef waliigalteen seeraan ala addaan citeera jedhameera. Gaaffiin hojjechiisaan hojjetaa kanaaf beenyaan kanfalameefi akka gaggeeffamu dhiyeesses fudhatama hin qabu /*Gosh ena irgib W.A geejjibaa, DhIMMWF, Lakk G 49931, jiildii 9ffaa/*
- Hojjetaan tokko **sababa miidhaa hojiitiin** yookin rakkoo fayyaa isarra gaheen hojjechiisaan kan gaggeesse ta'ee, waliigalteen isaa kan addaan cite kara seera qabeessa ta'een miti kan jedhamu yoo ta'e beenyaan kanfalameefi akka gaggeeffamu sababni gahaan 'rakkoo olaanaa' geessisu uumameera jechuun ni danda'amaa?

- *Waldaq Aksivoonaa Abijaataa Soodaa Aash*

- Hojjetaan gara hojiitti **akka deebi’u murtaa’eef galmee raawwii keessatti** beenyaa fudhatee gaggeeffamuuf gaafachuu ni danda’aa?
- sadarkaa raawwiittis yoo ta’e hojjetaan hojiitti deebi’uu yookin beenyaa fudhachuun gaggeeffamuu keessaa tokko filachuuf mirga qaba jedheera---***Dheeressaa Koottuu Vs Yuuniyeenii Waldaa Hojii Gamtaa Qo/Bu/Amboo, Dh/I/MMWF, Lakk G 53064.***
- Kanfaltii hojiirraa gaggeessaa, kanfaltii yeroo akeekkachiisaas akkasuma galmee raawwiirratti murtaa’uu ni danda’a.
- Kanfaltii pirofidant fandii ilaalchisee garuu mirgi kun **gaggeessaa seeraan alaa irraa kallattiin kan maddu waan hin taaneef** sadarkaa raawwiitti gaaffii dhiyaachuu danda’u akka hin taanee fi galmeen mataa isaa banameefi dhimma murtii argachuu qabu dha---***Tigist Nigusee Vs SOS Infaant Itoophiyaa, Dh/I/MMWF, Lakk G 42361, Jiildii 9ffaa***
- Murtiin gartokkeen erga raawwatamee booda (kuufamni mindaa erga kanfalame booda) garuu gaaffiin kun fudhatama hin qabaatu ---***Tiraanspoortii Ababaa (Waldaa IGM) Vs Alamsaggad Hayiluu, Dh/I/MMWF, Lakk G 38255, Jiildii 8ffaa.***

IV. Kuufama mindaa fi Kaffaltii Adabbii

- Kwt 43/5/-- Hojjetaan hojiitti akka deebi'u jedhame kuufama **mindaa isaa ji' 6 hin caalle** ni argata. (yoo oliyyataan ilaalame mindaa **waggaa 1 hin caalle**).
- Yeroo waliigalteen hojii adda citu hojjechiisaan mindaa hojjetaa yookin kanfaltii mindaan walqabatan guyyaa 7 keessatti raawwachuu qaba – hojjetaan qabeenya galchuu qabu yoo deebise (kwt 36).
- Yoo guyyaa jedhame keessatti hin raawwatu ta'e adabbii hanga mindaa ji'a sadii gahuun adabama /kwt 38/
- DhIMMWF: qarshiin hojjechiisaa hojjetaa irra yoo jiraate himatee deebisiifata malee kanfaltii hojjetaan gaafatu irraa bilisa ta'uu hin danda'u.
 - **3F vs Doja Demisse, Lakk G 44405**

Dirqama Mirkaneessuu

- Waliigalteen hojii adda cituu yookin cituu dhabuu ilaalchisee qaamni dirqama mirkaneessuu qabu **hojjetaa akka ta'e** Dh/I/MMWF teechiseera --- *Intarpiraayizii Ijaarsa Karaa fi Riqichaa Chaayinaa Vs Girma Bushuraa, Dh/I/MMWF, Lakk G 57541, Jiildii 11ffaa.*

Dhimma

Kollejjii Niwu Genereeshinii Vs Laggese Dassaaleny, Dh/I/MMWF, Lakk G 82091, jiildii 15ffaa.

- **Hojjetaan:** barsiisaa koollejjii ta'e waliigalteen kiyya seeraan ala addaan citeera jedhee yoo himatu
- **Hojjechiisaan:** hojjetaa kana hin gaggeessine jedheera.
- **Hojjetaanis:** mindaan irraa dhaabachuu fi koorsiin barsiisu kan hin kennamneef ta'uu fi sababa kun ta'eefis iyyata barreeffamaan dhaabbata hojjechiisaa yoo gaafatelee deebiin argate akka hin jirre ibseera.
- **MM's gochaadhaan gaggeeffameera** jedheera.

Qaamni hojiirraa isa gaggeesse waliigaltee addaan kutuu aangoo kan qabu ta'uu eenyutu mirkaneessuu qaba?

- Hojjetaan seeraan ala gaggeeffame jedhu:
 - waliigalteen hojii isaa addaan cituu fi
 - qaama kana gochuuf aangoo qabuun ta'uus hubachiisuu qaba -- ***Royal Keremela plc Vs Tsahaay Birhaanuu, Dh/I/MMWF, Lakk G 57561 fi 79212.***

Hojjetaan fedhii kiyyaan hojiin gadi dhiisa jedhee xalayaa akkan galfadhu hojjechiisaadhaan dirqameera yeroo jedhu dirqamuu isaa sadarkaa kamitti hubachiisuu qaba?

- **hojjetaan** xalayaa fedhiin hojii gadi-dhiisuu ani siif qopheesse yoo mallatteessitee malee kanfaltiin sii hin raawwatamu waan jedheef dirqiin mallatteessuu fi kanfaltii fudhachuu isaa ibseera.
- **Dh/I:** hojjetaan kun xalayaa kana mallatteessuun isaa seeraan waliigaltee addaan kutuuf fedhii qabaachuu isaa ni mirkaneessa jedheera---***Dhaabbata Ijaarsa Yootek Vs Jamaal Mahaammad, Dh/I/MMWF, Lakk G 39042.***

...

