DEBRE BERHAN UNIVERSITY

College Of Law

The Labor Rights of Female Employees at Work Places: An Assessment of the Law and Practice in Debre Berhan Town

By: Negese Bitew and Minichl Alebachew

Advisor: Zerihun A. (LL.B LLM)

Submitted in Partial Fulfillment for the Requirements of the Degree of Bachelor of Laws (LL.B) at the Law College of Debre Berhan University

February

2009 E.C

Debre

Birhan, Ethiopia

Declaration

We, Negese Bitew Tesfe and Minichel Alebachew Demile, hereby declare that the thesis entitled “The Labor Rights of Female Employees at Work Places: An Assessment of the Law and Practice in Debre Berhan Town” is our innovative work and that it has never presented for any other institution. The works of others included in this research are properly cited.

Name	Signature	Date
1. Negese Bitew	_____	_____
2. Minichel Alebachew	_____	_____

Approval

“The Labor Rights of Female Employees at Work Places: An Assessment of the Law and Practice in Debre Berhan Town”

By Negese Bitew

And

Minichel Alebachew

APPROVED BY BOARD OF EXAMINERS

	Name	Date	Signature
1.	_____	_____	_____

Advisor

2. _____ _____ _____

Internal Examiner

3. _____ _____ _____

External Examiner

Contents

Declaration.....ii

Approval.....iii

Acronyms.....vi

Acknowledgements.....vii

CHAPTER ONE.....1

INTRODUCTIN.....1

1.1. Background of the study.....1

1.2. Statement of the problem.....4

1.3. Research question.....5

1.4. Objectives of the study.....5

1.5. Research method.....6

1.5.1. Research design.....6
1.5.2. Data type.....6
1.5.3. Data collection tools.....6
1.5.4. Sampling techniques.....7
1.5.5. Data analysis method.....8
1.6. Significance of the study.....8
1.7. Scope of the research.....8
1.8. Limitation of the research.....9
1.9. Organization of the study.....9
CHAPTER TWO.....10
LEGAL FRAMEWORK ON THE LABOUR RIGHTS OF FEMALE WORKERS.....10
2.1. International laws on the Rights of Female Workers.....10
2.1.1. International LaborOrganization instruments.....10
2.2.2. Texts Prepared with in the United Nations.....12
2.2. Regional instruments.....18
2.3. Domestic Laws.....20
2.3.1. FDRE Constitution.....20
2.3.2 Labor proclamation No. 377/2003.....23

2.3.3. The Directive issued to Restrict Dangerous Works to the Health and Confinement of Female Workers.....25

2.4.Labor Rights of Female Employees as Recognized by International and National Laws.....27

2.4.1. The right to non-discrimination.....29

2.4.2. Equal pay for equal work.....32

2.4.3. The right to equal opportunity.....36

2.4.4. The right to maternity leave and protection.....37

2.4.5. Nursing break.....40

2.4.6. Employment security.....41

2.4.7. Health and safety.....42

CHAPTER THREE.....44

PROTECTION OF LABOUR RIGHTS OF FEMALE WORKERS IN PRACTICE: THE CASE OF DEBRE BERHAN TOWN.....44

3.1. Overview of Debre Behan town and its Employees.....44

3.2. An Assessment on the Protection and Violations of the Lbour.....46

Rights of Female Workers in Debre Berhan Town.....46

3.2.1.TheInstitutional Framework for the ObservanceofLabour 46

Rights of Female Worker in Debre Berhan Town.....46

3.2.2. Conditions of female employees in private sectors of Debre.....49

Behan town.....49

3.3. Trade unions.....55

3.4. Summary of Finding.....56

CHAPTER FOUR.....57

CONCLUSION AND RECOMMENDATIONS.....57

4.1. Conclusion.....57

4.2 Recommendations.....59

Bibliography.....62

Acronyms

ACHP	African convention on human and people’s rights
ACHR	American convention on human right
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
EPR	Equal pays remuneration
ESC	European social charter
FDRE	Federal Democratic Republic of Ethiopia
ICCPR	International Covenant on Civil and Political Rights.
ICESCR	International Covenant on Economic Social and Cultural Right
ILC	International Labour Conference

ILO	International Labour Organization
ILS	International Labour Standards
LSA	Labour and social affairs
UDHR	Universal Declaration of Human Rights
UN	United Nations

Acknowledgements

First of all, we would like to thank the Almighty God for picking from dust and placed us where we are now!! We would like to extend our appreciation to our Advisor, Zerihun A. for his valuable comments by scarifying his precious time and for every support including important materials for conducting this research he gave us.

Let our heartfelt thanks goes to Ato Dessalegn Birhanu (human resource information and manager administrator), Manalebish Asmare (deputy chairman of the employer union in Dashen beer factory), female employs of Dashen, Ato Tigabu Mulu (the known

contractor in the town), W/RO Mestewat Endale (executive of law and labour dispute officer), EtalemahuYimtatu (Debre Berhan town administration women children labour and social affair), who helps us by giving their precious time for interview. Let God blessed them in abundance.

We would also like to extend our heartfelt appreciation for our best friends Wogye Gashahun, Yideset Anagaw and Wodneh Enyew who supports there moral contribution and in typing the research.

Last but not least, we would like to thank our families who contribute their moral and money support without interruption.

Negese Bitew and,

Minichel Alebachew

December 2009

CHAPTER ONE
INTRODUCTION

1.1. Background of the study

Around 49.6 percent of the world's population is female, giving a total female population of around 3.5 billion in the world as of 2014. But in Ethiopia the current female population is 50.2% and 49.8%male[1]. Women make up 40% of the global workforce yet make less than their male counter parts in every country[2].Women make up a vital part of the economic and social fabric that holds their communities together, yet that work is rarely valued at the same level as men's work. With regard to women's participation in economic life, the 2005 national labour force survey reveals that women represent 47% of the labour force in Ethiopia. With highly unequal participation: 68.5percent of employed women were unpaid family workers and 24.8% were self-employed in informal jobs.

Worldwide, there is gender based discrimination in access to employment as can be observed from the existing huge gender difference in the labour force. Gender based discrimination is high in developing countries. In many industries female workers are

[1] Country meters.info/en/Ethiopia, last accessed on Oct 15, 2009.
[2] Women's rights / international labour rights forum, available at http: //www.laborrights.org / issues / women's , last accessed on 21 oct 2016 rights.

systematically denied their rights to regular pay and regular working hours; equal pay for equal works, permanent contracts; safe and hazardous work environments; and freedom of association[3].In ancient Ethiopia women's were appointed to domestic workers and they were not participated in social, economic and political activities. There were male domination in economic activities and women participation was restricted due to biological factors. Even today there is discrimination on the ground of sex which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Even if women's satisfy the criteria for a certain job they failed to get the job only because they are females. On the ground of their sex, women are preventing the opportunity to get a work.