Waliigalteen hojii yeroo addaan citu seera-qabeessummaa isaa hubachiisuun dirqama eenyuuti?

- Koonveenshinii ILO c158 keessatti:
 - Hojjechiisaa ta'uu ibsameera.
 - Dhimma kanarratti qajeeltoon seeraa hojiirra ooluu qabu qajeeltoo “*reverse burden of proof*” jedhamu ta'uu akka qabu.

...

Falmiin loogii hojii jiraachuu ykn dhabuu hubachiisuun falmisiisaa yoo ta'e kana hubachiisuun dirqama eenyuu ta'a?

- Namni loogiin narratti raawwatame jedhu dhimmoota ka'uumsa ta'an (*prima facie case of discrimination*) hubachiisnaan himatamaan dhimmi jedhame loogii akka hin uumne ykn uumuu akka hin dandeenye hubachiisuu qaba jedhu hogbarruuwwan.
- Sababni isaas:
 - loogiin haala ifa hin taaneen kan rawwatamu ta'uu
 - ragaan hedduun harka hojjechiisaatti qofa kan argamu waan ta'eef
 - namni miidhame ykn himatu ragaa dhiyyeessee hubachiisuun mirga isaa kabachiifachuuf ni rakkata.

Itiyoophiyaa Katiing dhaabbata dhuunfaa IGM Vs Taaddasaa Alamuu, Dhaddacha Ijibbaataa Mana Murtii Waliigala Oromiyaa, Lakk. G 155142.

- **Himattuun:** gita qindeessaa fi to'ataa geejjibaa keessa osoon hojjedhuu dhaabbatichi sababni gahaan gita hojii kiyya haqsiisu osoo hin jiraatiin haquun isaa seeraan ala jetteetti.
- **MM:**
 - hojjechiisaan gitni hojichaa kan dacha'e ta'uu waan ibseef
 - hojjetaan sababni gahaan gita kana cufsiisu hin jiru jedhullee kana immoo waan hin mirkaneessineef
 - addaan citiinsi waliigaltee seera qabeessa jechuun murteesseera

...

- Manneen murtii ragaa hojjechiisaan barreeffamaan dhiyeessu hojjetaan ragaa namaatiin akka sobsiisu carraa kennuu dhabuunis akka rakkootti ni mul'ata.

Alam Alamuu fa N3 Vs Warshaa Quwaartizii Moojoo, MMA Lumee, Lakk G 49065

- **Hojjettotni:** afaaniin hojiirraa gaggeeffamuu falmii dhiyeeffataniiru.
- **Hojjechiisaanis:** hojjettootni kun guyyaa 5 ol hafanii beeksisa waamichaa baasuun hojiirraa kan gaggeesse ta'uu falmeera.
- **MM:** ragaa beeksisa bahee ture jedhame kan hojjechiisaan fide ilaaluun hojjechiisaan **beeksisa baasee** sana booda xalayaadhaan waliigaltee addaan kutuu waan hubanneef **waliigalteen seeraan ala cite hin jiru** jedheera.

Magarsaa Goobanaa Vs Yuunivarsiitii Koollejji Kiyamed, MMA Guutoo Giddaa, Lakk G 26989

- **Hojjetaan:** hojjechiisaan barsiisaa koollejji dhuunfaatiif na qacaree seeraan ala na gaggeesseera yoo jedhu
- **Hojjechiisaanis:** hojjetaan sun guyyaa 5'f **hojii irraa badee** beeksisa baasuun barbaadnee dhabnaan gaggeessine jechuun beeksisa bahe jedhame fideera.
- **Hojjetaan:** hojiirraa hin badne **beeksisnis narratti hin baane**
- **MM:** ragaa namaa dhagaheera.
- **Ragaa:** himataan (hojjetaan) kun hojiirraa kan hin badnee fi guyyaa beeksisni waamichaa irratti bahe jedhame boodallee hojjechaa kan ture ta'uu ragaa bahaniiru.
- **MM:** ragaan namaa ragaa barreffamaa beeksisni bahee ture jedhamee dhiyaate dhugaa ta'uu shakkii keessa galcheera jechuun waliigalteen seeraan ala addaan cite jechuun murteesseera.

BOQONNAA 4

- FALMII HOJII FI MIIDHAA QAAMAA

Falmii Hojii Hiikuu

Seensa

- Formal vs informal procedures
- The informal procedures are:
 - faster,
 - easy to access,
 - more flexible,
 - apply to all types of problems,
 - have no time limits,
 - no records are kept/ confidential.