The rights of women employees in the work places are protected by national and international laws. The rights of women to equal employment opportunity with that of men is enshrined in every large number of international and regional human right documents and constitutional texts which provide either for equality of rights without discrimination on the basis of sex or prohibit discrimination based on such grounds. As provided in the constitution ILO's preamble, principle and articles; women have the right to equal pay, elimination of discrimination, protect from dangerous and hazardous work, equality of opportunity and occupation, abolition of forced labour forced labour and freedom of association. The right to equal pay for

[3] ibid

equal work or women right to equal remuneration is provided in art 23(3) of Universal Declaration of Human Rights, art 7 of International Convention on Economic Social And Cultural right, ART 1&2 of equal remuneration convention of 1951, art 15 of African Convention on People and Human Rights, etc. there are also local laws for the protections of the rights of women employees in the work places. The right to maternity leave (art 35(5) of the constitution, art 88of the proclamation No 377/2003 and art 41 of the federal civil servant proclamation No 515/2007, the right to maternity protection at work (art 87(3,4&5))of proclamation NO 377/2003), right to equal remuneration (art 14(1(b) & 87(1) of proclamation No 377/2003),art 35(8) & art 42(1(d)of the constitution; time off for medical examination (art88(1) of the proclamation No 377/2003); prohibition against a night and over time work for a pregnant workers (art 87(3)of the proclamation No 377/2003), prohibition against dangerous works (art 87(2)&(3)of the proclamation No 377/2003 and the right to employment security (art 29(3(f) and art 87(5) of proclamation No 377/2003). All the above national and international laws protect the rights of women employees in the work places.

Even if the above law gives protection for the rights of women employees in the work places, there are practical problems in the world. Such practical problems increase in developing countries like Ethiopia. In Ethiopia there are gender based discriminations and the above rights of women are not protected well.

Debre Berhan Town, which is' 600 years historical town, is found in north Shoa, Amhara region Ethiopia. The town was founded by emperor Zerayakob in 13 centuries. It is found 130 km far from Addis Ababa, the capital city of Ethiopia and 693 km from Bahir Dar, the capital city of Amhara regional state. According to 2007census the town has 94,829 total populations out of which 50,259(53%) are females[4]. The town has both private and public sector employees. Among thus much of female employees are participating in private sector employment, which the payment is relatively low and variable with men. So it is better to do such kinds of research, to the rights of women employees in work places

1.2. Statement of the problem

In the world wide women faced many problems and assigned to lower positions in every aspect of the .economic, social and political affairs. Such problems increase in developing countries like Ethiopia.

In Ethiopia approximately 27 million people are living in poverty. Given the lack of access and control over resources and many discriminatory traditional customs, women comprise a majority of those living in absolute poverty[5].Women disproportionately bear the

[4] Kalayu Brhane, TintanaTsegaye,.utilization of long acting reversible contraceptive methods and associated factors among female college students in Debre Berhan town, Ethiopia, advances in applied sciences. Vol. 1. No 1, 2016, pp. 19

[5] UN women watch- Ethiopian national act. Available at http:|| www.un.org |women Watch |confer| Beijing| national| Ethiopia. Htm, accessed on Oct 13, 200

burden of poverty in Ethiopia which is mainly a result of the gender based division of labour and lack of access and control over resources prescribed not only by tradition and culture but also reiterated in the law[6].

As provided in the report of march 8 of women's world day celebration in Ethiopia for 36 times, women's employed in regular works are not more than 30 % and 90 % of women employees are working in irregular lower paid works. According to the report even if the constitution gives affirmative action for women, as a result of absence of clear policies and strategies women are not beneficial from it. Women are employed in lower paid jobs, discriminated based on sex, the rights of maternity leave and protection are not protected, and there is no safe working condition and terminating contract during sick and pregnancy.

When we come to Debre Berhan town, women employees faced different problems in the work places. According to the reports of labour and social affair of the town, the rights of women employees faced different problems from their employers. As women's affairs department inform us, women employees in the work places are discriminated based on their sex. Thus, their rights provided in the law are not protected. It is stated that most of women employees work in lower paid irregular works and subjected to dismissal[7]. So as to

[6] ibid

[7] Interview with w/ro Mestwat Endale, enforcement of law and labour dispute Settlement officer, conducted on 12 Oct 2017.

address such violations of the rights of women employees in the work places of Debre Berhan town, the researchers propose to study this research.

1.3. Research question

Based on the above research problems, the researchers propose the following research questions.

1. Which labour rights of female workers are violated in Debre Berhan town?
2. What are the causes for the violations of the rights of women employees at work places in Debre Berhan town?
3. What kinds of measures should be taken for the effective enforcement of the rights of women employees at work places in Debre Berhan town?

1.4. Objectives of the study

The general objective of the research is to assess the law and practice relating to labour rights of female employees in Debre Berhan town. The research has the following specific objectives:

- To identify the labour rights of women employees included in international and national laws.
- To assess the practice relating to labour rights of women employees at work places in Debre Berhan town.

- Analyze the causes and effects of violations of rights of female workers Debre Berhan town
- To recommend possible solutions that the researcher finds best to overcome the problem.

1.5. Research method

1.5.1. Research design

The researchers followed a socio –legal research approach so that the practical implementation of rights of female employees was examined in reference to the labour laws of the country.

1.5.2. Data type

The types of data used by the researchers are both primary and secondary. The primary data mainly consists of information gathered through interviews and document analysis. Secondary data are those data obtained from published and unpublished books, journal, articles, research papers and other works

1.5.3. Data collection tools

Data’s were collected through interviews, group discussions and document analysis. Interviews were conducted with labour and socials affair office of Debre Berhan Town, Dashen Beer Factory, courts, trade union or employees union, Gender and children affairs, construction contractors, female employees etc. were interviewed.

Regarding document analysis, available literature, books and magazines both published and unpublished, research papers and internet sources were employed.

The researchers also conducted group discussion with Dashen beer factory, bereka construction and other female employees of Debre Berhan town.

1.5.4. Sampling techniques

Even if there are many private sector work places in Debre Berhan town, we selected industrial and construction sectors for the purpose of convenience of our study that we can get any evidence from employers and employees of the town. Accordingly, the reason that we selected construction sector is that female working conditions are unsuitable and dangerous to their health. As a result such sector is selected by purposive sampling technique. In bereka construction sector from 30 female employees we select only 15 for interview and group discussion. And other construction workplaces from 23 female employees we only select 11 employees for interview and group discussion. Also interviews were conducted with Ato Tigabu Mulu, Ato Biruk G/Yohans, Alemu G/Yohans and Dagm Kebede, who are contractors in Debre Berhan town.

Fatherly industrial sectors are selected by the same sampling technique; the reason is that since the participation and numbers of females are less in such sectors; as a result, we wanted to assess the

prevalent problems behind it. In order to know how employees treat the rights of female workers, employees of Dashen beer, Ital Aluminum factory, trade unions are interviewed. Interview was also made with 20 female employees off the total 30 employees of Dashen beer factory in order to now the working conditions of it.

To assess the contributions of government institutions how they control the protection and working conditions of female employees in the workplaces, we, the researchers made an interview with women children labour and social affairs office of Debre Berhan town, courts, etc.

1.5.5. Data analysis method

Data collected by using different methods were analyzed both quantitatively and qualitatively.

1.6. Significance of the study

We believes that the study would be significant in helping policy makers, regulators, academia, researchers, advocates comprehend more on the need to promote and facilitate the rights of women employees at workplaces and to make the practice conform with the law. The research will give direction for the government and private employers to conform their practice to the law to protect the rights of women employees at workplaces. This research will give direction for

the government for issuing policy to protect the rights of women employees from discriminations by private sectors at work places.