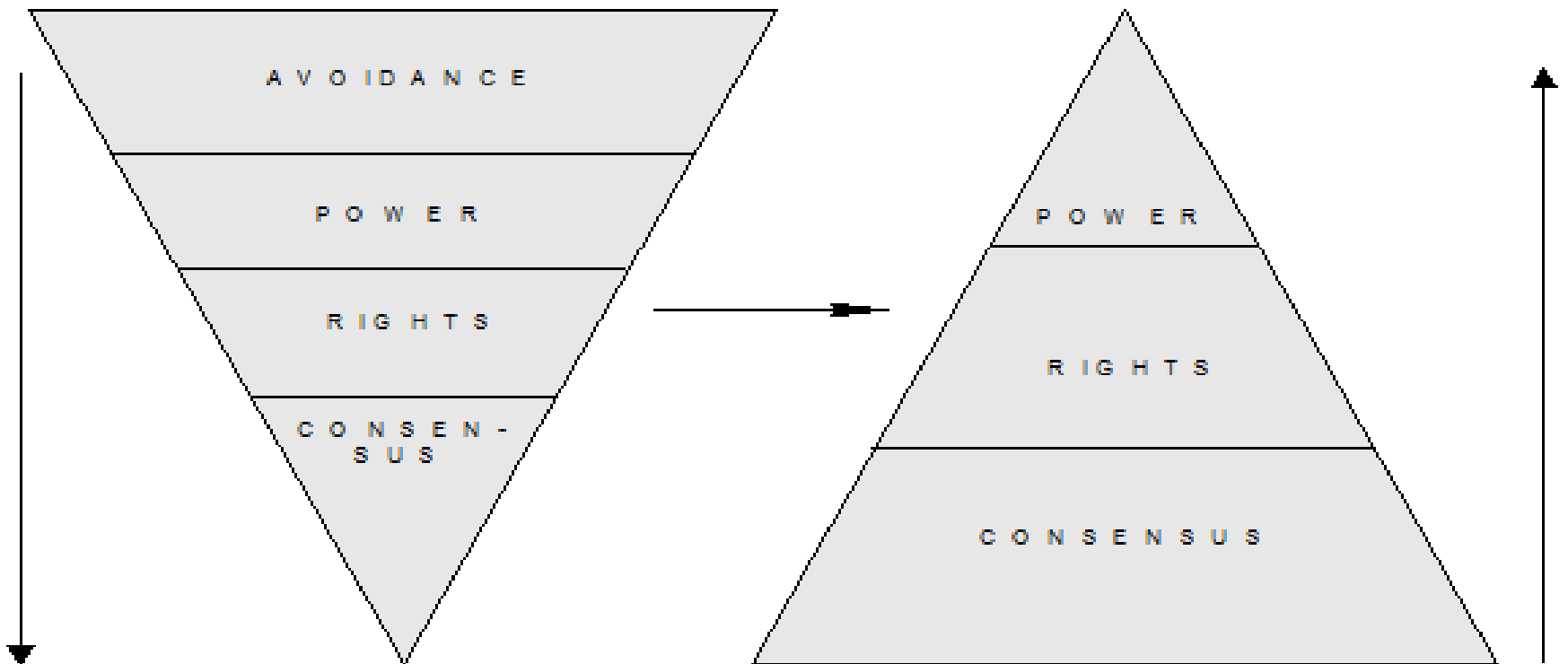
(RESOLVING PROBLEMS AT WORK, A user's guide to ILO conflict prevention and resolution procedures)

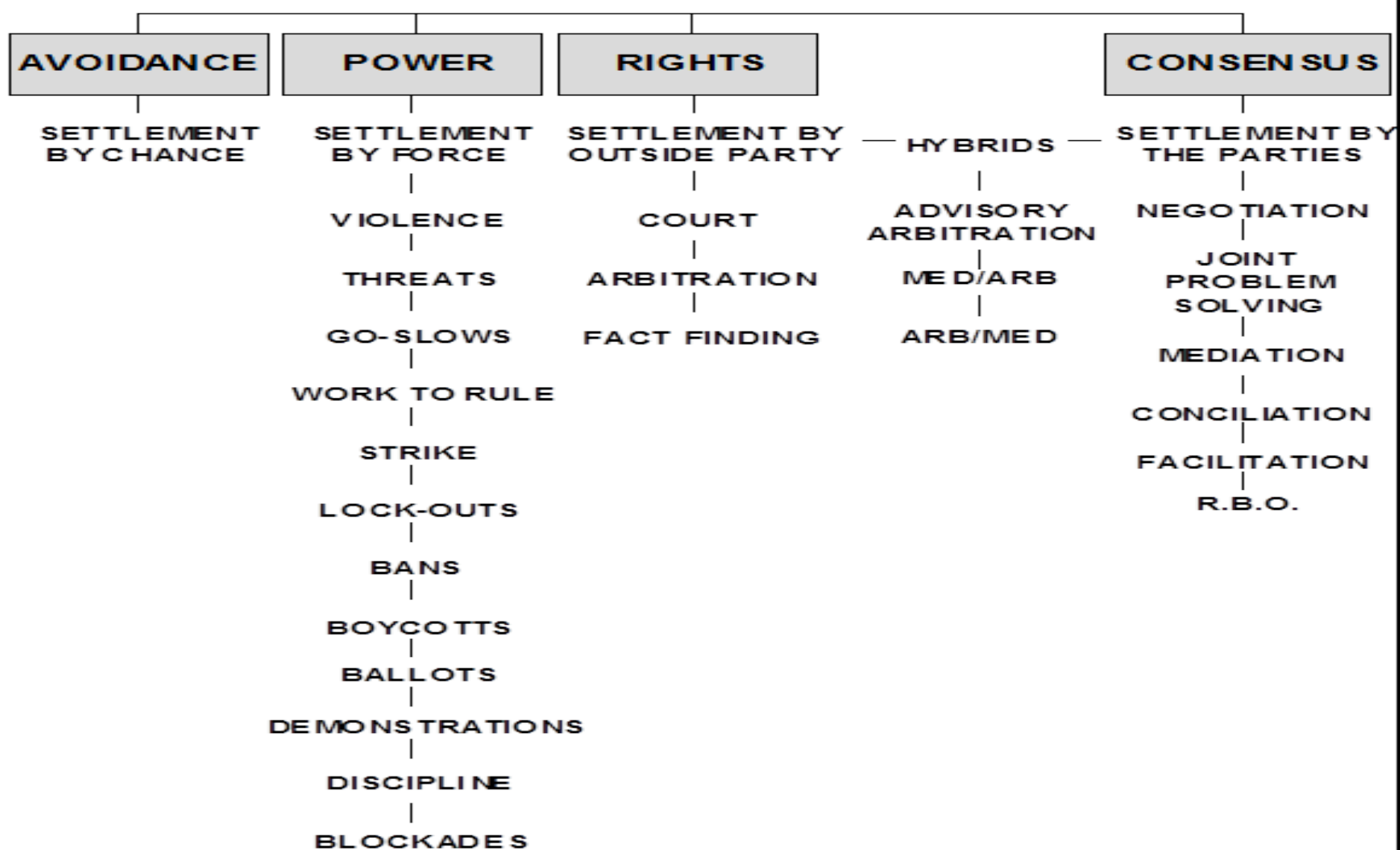
EFFECTIVE CONFLICT MANAGEMENT SYSTEM

E F F E C T I V E S Y S T E M A T I C
C O N F L I C T M A N A G E M E N T

I N E F F E C T I V E S Y S T E M

E F F E C T I V E S Y S T E M





Gahee Manneen Murtii Idilee

- Dhimmoota akkamii ilaaluu akka qaban ----**kwat 138-140**
- Dhimmootni **Manneen Murtii Naannoo Sadarkaa Duraan** ilaalaman --- **kwat.138** jalatti ibsamani jiru.