1.7. Scope of the research

Even if the rights of women employees in the work places are violated all over the world especially in developing countries like Ethiopia in public and private sectors, due to financial and time constraints the researchers confine the scope of the study to private sectors and limited to Debre Berhan Town, North Shoa zone.

1.8. Limitation of the research

The major limitation of the study was shortage of literatures in library. In addition to this following the present political situations of the country the availabilities of internet access are closed.

Time constraint was also another major limitation of the research as we engaged with exit exam preparation and attending the regular class of the semester.

The other limitation was financial constraint. In the course of doing the research, transportation, stationary and other necessary material costs were covered by us.

1.9. Organization of the study

This research is organized in to four chapters. The first chapter gives general introduction and background about the research. The second chapter deals with the legal frameworks on the rights of women. Accordingly general overview on the rights of female workers, rights of female workers under national and international laws are discussed. Chapter three of the research assesses implementation of rights of female workers in Debre Berhan Town. Moreover the chapter addresses overview of Debre Berhan Town and its employees and an assessment on the protection and violation of rights of female workers in Debre Berhan Town. Through this chapter the findings are also addressed. Chapter four is the main and the chapter which deals about conclusion and recommendations.

CHAPTER TWO

LEGAL FRAMEWORKS ON THE LABOUR RIGHTS OF FEMALE WORKERS

2.1. International laws on the Rights of Female Workers

2.1.1. International Labour Organization instruments

International labour instruments have been serving as the primary means through which ILO has acted. They are combination of conventions and recommendations. Conventions of ILO arte treated as international treaties that bind member states, which ratified them. After ratification member states also commit themselves in a formal way to put the provisions of the conventions in to effect both in law and in practice as well.[8] On the other hand recommendations are not international treaties rather they supplement the provisions of conventions and set up non obligatory guiding principles for national policy and practical use.[9] That is to say conventions are part of ILS that requires not only ratification by member states but also their obligation to make the convention feasible both in their legislation and in practice. In other words member states duty bound to make their labour laws trigger with ILS.

A Convention is an international treaty open to ratification by ILO member states. Ratification means that a country undertakes to apply the provision of thee ratified convention in law and practice and to submit to international supervision on the extent of application. The recommendation are non-binding instruments typically dealing with

[8] ILO, Guide to ILS, Author, Geneva(2006)pp. 234
[9] Ibid

the same subjects as convention which set out guide lines that can orient national policy and action. Both forms are intended to have a concrete impact on working condition and practice in every country of the world.[10] The constitution of the ILO was adopted by the peace conference in April of1919, established the ILO.

In 1946, the ILO becomes a UN specialized agency that aims for the promotion of social justice and internationally recognized human and labour rights.

The ILO has some unique features as compared to other international organization, namely its tripartite structure in which representative of employers and workers and the government equally participate in its works.[11]

The ILO being a specialized agency of UN, has a principal roles in setting international labour standards through the adaption of convention and recommendation that cover a broad spectrum of labour related subjects. The ILO recognized the creating equal opportunity for women in the work place is the equal responsibility of government and society. The specifics needs and circumstance of women must be recognized and measure adapted to ensure that

[10] ILO instruments on labour standards, concerning women workers, available at http://
www.wiki.gender.org/ wiki/ILO instruments –on-labour –standards concerning Women workers/, last accessed on oct 12, 2009.

[11] ILO, women workers, module1 training package, introduction, (international labour
office, Geneva) pp11

opportunity exist for women's active participation in work force. Human beings have the right to pursue their right to material wellbeing in condition of equal opportunity and free from discrimination.

ILO standards on equality provide tools to eliminate discrimination in all aspects of the work places, and society as a whole. They also provide the basis up on which gender mainstreaming strategies can be applied.

As provided in the preamble of the constitution of ILO, protection of the rights of women employees in the work place is included by requiring immediate improvement and focus on the principle of equal pay.

ILS prescribes minimum working condition and the principles of nondiscrimination in its many aspects, and is usually designed for all workers irrespective of their sex.

2.2.2. Texts Prepared with in the United Nations

2.2.2.1. UDHR

The adoption of declaration of the human rights was envisaged as the very first item on the United Nations agenda within the program of international bill of human rights. In 1948, the human rights commission adopted the draft declaration and submits it through the economic and social council to the general assembly. Off the purposes

provided in the preamble, its fundamental message lies in the statement that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundations of freedom, justice and peace in the world.[12]

As provided under Article 23 of the constitution of UDHR every one without discrimination, has the right to equal pay for equal works. Here the since the word "everyone" includes men and women that they have the right to equal pay for equal works.

2.2.2.2. ICESCR

As provided in Art 6 state parties to the covenant recognized the right of everyone, both men and women, to work and to get the opportunities to gain his/her living by work. The right to work which includes the right of everyone to opportunity to gain his living by work which he/she freely chooses or accepts …steps to be taken by a state party to achieve the full realization of this right include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions of safeguarding fundamental political and economic freedoms to the individual (Article 6).[13]

---

[12] Universal Declaration of Human Rights (UDHR) adopted and proclaimed by general Assembly resolution
No. 217A (HI) of December, 1948, Paragraph 1 of the Preamble.

[13]Girmachew Alemu, et.al, Ethiopian Human Rights Hand book, (2010), School of law and center for human
Right Addis Ababa University, pp. 148.

Elaborating this standard of the right to work, ICESCR recognized the following elements:

1. Availability: the existence of specialized services to assist and support individuals to identify and find available employment.
2. Accessibility: the labour market should be open to everyone, in terms of nondiscrimination, physical accessibility and the rights to seek obtain and impart information;
3. Acceptability and Quality: the employment has to comply with the right of the workers to just and favorable conditions of work, in particular to safe working conditions, the right to form trade unions and the right to freely to choose and accept work.[14]

In addition to this Art 7/1 of the ICESCR provides for a condition of work ensuring remuneration which provides all workers with fair wages and a decent living for themselves and their families. Here the phrase "All workers with fair wages" means both men and women has the right to faire wage without discrimination based on any ground. Furthermore, under Art 7 of the covenant, state parties recognizes the right of every one to work which ensure, among others, equal remuneration for work of equal value without discrimination of any kind.

[14] Ibid

2.2.2.3. CEDAW

Discrimination is any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women on the basis of equality of men and women, of human rights and fundamental freedoms in political, economic, social, cultural, civil or any other fields[15].

As provide Art. 2/e, state parties to the convention has an obligation to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. In its nature the CEDAW Convention imposes an obligation on states to eliminate all types of discrimination against women, and then applies this general principle to the employment context as well. This way, the treaty represents an unambiguous mandate for states to take affirmative steps that are necessary to ensure the sustainable equality of women at work place, both in treatment and opportunity.[16]

Furthermore Art. 15 of the Convention affirm the general principle that states shall accord to women equality with man before the law. This means that not only does a state has an obligation to protect

[15] Convention on Elimination all form of Discrimination against Women (CEDAW), 1979, Art 1.
[16] Medhanit Adamu and Sofanit Mekonen, Gender and the Law, teaching Material(2009), pp. 109,
Unpublished.

women against the violation of sexual harassment but also must provide adequate recourse in the event that this right is violated.

Article 11 of CEDAW requires parties to eliminate discrimination in employment so as to ensure that women have the right to work, the right to the same training and employment opportunities as men and the right to receive equal pay for works of equal value. Women must also have access to the same benefits, compensatory schemes and allowances as men, especially in relation to retirement and incapacity to work. Article 11 further requires that parties prohibit discrimination in the work place on the basis of marriage, pregnancy and maternity, and introduce paid maternity leave without loss of benefits or carrier opportunities, and encourage provision of supporting social services to allow parents to combine family obligations with work responsibilities.[17]

Art 11 CEDAW specifically states:

1. State parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, the sane rights in particular.
    a. The right to work as an inalienable right of all human beings.

[17] A Human Rights Approach to Equality for Women in the Work Place, submission to The review of the
opportunity for Women in the work place act, 1999(Oct 2009) pp. 11

b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.
c. The right to free of choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training:
d. the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of equality of work.
e. the right to social security particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as to the right to paid leave:
f. The right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, states parties shall take appropriate measures:

a) To prohibit subject to the impositions of sanctions, dismissal on the grounds of pregnancy or off maternity leave and discrimination in dismissals on the basis of marital status.
b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances:
c) To encourage the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation public life, in particular through promoting the establishment and development of network of child care faculties.
d) To provide special protection for women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repeated or extended as necessary.

More over art 5(a) of CEDAW commits states parties to modify the social cultural patterns of conduct of men and women with view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles of men and women. This

requirement of substantive equity is also reflected throughout CEDAW, including in the preamble and in art 1-5 and art 24.

In order to achieve substantive equality, state parties must eliminate systematic discrimination, or those farms of discrimination that have become institutionalized in law, policies, practices, and social structures.

The position of women will not be improved as long as the underlying causes of discrimination against women and their inequality are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions, and systems so that theyare no longer grounded in historically determined male paradigms of power and life patterns.[18]

2.2. Regional instruments

2.2.1. ACHPR

The assembly of heads of state and government of the organization of African unity adopted the African Charter on Human and Peoples Rights in 1981 and it entered in to force in 1986. As of January 1993, 49 of the 51 OAU member states were parties to the charter. According to this charter every individual shall be entitled to the

[18] Committee on the elimination of discrimination against women, general recommendation No, 25, above n
7, at Para 10

enjoyment of the rights and freedoms recognized and guaranteed in the present charter without distinction based on sex.[19] Accordingly discrimination based on sex is prohibited without any distinction. This charter gives equal protection of the law for all men and women.[20]

Furthermore the charter provides that every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.[21] In this the main problems on the rights of women employees in the work places that inequitable and unsatisfactory working conditions and wage discrimination are given protection. The states who are the party to this charter have an obligation for the elimination of any discrimination against women and the protection of the rights of women.[22]

2.2.2. American Convention on Human Rights

The convention was drafted in Sanjose, Cost Arica, on 22 November 1969 and entry into force on 18 July 1978.

The charter gives an obligation to the state parties to the convention to respect the rights and freedoms recognized here in and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms without any discrimination based on sex.[23] This

[19] African Charter on Human and Peoples Rights (ACHPR), adopted on 27 June 1981, art 2.
[20] Id, Art 3
[21] Id, Art 15
[22] Id, Art 18(3)
[23] American Convention on Human Rights(entry into force 18 July 1978), Art 1

convention gives the right to labour association for all sexes.[24] Pursuant to Art 24 all persons are equal before the law; consequently, they are entitled, without discrimination, to equal protection of the law.

Furthermore the convention gives an obligation for the state parties to adopt measures, both internally and through international cooperation for economic and social right.[25]

In general speaking the American convention on human rights, have no specific provisions addressing the protections of the rights of women employees in the work places.

2.2.3. European Social Charter

The European social charter is declared on 18 October 1961 in Turin and entry into force on 26 February 1965. As clearly provided in the preamble of the charter all social rights are secured and enjoyed without any discrimination based on sex. It gives for all workers the right to just conditions of work.[26] All workers have the right to safe and healthy working conditions and in doing their works they have the right to equal remuneration.[27]

Furthermore specifically the charter gives protection for the rights of women employees in the work places in part two Art 8.

---

[24] Id, Art 16
[25] Id, Art 26
[26] European social charter(ETS No. 35), 26 October 1965, Para 1, principle 2
[27] Ibid, principle 2&3

Art 8 of the charter provides that with a view to ensuring the effective exercise of the rights of employed women to protection, the contracting parties undertake:

1. To provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after child birth up to a total of at least 12 weeks.
2. To consider it as unlawful for an employer to give a women notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence.
3. To provide mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.
4. A. To regulate the employment of women workers on night work industrial employment.

   B. To prohibit the employment of women workers in underground mining and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy or arduous nature.

In general speaking the charter of European social charter gives a good protection for the rights of women employees in the work places. Because it is the only regional charter that provides rights of nursing break.

2.3. Domestic Laws

2.3.1. FDRE Constitution

As provided in Art 9, the constitution is the supreme law of the land. Any law, customary practice or decision of an organ of state or a public official which contravenes this constitution shall be of no effect. All international agreements and ratified by Ethiopia are integral part of the law of the land (Art 9(4) of the constitution). Here indirectly the constitution gives protection for the rights of women employees through international conventions ratified by Ethiopia. Through Art 13(2) of the constitution specifies that the fundamental rights and freedoms of women declared in chapter three of the constitution shall be interpreted in a manner confirming to the principles of the UDHR, International covenants on human rights and international instruments adopted by Ethiopia. According to this provision, since the international conventions give a good protection for the rights of women in general and women employees in particular, interpreting such rights of women in accordance with the international conventions ratified by Ethiopia is one of an indicator that the constitution gives a good protection for the rights of women in general and women employees in particular.

Furthermore, the constitution declares that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without any discrimination on

the grounds of sex.[28] Here the constitution gives equal protection of the law between men and women and prohibits any discrimination up on them.

In the enjoyment of rights and protections provided by the constitution, women's have equal rights with men.[29] As provided in Art 35(8) of the constitution, women shall have the right to equality in employment promotion, pay, and the transfer of pension entitlements. This provision gives equality of women with men in employment promotion and payment without any discrimination based on sex.

Furthermore the constitution gives the right to labour in Art 42 and it also in Art 41 declares that every worker has the right to work in the national territory of the country. Here women employees have the right to work in the national territory of Ethiopia without any discrimination based on their sex. In their works, in the national territory women's have the right to equal pay for equal work with men.[30] Workers in general have the right to reasonable limitations of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as healthy and safe work environment. In this case we can say that more or less the constitution provides the right to favorable working conditions.