LHH VS Labsii lakk.25/88

- Dhimmi hojjechiistota sadarkaa Mootummaa Federaalaatti galmaa'anii **labsii lakk.25/88 kwat 5** dhimma federaalaati.
- Haa ta'u malee, labisiin HH falmii hojii akka ilaalan manneen murtii naannootiif aangoo kenneera.
 - LHH booda kan bahe
 - LHH seera addaa waan ta'eef hojiirra kan oolu ta'a.

...

- Falmii hojiin walqabatee ol'iiyyannoon kan jiru yeroo tokko qofa ----kwt 139(2)
- Manneen murtii dhimma hojjetaa fi hojjechiisaa:
 - **guyyaa 60** keessatti murtii kennuu akka qaban ---LHH kwt 138 fi 139

Aangoo dhadhachaalee falmii hojii

1. **Badiiwwan yakkaa fi balleessaawwan biroo LHH jalatti teechifaman /criminal and petty offences/**
2. **Dhimmoota falmii hojii dhuunfaa /individual labour disputes/ ilaallatan**

Badiiwwan yakkaa fi balleessaawwan biroo LHH jalatti teechifaman /criminal and petty offences/

- Kwt 138 (1)/f/: dhaddacha falmii hojiitiin ilaalamu
- Aangoo dhimmoota MM'tiif dhiyeessuu kan qabu – THH'ti.
- Isaanis:
 - Tumaalee sa'aatii hojii fi boqonnaa cabsuu ---- 184/1/a fi b
 - Hojjetaa sababa miseensa waldaa hojjetaa ta'eef, sababa komii isaa dhiyeeffateef/ himannaa waan dhiyeeffateef/ loogii bifa kamiyyuu raawwachuun hojiirraa gaggeessuu -184/2/
 - Gochaa fayyaa yookin nageenya hojjetaa balaarra buusu raawwachuu - 185/1
 - Walta'iinsa /bargain/ raawwachuu diduu ---185/2
 - Aiaja THH fudhachuu diduu ---185/4/ kkf

Falmii hojii dhuunfaa

- **Kwt 138** -- jalatti tarreeffamaniii kan jiran hedduun isaanii amala **falmii hojii dhuunfaa /individual labour disputes/** kan qabani dha.
 - **Hojiirraa gaggeessaa ykn tarkaanfii naamusaa fudhatame**
 - Gaaffiiwwan /claims/ **addaan citiinsa waliigalteen yookin haqamuu gitaan** walqabatani dhiyaatan
 - **Falmii sa'aatii hojii, kanfaltii mindaa, boqonnaa fi hayyamaan walqabatu**
 - **Waraqaa ragaa, qacarrii hojii fi hojiirraa gaggeessaan walqabatan**
 - Gaaffiiwwan /claims/ **miidhaa hojiin walqabatan**
 - **Balleessaawwan hojjetaarratti raawwatamaniin walqabatee**
- ***falmiin hojii dhuunfaa*** --- falmii (bu'aan falmichaa) **hojjetoota warra falmicha keessatti hirmaatan irra darbee dantaa fi mirga waliinii hojjetootaa irratti dhiibbaa kan hin fidne dha''**

Falmiin hojii waliinii maali?

- ***Falmii hojii waliinii*** --- falmii (bu'aan falmichaa) dantaa fi ***mirga waliinii hojjetootaa irratti dhiibbaa fidu***
- **Kwt 142** jalatti kanneen tarreeffaman baay'een isaanii **amala falmii hojii waliinii /collective labour disputes/** qabu.
 - **Mindaa fi fayidaawwan biroo**
 - **Waliigaltee gamtaa /uumuu, fooyyessuu, yeroo turtii, kkf/**
 - **Haala qacarrii fi guddina mindaa**
 - **Tarkaanfii hojjechiisaan fudhatu: jijjiirraa, leenjii kkf**
 - **Haalota hojii /conditions of work/ haaraa uumaman**

የኢትዮጵያ ቆዳ አክሲዮን ማህበር VS ተስፋዬ ኃይሌ; የሰ/መ/ቁ. 52600

- **Issue of the case:**

- በሌጦ ክረስት አዘገጃጀት ምርት ፎርማን ስራ መደብ ላይ ከሌሎች ሰራተኞች ጋር ተወዳድሪ በማሸነፍ እድገቱ እንዲሰጠኝ ማድረግ ሲገባው ሰለተከለከልኩ እድገቱ እንዲሰጠኝ ይወሰንልኝ

ELPA Vs Adugna Gameda, FSC Cassation, FN 15531

- **Issue of the case:** I was relegated unlawfully.

Giyon Hotels Vs Selainat Warkineh, FSC Cassation, FN16653.

- **Issue of the case** : የስራ መደቡ እንዲሁም ለቦታው የተመደበው ደሞዝና ጥቅማ ጥቅሞች እንዲሰጡኝ

Ethiopian grain trade enterprise Vs G/Silase
H/Mariam /8 persons/, FSC Cassation FN
78865, vol 14

- **Issue of the case:** በተሠራው መዋቅር መሰረት የደመወዝ እስኬል ሲቀመጥ ማግኘት ከሚገባበት የደመወዝ መጠን ቀንሷል
- **FSC Cassation ruling:** ከተጠሪዎች አልፎ የሌሎች የድርጅቱን ሠራተኞች መብትና ጥቅም በአዎንታዊም ሆነ በአሉታዊ መንገድ ሊነካ የሚችልበት ምክንያት የለም።

Collective labour disputes

የኢትዮጵያ ንግድ ባንክ Vs አቶ ቂጤሳ ገብራየስ/መ/ቁ. 48111፤ ቅጽ 10

- **The argument of the worker:** የተጠየቀውን መስፈርት አሟልቼ በመስሪያ ቤቱ የውስጥ አሰራር መመዘኛ መሰረት (ውጤት 54.76%) የሚያሳልፈኝ ነው።
- The argument of the employer: የተግባር ፈተና ማለፍያ ነጥብ 60% በላይ መሆን አለበት .. እድገቱን ልያገኝ አይገባም

Falmiin hojii waliinii eenyutu ilaala?