---

[28] The constitution of federal democratic republic of Ethiopia, federal Nag. Gaz., 1st year, No.1.
Proclamation No 1/1995. Article 25
[29] Id, Art 35(1)
[30] Id, Art 42(1(d))

Furthermore the constitution in Art 35(5), states that the historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them compete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions. In relation to the rights of women employees in private sectors, we cannot say the phrase that ‘’the historical legacy of inequality and discrimination suffered by women in Ethiopia’’. In relation to the rights of female employees, they are subject to discrimination. So, for the purpose of the rights of women employees in private sectors, it should be written as ‘’the historical legacy as well as the present inequality and discrimination are entitled affirmative measures’’.

But here in Ethiopia there is no any legislation for the enforcements of the constitutionally accepted principle of affirmative action for the rights of female employees in private sector.

2.3.2 Labor proclamation No. 377/2003

To implement the working conditions provided by the constitution, the labour proclamation and the civil servant proclamation have extensive favorable standards to employees. Weekly rest days, maximum working hours per day and week, annual leaves and public holidays provided by both laws are entitlements envisaged in the constitution. As to the healthy and safe work environment, both laws have detailed

provisions for ensuring occupational safety and health and hence reference is made to them. Through these general rights of workers, women employees are validly beneficial.

In order to protect them from unfair treatments and violations, pregnant women employees in the work places, the constitution gives the right to maternity leave with full pay including prenatal leave.[31] This constitutionally guaranteed right of maternity leave is implemented through proc. No. 377/2003.

The labor proc. No. 377/2003 prohibits discrimination against female workers in matters of remuneration, on the grounds of their sex.[32]Furthermore Art 14(1(f)) also prohibits discrimination between workers on the basis of sex. As provided in Art 26(2(d)) of the labour proclamation sex cannot be a ground for termination of a contract of employment.

An employer shall not discriminate women against as regards employment and payment, on the basis of their sex.[33] The employers obligation is not only, not discriminate women on the basis of their sex, but also have an obligation not to employ women on the types of work arduous or harmful to their health. The works that are arduous or harmful to the health and pregnant women are listed in the directive, which the ministry of labour and social affairs here in after MOLSA

[31] Id, Art 35(5)
[32] Labour proclamation , 2003 ,proclamation no 377, Neg. Gaz, Year 10 No 12, Article, Art 14(1(b))
[33] Id, Art 87(1)

issued in 2005. According to Art 87(2) of the proclamation not only pregnant women who are prohibited from dangerous and hazardous work that are listed by the MOLSA, but women who are not pregnant are also protected from doing works that are listed in the directive issued by the ministry in 2005.

Pregnant women is protected from working certain kinds of jobs if a medical doctor ascertains that her job is dangerous to her health or pregnancy and she shall not be given an assignment outside her permanent place of work.[34] The pregnant women are not only prohibited to do heavy and dangerous works but also prohibited from assigning them to night work between 10:00pm and 6:00am or employed on overtime work.[35] The employer has an obligation to transfer a pregnant woman to suitable work.

As employer does not have the right to terminate the contract of employment of women during her pregnancy and until four months of her confinement.[36] Even during the reduction of workers the employer has an obligation to reduce the pregnant women lastly.

Concerning with maternity leave an employer shall grant leave for medical examination connected with her pregnancy. As provided in Art 88 of the proclamation, an employer shall grant leave to a pregnant women workers without deducting her wages, for medical examination

[34] Id, Art 87(4)
[35] Id, Art 87(3)
[36] Id, Art 87(5)

connected with her pregnancy, provided, however, that she is obliged to present a medical certificate of her examination.[37] Upon the recommendation of a medical doctor, a pregnant women worker shall be entitled to a leave with pay. As provided in Art 88(3) women workers are the rights to grant a period 30 consecutive days of leave with pay preceding the presumed date of her confinement and a period of 60 consecutive days of leave after her confinement.

We can say that except affirmative action, all constitutional rights of women employees declared in the constitution are also recognized and given further protection in this proclamation.

But when we come to affirmative action, the labour proclamation regulates and addresses only the principle of equal treatment and prohibition of discrimination of female employees.

The proclamation fails to promote gender equality through affirmative action and impose positive obligation on the private sectors. These there is no legislation applying the constitutionally recognized principle of affirmative action for the rights of women employees in the private sector. The labour proclamation does not provide for the implementations of affirmative action which is difficult to enforce in the private sector.

However, the civil servant proclamation No. 515/2007, gives preferential treatment for women candidates who have ‘’equal or close

[37] Id, Art 88(1)

scores'' over male candidates addresses affirmative action for the rights of women employees at the federal public sector.[38]

2.3.3. The Directive issued to Restrict Dangerous Works to the Health and Confinement of Female Workers

The purpose of the directive is:[39]

- To protect female workers from employment accident and occupational diseases
- To protect the reproductive health of pregnant women from occupational accident
- To determine the dangerous, high effort and body accident working condition

As provided in Art 5 of the directive female workers are not allowed to work like digging of underground mining, grinding of asbestos and its compounds, grinding of pesticides and herbicide in agricultural areas.

In addition to this female workers who works in the working conditions of very cold and hot, makes vibration on human bodies, chipping of stones are expected to take annual medical examination.[40] Such

[38] Civil Servants Proclamation, Proc. No 266/2002 Neg. Gaz., year 8, No. 8 Art 13(3) (a)

[39] The Directive issued to Restrict Dangerous Works to the Health and Confinement of Female Workers,

Ministry of Labor and Social Affairs, 2005 E.C, Addis Ababa, Preamble, unpublished.

[40] ibid, Art 6(2)

working conditions need special health and occupational safety. In these working places pregnant workers are not allowed to do.

Furthermore pregnant and breast feeding workers are prohibited from working in which it affects their reproductive health and dangerous for health. The directive annexes such elements and elements of compound which directly affect the health, reproductive health of pregnant and breast feeding workers are annexed with the directive.[41] Some of them are carbon monoxide, boric acid, benzene, cobalt etc.

The main and important provision for this directive is that limiting the amount of weight for female workers.[42]

In this every work which is done using the force of female workers like movement of weights from place to place, carrying, carry away, pickup, pick down, inspection, pull etc. are limited based on:

a. When the work is done entirely by hand

-For continuous works up to 15 kg
-For non-continuous works up to 25 kg

b. When the work is done entirely by hand and takes place rising uphill and down ward

Conditions:

- For continuous works up to 10 kg
- For non-continuous works up to 15kg

[41] Id, annex 2
[42] Id, Art 8

c. When the work is done using a one leg hand cart, the weight can be Up to 50kg

In general speaking this directive gives a good protection for female workers in general and pregnant and breast feeding workers in particular by limiting the working conditions that affect and dangerous on the health and reproductive health's of female workers.

2.4. Labor Rights of Female Employees as Recognized by International and National Laws

The labor rights of female workers are enshrined in different international and national instruments. International labor standards have been serving as the primary means through which ILO has acted. They are combination of conventions and recommendations. Conventions of ILO arte treated as international treaties that bind member states, which ratified them ILO standards on equality provide tools to eliminate discrimination in all aspects of the work places, and society as a whole.

International instruments prepared By UN gives a good protection for the rights of female in general and the labor rights of female in particular. Of the international instruments prepared by UN which gives a good protection on the labour rights of female employees are UDHR, CEDAW and ISESCR. As provided under Article 23 of the constitution of 1948 UDHR, every one without discrimination has the right to equal pay for equal works. Furthermore, under Art 7 of

ICESCR stipulates the right to faire wage and imposes an obligation on the covenant state parties to recognize the right of every one to work which ensure, among others, equal remuneration for work of equal value without discrimination of any kind. In addition to these, CEDAW gives maternity protection for the labour rights of female and imposes an obligation for member states to recognize it.[43]

Regional human right instruments also give protection on the labour right of female. The 1981 of ACHPR which entered in to force in 1986, provides that every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.[44] The states who are the party to this charter have an obligation for the elimination of any discrimination against women and the protection of the rights of women.[45] The European social charter which is declared on 18 October 1961 in Turin and entry into force on 26 February 1965 clearly provides in the preamble of that all social rights are secured and enjoyed without any discrimination based on sex. The charter of European social charter gives a good protection for the rights of women employees in the work places. Because it is the only regional charter that provides rights of nursing break.[46]

---

[43] Art 11 of CEDAW
[44] Supra Note 21
[45] Id, Art 18(3)
[46] The European social charter which is declared on 18 October 1961 in Turin and entry into force on 26
February 1965,Art 8(3).

Domestic laws of Ethiopia also give protection for the labour rights of female employees. The right to maternity leave (art 35(5) of the constitution and art 88of the proclamation No 377/2003, the right to maternity protection at work (art 87(3,4&5))of proclamation NO 377/2003), right to equal remuneration (art 14(1(b) & 87(1) of proclamation No 377/2003),art 35(8) & art 42(1(d)of the constitution; time off for medical examination (art88(1) of the proclamation No 377/2003); prohibition against a night and over time work for a pregnant workers (art 87(3)of the proclamation No 377/2003), prohibition against dangerous works (art 87(2)&(3)of the proclamation No 377/2003 and the right to employment security (art 29(3(f) and art 87(5) of proclamation No 377/2003). All these domestic laws give protection on the labor rights of female employees in the work places.

2.4.1. The right to non-discrimination

Women have historically been subjected to legal discrimination based on their gender. Some of this discrimination has been based on cultural stereotypes that cast women primarily in the roles of wives and mothers. In the patriarchal society women have been viewed as the weaker sex who needs protection from the rough and tumble world outside their home .such beliefs were justifications for preventing women from voting, holding public office, and outside the home.[47]Protection of law on non-discrimination is a recent

[47] Sex discrimination legal definition of sex discrimination, available at http://legal – discrimination. the free dictionary.com /sex – discrimination.html/, last accessed on, 2 Oct 2009

development, with the passage of title vii of the civil right act of 1964. That discrimination based on sex becomes illegal.[48]

Now let us see the meaning of sex discrimination that sex discrimination is the effect of law or established practice that confers privileges on certain class or the denies privileges to a certain class because of sex.[49]Sex or gender discrimination in employment involves treating some unfavorably because of the person's sex, where they are applying for a job or are current employees. It is treating individuals differently in their employment specifically because an individual is a woman or a man. In such a case woman are discriminated based on their sex in hiring, firing, promotions, pay, job classification, and benefits.[50] Both title vii civil right act and the EPA makes illegal to discriminate on the basis of sex in the payment of wages or benefits. The laws against discrimination in compensation cover all form of compensation ,including salary , overtime pay ,bonuses ,stocks options , profit sharing and bonus plans ,life insurances, vacation and holiday pay ,cleaning or gasoline allowances ,hotel accommodations , and benefits under the EPA employers are prohibited from paying un equal wages to men and women who perform jobs that require substantially equal skills , effort and responsibility, and that are

[48] Ibid
[49] Bryan A. Garner , Black law Dictionary, 9th edition (pp534)
[50] Sex /Gender Discrimination –workplace fairness, available at http://www.workplacefairness.com.org/sexual-gender discrimination, last accessed on 2 Oct 2009.

performed under similar working conditions within the same establishment[51].

The FDRE constitution gives equal protection of the law without discrimination on the ground of sex.[52]Furthermore the constitution declares that women have the right to equality in employment, promotion, pay, the transfer of pension entitlements and the right to equal pay for equal works.[53]In addition to these, proclamation No, 377/2003 prohibits discrimination between workers and against female workers on the ground of sex.[54]

Types of discrimination

2.4.1.1 Direct discrimination

It is when someone is treated differently and not as well as other people because of their sex.

Section 1 (1) (a) of the sex discrimination act of 1975 states that a person discriminates against another if:[55]

On the ground of her sex he treats her less favorable than he treats or would treat a man.

---

[51] ibid
[52] Supra Note 28, Article 25
[53] Id Article 35(8) and 42(1(d)
[54] Supra Note 32, articles 14(1) (f) and 14(1) (b)
[55] Janice naris, Employment law for business students, 2nd ed, university of Teesside (pp. 42)

In general speaking direct discrimination against women exists when men and women are treated unequally on the ground of their sex directly by the law, rules or practice without any other reasons.[56]

2.4.1.2. Indirect discrimination

It occurs when a work rule, practice or procedure is applied to all employees, but disadvantages to those of a particular sex. For example, a requirement that job applicants must be six feet tall could be met by significantly fewer women than men.[57]It exists when a criterion; rule or practice which seems neutral from sexual discrimination but, has disadvantageous affect against women.

In some limited circumstances, indirect discrimination may be justified in law if it is necessary for the business to work. But any treatment that in practice, leads to the disadvantage of women amounts to the indirect discrimination against women if the negative effect is not treated to the inherent requirements of the job. for example an employer decides to change shift patterns for staff so that they finish at 5 pm instead of 3 pm. Female employees with caring responsibilities could be at a disadvantage if the new shift pattern means they cannot collect their children from school or child care.[58]

---

[56] id
[57] id
[58] Sex discrimination /equality and human rights commission; available at http://www.
Equality human rights. Com /en/ advice –and guidance / sex discrimination. Last Accessed on 2 Oct 2016.

2.4.2. Equal pay for equal work

Equal pay for equal work is the concept of labour rights that individuals doing the same work should receive the same remuneration. It is most commonly used in the context of sexual discrimination, in relation the gender pay gap.[59] Equal pay relates to the full range of payments and benefits including basic pay, non-salary payments and benefits, bonuses and allowances.[60]

As provided in art 1 of ERC, remuneration includes the ordinary, basic, or minimum wage or salary and any additional emoluments what so ever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker employment relationships.[61]

The black law dictionary defines equal pay for equal works as ‘’equal pay act is a federal law mandating that all who perform substantially the same work must be paid equally.[62]

The equal pay legislation aims to ensure that men and women who are doing the same or similar work are paid the same wage.[63]Historically men may have been paid a higher salary based purely on their gender and the fact that they were seen as the family ‘’breadwinner’’. In many cases women are more likely to be found working in the poorly paid

[59] ibid
[60] ILO, Equal Remuneration convention (no, 100), 1951 article 1(a)
[61] ibid
[62] Supra note 49
[63] Supra note 55

selections of an organization. in such cases pay inequality may be hard to prove because there will be few men working in the same or similar role. In other cases, however, employees may find themselves in the same job but earning a lot less than a colleague of the opposite sex.[64]

In the early history as wage labour become increasingly formalized during the industrial revolution, women were paid less than male for the same labour , whether for the explicit reason that they were women. The principles of equal pay for equal work arose at the same time , as part of first wave feminism ,with early efforts for equal pay being associated with nineteenth century trade union activism in industrialized countries :for example , a series strikes by unionized women in the UK in the 1830 S.[65]

Pressure from trade unions had varied affects, with trade unions sometimes promoting conservation. Following the Second World War the legislatures of trade union and industrialized countries gradually embraced the principle of equal pay for equal work. one e.g. of this process is the UK's introduction of the equal pay act 1970 in response both to the treaty of Rome and the ford sewing machinists strike of 1968. In recent years European trade unions have generally exerted pressure on states and employers for progress in this direction.[66]

[64] ibid
[65] Equal pay for equal work , the free encyclopedia, last accessed on 23 Oct 2016
[66] ibid

In this, following international and regional conventions on the rights of women in general and the rights of women in particular, in order to avoid remuneration discrimination, many states are the party to such conventions and included such principles of equal pay for equal works in their constitution. Equal remuneration convention makes unlawful any discrimination based on sex.