1. Waltaasistoota Wa/DhHH' tiin ramadamaniin /kwt 142 (1)/

- Waltaasistootni:
 - kan hojjetaa fi hojjechiisaan waliin ta'uun qaama/nama filatan --- kwt 143
 - Gaaffii bitaa mirgaan biiroodhaan nama ramadamu ta'uu danda'a --- kwt 141
- **Guyyaa 30 keessatti yoo xumuruu dadhaban** sababa hin milkaa'iin hafeef yaada isaa itti dabaluun Biiroof **ni gabaasa.**
- Garagalcha gabaasichaas garee falmitootaaf ni kenna.
- Gareen walfalmitoota ta'anis dhimmichi **mindaa fi fayidaalee birootiin kan walqabatu yoo ta'een alatti** gabaasicha Boordii Mu/Dh/H fi U'tiif dhiyaasuu ni danda'u.

2. Boordii Murteessaa Dhimma Hojjetaa fi Hojjechiisaa

- **Kwt 147 ---Aangoo boordii**
- Falmii hoji waliinii ilaalchisee waltaasisuu, ajaja kennuu, murtii kennuu
- Dhimma waltaasistootaan dhuma argachuu dadhabe simatee ilaauu
- LHH kwt 160 fi 147 --- gochaa seeraan ala **hojii dhaabuun** walqabatu uumamuu ilaalchisee himannaa dhiyaatu ilaaluul
 - fkn: dhimma boordiif ykn MM'tiif dhiyaate ilaalchisee guyyaa 30/ykn daangaan yeroo seeraan taa'e osoo hin dhumiin hojii dhaabuu, murtii ykn ajaja MM ykn boordiin falmii hojii irratti kenne fudhachuu diduu, ykn hojii dhaabuun mormuu
- Lab 466/97 kwt 2 dhimmi dhaabbilee misooma mootummaa /undertakings owned by Fed Govt/ naannolee keessa jiraniis Boordii addaa Magaalaa

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- Kwt 150/1 and 3/
 - Araarsuu irratti xiyyeeffata
 - Murtiin kennamu barbaachisa ta'uu (merit) malee dirqama seera kan hordofe ta'uu hin qabu.
- Kwt 155 -- Boordiin
 - gochoota ajaja ykn murtii boordichaa diduu fi yakkoota boordi irratti raawwataman ofuma isaa adabuu danda'a.
 - Gochoonni kabaja bilisummaa boordichaa tuqan yakka dha.
- Kwt 154
 - qaamni komatu ji'a tokko keessatti ijoo seeraa qofa irratti MMO Federaalaatiif Ykn MMW naannootti mirga ol'iiyannoo dhiyeeffachuu qaba. Innis guyyaa 30'tti murtii kennuu qaba.
- Kwt 151:
 - MM oliyyannoo ilaalus guyyaa 30 keessatti murtii kennuu qaba.

3. Falmiin hojii waliinii qaama murtii kennuuf hin dhiyaanne (not justiciable) jiraachuu

- **142 /3/** Gaaffiin mindaa fi fayidaaleen mindaan walqabatan hojjettoota dhaabbata tajaajila uummataa baay'ee murteessoo ta'aniin ala irraa dhiyaatu BDhHH'tiif hin dhiyaatu. Gosa falmii gamtaa waan ta'eef MM Idileefis hin dhiyaatu.
- Waltaasisaadhaan furmaata kan hin arganne yoo ta'e filannoon gareeleen qaban hojii dhaabuu yookin cufuu dha.
- Dhimma: gaaffiin daballii mindaa fi boonasii waldaa hojjettootaatiin jalqaba MM'tti, itti aansuun BDhHH'tti dhiyaatee aangoo hin qabnu jedhamee cufameera.
- **DhIMMWF:** falmiin kun dhaabbata tajaajila uummataa baay'ee murteessoo ta'aniin ala irraa qaama murtii dirqisiisaa kennuuf dhiyaachuu hin danda'u jedheera.
 - **Waldaa Hojjettootaa vs Dhaabbata babal'ina teknoloojii Bunaa, Lakk G 45192**

Miidhaa Hojiirraa

Seensa

- Akka addunyaatti hojjetootni %85 ta'an tajaajiloota nageenyummaa fi fayyaa hojii mirkaneessuuf gargaaran hin fayyadamani. Kanaaf, waggaa waggaan hojjetootni miliyoona 2 akka du'an ragaaleen ni agarsiisu.
- Miidhaa hojiirratti hojjetaa irra gahu hambisuuf:
 - hojjetaa (kwt 13/4/ fi /5/ fi kwt 93) fi
 - hojjechiisaan (kwt 12/4/ fi 92) dirqama qabu.
- **Kwt 96(1) --** Miidhaan yoo dhaqqabe garuu **hojjechiisaan balleessaa qabaatus qabaachuu baatus itti-gaafatama (strict liability).**
 - Miidhaan hojjetaarra gahuu fi miidhaan dhaqqabe hojii hojjetichaa waliin quunnamtii qabaachuun mirkanaa'uun isaa gahaa dha--- **State of mind hojjechiisaa mirkaneessuun dirqama miti.**
Dh/Ij/MMWF, Lakk G 68138, jiildii 13ffaa.