When we come to Ethiopia, the ERC is ratified by Ethiopia. Ethiopia gives recognition for the principles of equal pay for equal directly and indirectly.

Indirectly by ratifying:

- ✓ ICESCR, in which art 7(1) provides equal and faire remuneration without any discrimination.
- ✓ UDHR in which article 23(2) provides every one without discrimination, has the right to equal pay for equal work.
- ✓ CEDAW in which article 11(1)(d) provides the right to equal remuneration for works of equal value and other similar conventions without any reservation on the right of equal remuneration for workers of equal value.

Directly:

- ✓ By ratifying the ERC
- ✓ By including the rights of equal remuneration for equal works in the provisions of the domestic law.

As provided in article 42(1)(d) of the federal constitution , women workers have the right to equal pay for equal works. This right is a fundamental and universally accepted right of female workers and constitutionally granted women should not be discriminated against in their workplace with regard to payment as provided in art 35(8) of the constitution that women shall have the right to equality in payment.

Furthermore the labour proclamation No, 377/2003, prohibits discrimination in matters of remuneration on the ground of sex. As provided in art 87(1), women shall not be discriminated regarding payment on the basis of their sex. According to this provision women who work at the job of equal value should be paid equally with men. In addition to this, the same proclamation makes unlawful for employer to discriminate against female workers with regard to remuneration on the ground of sex. [67]

2.4.3. The right to equal opportunity

Opportunities is a broadly used phrase which promotes the ideas that everyone within an organization should have equal l chance to apply and to have their employment terminated equally and fairly. There should be not discrimination on the grounds of sex, racial origin in religious affiliation, disability or marital status.[68]

[67] Supra note 32, article 14 (1)(F)
[68] Equal opportunity at work, available at www. Safe workers. Co.uk, last accessed on, 4
Oct 2016

Equal opportunity employment promotes equality in the work place. The right to equal opportunity gives protection for the rights of women in the work places.

Equal opportunity is enforced by law, the title vii of the civil rights act of 1964 makes it illegal; to discriminate against someone on the bases of race, religious, national organization and sex.[69]as provided in different federal laws discrimination on the ground of sex either directly or indirectly as regard access to employment, promotion working condign including the selection criteria to all jobs or posts in any sectors or branches of activates are prohibited. employers can only discriminate on the grounds of ability, experience or potential and all employment decisions taken on individuals ability to do a particular job[70].Because of different political, economic, cultural, social and attitude (belief of value) system between countries that affect the equal opportunities of women's in the work places, there are also different measures taken to terminate and minimize such discrimination based on sex. When we come to our country Ethiopia, there are different cases for the discriminations of women based on sex other than knowledge and skill. Most of the women are considered and seen as talent full to fit the works that they perform. Most of the time, especially in private sectors, priority is given for men.

[69] What is the equal opportunity employment? Available at http:// small business.chrom.com /equal-opportunity-employment- 895.html, last accessed on 8 Oct 2016.
[70] ibid

There are national and international laws that can address such problems. As provided in art 35(8) of the FDRE constitution women shall have the right to equality in employment, promotion, pay and the transfer for pension entitlement. This opportunity is before and after hiring. According to this provision based on the grounds of their sex.

2.4.4. The right to maternity leave and protection

Maternity leave is such a common term that we believe all working women are entitled to it.

Maternity leave is the leave from work to which a women is entitled for a continuous period before after giving birth.[71] The length of leave for child birth is determined by considering the necessary time required for the rest. This period can be varying from few weeks to several months from country to country. Maternity is a condition which requires deferential treatment to achieve a genuine equality and in this sense it is more of a premix of the principle of equality than a dispensation spatial maternity protection measures should be taken to enable women to fulfill their maternal role without being marginalized in the labor market. [72]

The maternity protection convention (no, 103) of 1952, provides that women working in industrial enterprise and in non-industrial and agricultural occupations, including wage earners working at home,

[71] ABC of women workers rights and Gender equality international labour office Geneva pp. 51
[72] International labour office, (1996), pp. 42

should be granted a minimum of 12 weeks leave, at least six of which must be taken after their child is born. [73]

This period of leave is to be extended by any period between the expected and actual dates of the birth, if the actual date is laqter4 than expected, as well as in the case of illness resulting from pregnancy or child birth.[74]

The recommendation no, 95 provides that, where the women's health makes necessary and where this is practicable the maternity leave should be extended to 14 weeks. If a medical certificate is produced this period may be extended steal further. In practice collective bargaining agreements between unions and employers often increase the leave entitlement.[75]

In many countries the minimum length of service with the same employer and advance notice for taking maternity leave are required. In some countries leave entitlement may depend on the number of children already in the family, the frequency of birth or before birth.

Convention No, 103, provides that, while a women is absent from work on maternity leave, it shall be unlawful to dismiss her. A considerable number of countries have extended the protection against dismissal to

[73] ibid
[74] ibid
[75] ibid

a certain period following the employers return to work after maternity leave.[76]

Maternity protection for employed women is an essential element in equality of opportunity. Among the first international labour standards to be adopted in 1919, was convention no, 3 concerning the employment of women before and after child birth. This convention laid out the basic principles of maternity protection:[77]

- ✓ The right to leave
- ✓ The right to medical benefit
- ✓ The right to income replacement during leave

The right to leave was reinforced by the explicit prohibition of dismissal during women's absence on maternity leave or at such time that the notice would expire during such absence. Employment security was thus seen as a vital aspect of maternity protection. The maternity protection convention (No, 103), OF 1952, retained the same principal elements of protection (i.e. the right to maternity leave, medical care and cash benefits), but the means and manner of providing this benefits were made more explicit.[78]

- ❖ The 12 week minimum leave period was to include a period of mandatory post natal leave of at least 6 weeks, additional leave

[76] ibid
[77] ibid
[78] ibid

was to be provided before or after confinement in the event of medical certified illness arising out of pregnancy or confinement.

- Medical benefits were to include pre-natal confinement and post natal care by qualified mid wives or medical practitioners, as well as hospitalization if necessary. Freedom of choice of doctor and of public or private hospital was to be respected.
- As regards cash benefits, a minimum income replacement rate of 2/3 specified for those benefits derived from social insurance, pay roll tax were to pay on the bases of the total No, of workers employed without distinction of sex.