■ ■ ■

- Ta'us hojjechiisaan balleessaa **hojjetaan ta'e jedhee** raawwateen ta'uu yoo mirkaneesse itti-gaafatamummaa jalaa baha.
- **Dhimma:** hojjetaan machaa'ee bakka hojii yeroo seenu hoogganaan isaa akka hojii hin hojjenne osoo itti himuu didee waan hojjeteeff maashiniin quba sadi irraa kuteera.
- Dh/Ij/MMWF: hojjetaan ta'ee jedhee akkaataa kwt 96/2/b tiin miidhaan akka gahu gochuu isaatiin hojjechiisaan itti gaafatamummaa hin qabu.
 - ***Mitikku Hayle vs Masfin Hayle, Lakk G 67201, jiildii 13ffaa.***

...

- Miidhaan hojii sababa balleessaa hojjechiisaatiin hojjetaa irra kan gahe yoo ta'e, **hojjetaan bu'uura Labsii HH tiin beenyaa kan argate yoo ta'e** dabalataan **bu'uura seera itti gaafatamummaa waliigalteen alaatiin** itti-gaafatamummaa balleessaadhaan dhufu jalatti hojjetaa himachuu hin danda'u (*Dh/Ij/MMWF, Lakk G 80343, jiildii 15ffaa.*)
- Sababni teechises: '*dhimmichi bifa biraatiin yoo ta'ellee dursee murtii akka argateetti kan lakkaa'amu waan ta'eef*' kan jedhu dha.

Hiikkaa miidhaa hojiirraa: KWT 97

- Haaldureewwan mirkanaa'uu qaban:
 - Hojiirra jiraachuu
 - Miidhaan haala hojii waliin hidhata qabaachuu yookin dirqama isaa bahuuf yeroo tattaafatu gahuu
 - Cause-effect r/s
- Kanaaf hojjetaan hojiirra jiraateeyyuu du'a uumamaa yoo du'e miidhaa hojiirraa miti /DhIMMWF, Lakk G 47807, jiildii 9ffaa/.

- Sarvisii hojjetaadhaaf:
 - dhuunfaadhaan yookin gareedhaan kenaameefii
 - gara hojiiti yeroo seenu yookin gara manaatti yeroo bahu miidhaan irra gahu --- miidhaa hojiiti
 - **Sarvisii** bakka hojii osoo hin taane gara **bakka biraa** osoo deemamaa jiruu yoo ta'e garuu akka miidhaa hojiiti hin lakkaa'amu--- ***Dh/Ij/MMWF, Lakk G 68138, jiildii 13ffaa.***
 - konkolaataa dhuunfaan dhimma hojiitiif hojjetaaf ramadames ni dabalata--- ***Murtii Dh/Ij/MMWF, Lakk G 61717, jiildii 13ffaa.***
- **Dhimma:** hojjetaan konkolaataa hojjechiisaan ramadeefiin guyyaa hojii isaa hin taane /dilbata/, bakka hojii isaatiin ala bakka biraa dhimma hojii isaatiin wal hin qabanneef osoo deemaa jiruu miidhaan irra gaheera.
- DhIMMW: balaa hojiirraa miti – no proximate cause effect r/s.
 - ***Tirusew Tilahun vs civil work engineers consultancy plc, Lakk G 68138***

...

- Balaan yookin miidhaan bifa kanaan gahe badii qaama 3ffaa yookin hojjetaa dhaabbatichaatiin dhaqqabuun isaa hojjechiisaa itti-gaafatamummaa irraa hin hambisu---***LHH kwt 97 (d) fi Murtii Dh/Ij/MMWF, Lakk G 36194, jiildii 8ffaa.***

Hiikaa miidhaa Qaamaa

- **Kwt 99/1/ --** Miidhaan qaamaa miidhaa **dandeettii hojii** nama tokkoo dhabamsiisu yookin hir'isu akka ta'e
- Dandeettiin hojii hir'ifame yookin dhabamsiifame jedhamus:
 - hojii namni sun yeroo sanatti hojjetaa jiru ykn
 - hojii kamiyyuu namni sun fulduratti hojjechuu danda'u hammam hir'ateera (capacity to work) kan jedhu ilaalameeti dha.
- Hojjetaan miidhaan hojii irra gahuu isaa boordii yaalaatiin erga mirkanaa'e booda **itti wayyaa'ee hojii dur hojjetutti deebi'uun** isaa itti-gaafatamummaa hojjechiisaa kan hambisu miti --- **Murtii Dh/Ij/MMWF, Lakk G 43370, jiildii 8ffaa.**
- **Sababni isaa :** hojii gara fuulduraatti inni hojjechuu danda'u keessatti dandeettii isaa hir'isuu danda'a

Karaawwan beenyaan miidhaa hojjetootaa ittiin shallagamu

- **Hojjetaan dhaabbata misooma mootummaa gosa 2 qaba:**
 - Seera sooramaan kan uwwifamee fi inshuraansiin kan galameef
 - Seera sooramaan kan uwwifameefi inshuraansiin kan hin galamneef
- **Kwt 109/1/ --** Beenyaan miidhaa qaamaa hojjetoota dhaabbilee misoomaa mootummaa keessa hojjetaniif kanfalamu:
 - ***inshuraansii*** hojjechiisaan galuun,
 - inshuraansiin galame hin jiru yoo ta’e immoo hojjetoota uwwisa seera sooramaa qabaniif ***labsii sooramaatiin***
 - Hojjetoota **uwwisa sooramaa hin qabneef** beenyaan miidhaa kan raawwatamu ***bu’uura labsii HH kwt 109/3/tiin*** ta’a

❖ **Beenyaa akkaataa inshuraansii hojjechiisaan galuun kanfalamu:**

- Dhaabbilee uwwisa **inshuraansii beenyaa miidhaa qaban** keessatti /uwwisa seera sooramaa yoo qabaatanillee/ beenyaan miidhaa kan kanfalamu bu'uura uwwisa inshuraansichaatiini dha. ***/DhIMMWF, Lakk G 65427, jiildii 11ffaa/ + kwt 109/1/***
 - Kunis bu'uura labsii 109/3/tiin beenyaa hojjetaan dhaabbata dhuunfaa argachuu danda'uu gadi yeroon taasifamu ni jira.
 - Kunis:
 - hojjechiisaan maqaa inshuraansiitiin beenyaa gadaanaa kanfaluuf akka itti gargaaramu carraa uumaa jira +
 - loogii hojjetaa gidduutti uuma + sababni inni bu'uureffates hin jiru

❖ **Beenyaa bu'uura labsii sooramaatiin kanfalamu:**

- Labsiin soorama hojjetoota mootummaa /dhaabbilee misooma mootummaa dabalatee/ fooyya'e Labsii 907/2015 / dha.
- Ta'us, labsichi labsii 714/03 keessaa tumaa beenyaa miidhaa ilaallatan /kwt 38 fi 39/ hin fooyyessine.
- Labsiin sooramaa hojjetoota mootummaa 714/2003 kwt 38/1:
 - **mindaan baatii 1 yeroo miidhaa dura hojjetaaf kanfalamaa ture kan waggaa 5 herreegamee %47'n baay'ifamee dhibbeentaa hanga miidhaa isaatiin baay'ifama.**
- Labsii 715/2003 -- labsii soorama hojjetoota dhaabbilee dhuunfaa /private organizations/ -- labsii 908/2015 fooyya'e dhimma kanarratti kan Labsii

❖ **Haala shallaggii beenyaa miidhaa bu'uura kwt 109/3/tiin**

- Hangi miidhaa kunis labsii HH kwt 109/3/ jalatti bakka lamatti goodamuun ilaalameera.
 - Miidhaa qaamaa **itti fufaa guutuun** ---beenyaan miidhaa kanfalamu **mindaa isaa waggaa 5** ta'a.
 - Miidhaan qaamaa **itti fufaa guutuu hin taane** --- hangi beenyaa kanfalamuuf **mindaa isaa waggaa 5 hanga miidhaa isaa boordii yaalaatiin ibsamuun baay'atee.**
- DhIMMWF---miidhaa boordiin mana yaalaa **%65** jedhee ibse (qubni harka mirgaa 4 fi qubni harka bitaa 3 cituun) hojjetaan kun ***hojii galii argamsiisu dhaabbiidhaan akka hin hojjenne ni taasisa*** jechuun akka miidhaa guutuu fulla'aatti beenyaa murteesseeraaf ***---Dereje Wuletaw Vs Waliya Leather and leather Products, Murtii Dh/Ij/MMWF, Lakk G 49273.***
- Boordiin yaalaa miidhaa dhibbentaan kan safaru --- guutuu qaama nama sanaa keessaa hammamtu hir'ate jedheeti.
- MM garuu kan madaaluu qabu --- miidhaa gahe sana dandeettii hojii nama sanaa waliini -- KWT 110/2/

...

- Ragaan boordii mana yaalaa **hangi miidhaa %100 ol ta'uu** yeroo ibsus ni quunnama.
- Yeroo kanas manneen murtii akkaataa labsii HH kwt 109/3/a/'tiin mindaa waggaa 5 teechifame beenyaa caalu yeroon murteessu.
- Dhimma qabatamaa tokko keessatti hojjetaan dhaabbata oomisha abaaboo keessatti *laastikii giriin haawusii* osoo diriirsaa jiruu baaxii irraa kufe **%130** miidhame jedha.
- MMA's beenyaa miidhaa yeroo shallagu mindaan guyyaatti argatu qa.20 kan waggaa shanii (20x30x12x5=36000) %130'n baay'ifamee (36,000 x %130 = 46,800), akka kanfalamuuf murteesseera ---
Laggasaa Dibaabaa Vs Meedoos Itoophiyaa dhaabbata oomisha abaaboo I/G/M, MMA Walmaraa, Lakk G 48847.

...

- Ragaan boordii mana yaalaa hanga miidhaa ifatti yeroo hin ibsinee haqummaa /ሪቶ/ murteessuun ni danda'ama.

Dhimma qabatamaa tokko keessatti:

- Ragaan boordii: miidhaa ga'e dhibbeentaan osoo hin ibsiin hojjetichi 'ogeessa mana ijaaru' -anaatsi ture—hojii isaa kana immoo kana booda hojjechuu hin danda'u jedhu kenneera.
- Hojjetaa qubni lukaa isaa lama citeef beenyaa qa. 24,000 murtaa'eera --- ***Abbaa taayitaa daandiiwwan Oromiyaa Vs Girmaa Wayyeessaa, Dh/Ij/MMWF, Lakk G 60464, jiildii 11ffaa.***

Maxxantoota

- Labsiin HH kwt 110 jalatti maxxantoota hojjetaa sababa balaa hojiirraatiin du'eef beenyaan akka kanfalamu teechiseera.
- Maxxantootni beenyaa kana argatanis:
 - haadha manaa yookin abbaa manaa seera-qabeessa,
 - daa'imman waggaa 18 hin guutnee fi
 - maatii /parents/ hojjetaa du'een gargaaramaa turani dha.
- Maxxantootni hojjetaa balaa hojiitiin du'ee **galii** yookin **qabeenya gahaa yoo qabaatan** beenyaa kana argachuu ni danda'uu? --- ***Murtii Dh/Ij/MMWF, Lakk G 36194, jiildii 8ffaa—lakki***
- Kana malees, waliigaltee gamtaa keessatti beenyaan **dhaaltota hojjetaa** balaa hojiitiin du'eef ni kaffalama kan jedhu yeroo jiraatu, dhaaltota labsii HH kwt 110 jalatti hin tarreeffamneef beenyaan kun ni kanfalamaa? --- ***Dh/Ij/MMWF, Lakk G 72645, jiildii 13ffaa—lakki .***

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- Hangi beenyaa maxxantootaas /hojjetoota seera sooramaan hin uwwifamneef/ = **mindaa waggaa 5**
- Haalli qoodinsi beenyaa itti taasifamus:
 - haadha manaa/abbaa warraadhaaf %50,
 - tokkoon tokkoon ijoollee du'aatiif %10,
 - tokkoon tokkoon maatii du'aa isaan deeggaramaa turaniif %10 ta'a.
- Akkaataa qoodinsa kanaatiin hanga waliigalaa qoodamuu danda'u hanga beenyaa maxxantootaaf murtaa'ee ol yoo ta'e akkuma dhibbeentaa kanaatiin maxxantoota mara irraa hir'ifama ---kwt 110 /4/ jalatti,
- Akkaataa qoodinsa kanaatiin, hangi waliigalaa qoodamuu danda'u hanga beenyaa maxxantootaaf murtaa'ee gad yoo ta'e akkuma dhibbeentaa kanaatiin maxxantoota mara irraa hir'ifamee qoodama jechuu dha.
- Maxxantuun 1 qofti yeroo jiru hangi beenyaa maxxantootaaf murtaa'e %100 maxxantuu kanaaf qofa kan raawwatamu ta'aa? --- ***Dh/Ij/MMWF, Lakk G 40529, jiildii 9ffaa---eeyyee***

...

Fakkeenya

- Hojjetaa mindaan isaa qa. 1000 ta'e balaa hojiin yoo du'e,
- Beenyaan maxxantootaa meeqa?
- Ijoollee waggaa 18 gadii 3 fi haadha isaa gargaaraa turee fi haadha manaa qaba yoo ta'e, beenya kana irraa meeqa meeqa argatu?

Kwt 162 -- Yeroo gaaffiin mirgaa itti dhiyaachuu danda'u Falmiiwwan hojii keessatti gaaffileen mirgaa (claims) adda addaa ka'an

Gosa gaaffii mirgaa	Yeroo itti daanga'u
Hojiitti akkan deebi'u	Ji'a 3
Gaaffiin kanfaaltii mindaa, kanfaltii sa'aa darbaa fi kanfaltiiwwan biroo	Ji'a 6
Kanfaltiin bifa kamiyyuu guyyaa waliigalteen adda cite irraa jalqabee	Ji'a 6
Dhimmoota turtiin darbiinsa yeroo labsicha keessatti hin teechifamneef	Tumaalee seerota roogummaa qaban biroo (SHH) ta'a.
Balleessaan yookin yakki hariiroo hojii keessatti	Waggaa 1 (Yeroo uumame irraa jalqabee) (kwt 187)

Yohanis G/Tsedik Vs Baankii Intarnaashinaalii Birhan, himannaa gaafa 15/2/2007 MMA Adaamaa

- **Hojjetaan:** muuxannoon hojii kiyyaa fi kanfaltii gara garaa naaf haa raawwatu jedhee hojjechiisaa isaa **baatii 11 booda kan himate yoo ta'u,**
- **Hojjechiisaa:** mormii sadarkaa duraa darbiinsa yeroo kaaseera.
- **Manni murtii:** gaaffii hojjetaan kun **kanfaltiiwwan gara garaa** dhiyeeffate waliin gaaffii **waraqaa ragaa muuxannoo** hojii isaa ilaalchisee dhiyeesse **baatii 6 keessatti kan daanga'u dha** jechuun murteessera.
- Kan muuxannoo hojiis?

...

Haalota darbiinsa yeroo addaan kutanii fi bu'aa isaa

- Darbiinsi yeroo labsicha keessatti ibsame sababa adda addaan gargar cituu danda'a --- LHH kewt 164:
 - **Himatni** *qaama falmii hojii murteessuuf aangoon kennameef* biratti dhiyaatee hanga **murtiin dhumaa** kennamutti;
 - **Iyyannoon** *qaama labsicha raawwachiisuuf aangoon kennameef* biratti dhiyaatee hanga murtiin dhumaa **barreeffamaan** kennamutti;
 - **Qaamni itti gaafatamummaa qabu**
 - *mirga abbaa mirgaaf barreeffamaan beekamtii kan kennu* yookin
 - *kanfaltii raawwachuu yoo jalqabe*

...

LHH kwt 137-155

- ***‘Qaamoleen falmii hojii ilaaluun murtii kennuu danda’an’***:
 - **Boordii** murteessaa dhimma hojjetaa kan yeroo fi dhaabbii
 - Ministeera ykn **Biiroo DhHH**
 - Qaama hojjetaa fi hojjechiisaa **araarsuuf** (qaama mootummaan **muudame ykn** fedhii walfalmitootaan **filatame**)
 - Dhaddacha hojii **MM idilee** ta’uu danda’a.
- ***‘Himannaa’*** --- gaaffii hojjetaa fi hojjechiisaan dhimmoota irratti walii hin galle fi dhimma darbiinsi yeroo irratti ka’een walqabatee qaamni aangoo qabu ilaalee furmaatni akka irratti kennamuuf dhiyaate dha.
- ***‘Murtii dhumaa’*** --- himata dhiyaate ilaaluun yaada

...

- Bu'aan addaan citiinsi darbiinsa yeroo hordofsiisu maali?
 - SHH kwt 1852 jalatti darbiinsi yeroo yommuu addaan citu **deebi'ee akka haaraatti lakkaa'amu akka jalqabu** agarsiisa.
- **Kwt 166** - Gaaffiin mirgaa darbiinsa yerootiin daanga'e **sababa humnaa ol ta'een** dhiyaachuu kan hin dandeenye yoo ta'e haalli itti keessummaa'uu danda'u ni jira.
- **Sababa humnaa olii** jedhamuun labsichaan kan teecheffamanis:
 - Hojjetaan yoo **dhukkubsate**
 - **Sababa ajajaatiin iddoo jireenyaa isaa irraa kan jijjiirame** Sababa **waamicha biyyoolessaatiif** mirga isaatti fayyadamuu kan hin dandeenye yoo ta'e dha.

...

Kwt 165:

- Hojjetaas ta'e hojjechiisaan mirga darbiinsa yeroo irraa fayyadamuu isaa waliigaltee taasisuun akka mormiitti kaasuu dhiisuu **/waive gochuu/ danda'a.**
- Haa ta'u malee, mirga darbiinsa yeroo dhiisuuf waliigaluun kan danda'amu **erga darbiinsi ga'ee booda** dha.