2.4.5. Nursing break

Breast feeding or nursing breaks are short periods that are reserved during the work day to breast feed once child or express milk to be feed later to the child. They are usually considering to breast feeding mother's , who in some cases must prove by means of medical certificate that they are in fact breast feeding.[79]

Since the first convention maternity protection (No, 3, 1919), nursing break for breast feeding mothers during working houses have been part of the international standards on maternity protection. Convention No, 183 leaves it to national laws and regulations to decide

[79] ILS, maternity protection resource package, breast feeding agreement at work, module 10 (pp. 7)

the no and duration of breast feeding breaks, as long as at least one break is provided.[80]

As clearly provided in art 10 of maternity protection convention (no 183) 2000, the breast feeding workers should be entitled to interrupt their work for this purpose and these interruption should be consider as working time and remunerated accordingly.[81]

In nearly all countries allowing breast feeding breaks, the entitlement extends until the child is six month old, the age at which exclusive break feeding is no longer recommended, some countries grunt breast feed feeding breaks for up to 2 years, in accordance with the WHO recommendation that breast feeding be continued at least until the child is 2 years old.[82]

When we come to our country, Ethiopia there is no any law proclamation, and regulation, which covered nursing period. As we have seen above, nursing break is very important for the care and health of the child. In addition to this it is important for decreasing absenteeism from the work p lace for the purpose of child care.

So nursing break should be included our law, in order to encourage women to return to work after the birth of the child, to decrease absenteeism and for the health care of the children.

---

[80] ibid
[81] ILO maternity protection convention (NO 183), 2000, ART 10(1 and 2)
[82] Supra note 79, pp. 10

2.4.6. Employment security

Employment security refers to protection against unfair or unjust dismissals. According to the most commonly used definition; employment security means that workers have protection against arbitrary and short notice dismissal from employment as well as having long-term contract of employment and having employment relations that avoid consultation[83].For the purpose of our research; women are protected from losing their job in the time of pregnancy, maternity leave and its extension.[84]

cash sickness benefits, medical care benefits, employment injury benefits , survivor's benefits and maternity benefits are covered in the federal civil servants proclamation No, 515/2006 and labour proclamation No, 377/2003.

Except the contract by contractual agreement between the woman and her employer and when she is found guilty of gross negligence, fraud, misappropriations of property etc. of unrelated to her pregnancy and her confinement, an employer shall not terminate the contract of employment or a woman during her pregnancy and until four month of her confinement.[85]

[83] ILO, 1995, PP 18.
[84] Supra note 47, art 8
[85] Supra note 32, art 87(5), 87(6), 25and 27

In addition to this pregnancy women can be dismissed with notice in the case of work force reduction.[86]Work force reduction means reduction of the work force of an undertaking due to different reason such as reorganization of enterprise etc. affecting a number of workers representing at least 10 present of the number of workers employed.[87]from the order of various categories of workers in the reduction of work force, pregnancy women are constitute the category of the workers to be dismissed as the last resort.[88]

2.4.7. Health and safety

The employers must pay special attention to the health and the safety of the pregnant employs .they should conduct work place pregnancy risk assessment. [89]

Employers should take all reasonable steps to remove or reduce the effects of any such hazard or b risk .if there are potential risks to pregnancy which cannot be reduced or eliminated , then employees should ensure that pregnant employees don not come in to contact with those risks. In most cases this will mean assigning the employee to different job during pregnancy. If alternative work is available and an employer refuses to give to the pregnant woman, she can compliant to the employment tribunal.[90]

[86] Id, art 29(3)
[87] Id, art 29(3)
[88] Id, art29(3)
[89] Supra note 55, pp. 162
[90] ibid

To protect the health of woman and unborn child women may be restricted for doing certain kinds of jobs which may harmful to them and un born child .it is the justification that most countries law restricted the women not doing work that are harmful to their health. Such protection is not only given for pregnancy women, but also for non-pregnancy women .as provided in article 87 (2) of proclamation no 377/2003, it is generally prohibited to employee women on the type of work that are listed, my the ministry of labour and social affair's to be considered as harmful to their health.This regulation gives protection for all women. But, as provided in Art 5 of such regulation provide works that are restricted for women workers in general. But Art 6 provides works that seeks special profession and health security. The restricted works for pregnant women's are provided in Art 7 of the regulation.

In general speaking such unhealthy and dangerous works are not prohibited for only pregnant women's, but also non pregnant.

CHAPTER THREE

PROTECTION OF LABOUR RIGHTS OF FEMALE WORKERS IN PRACTICE: THE CASE OF DEBRE BERHAN TOWN

3.1. Overview of Debre Berhan town and its Employees

Debre Behrman is located at 130km from Addis Ababa. It is a capital zone of north Shoa zone in Amhara region. It is located in the semen Shoa zone of the Amhara region in north east of Addis Ababa on the paved highway to Desie.[91]It was an early capital of Ethiopia and after wards with Ankober and Angolalla, was one of the capital of the king dome of Shoa.

Today, it was the administrative center of the semen Shoa zone of Amhara region.

Debre Berhan was founded by emperor Zara yaqob, in response to a miraculous light that was seen in the sky at the time.[92]

According to the Debre Berhan town administrations report of 2008 EC, the total residents of Debre Berhan town is about 92885 and 50885 are women.[93]This means from the whole population of Debre Berhan town 54.7% are women. This report disproves the 2007 census

[91] http://edaethiopia.org/index.php/where-we-work/amhara/debirebirhan, last Accessed on Dec 10, 2009.
[92] https://en.m.wikipedia.org/wiki/Debre-Berhan, last accessed on Dec 13, 2009.
[93] Debre Berhan town administration finance, economy and development office report 2008 Ec.

that from 94,829 total populations out of which 50,259 (53%) are females. The town is also known by its local alcoholic drink products.

Women especially girls have been exposed to various types of malpractices and abuses such as sexual abuse in the form of commercial sex, rape and exploitation, etc. the situation is also very traumatic to boys where they have been trafficked for labour. Due to unfavorable conditions of living in country side, many boys and girls consciously moved to urban places of Debre Berhan town to attain better lives, nevertheless, they often exposed to miserable street lives and sex discriminations in the workplaces. The practices of abuses have also exposed many children to be raped and forced in to unsafe sex which have been resulted for unwanted pregnancy and other unemployment problems.[94]Recently the town is in the way of development and following the construction of different factories from different business sectors, unemployment is relatively decreased. As the daily monitor reported, about seven companies from different business sectors are set to start construction of factories in Debre Berhan, Ethiopia, with a combined investment worth 2.3 billion birr. Now most of the companies are complete their construction and create thousands of jobs.[95]In these factories the numbers of women workers are relatively less.

---

[94] Supra note 92.

[95] http://www.2merkato.com/news/alerts/3721-ethiopia-seven-factoriesstart-contraction-in-Debre Berhan town.

Most of the employed women of private sectors in Debre Berhan Town are participated in lower level of workplaces like pool house, cleaning, construction works and similar.

In general speaking in the lower level of enterprises where the numbers of employees are not more than 50 and by machine not more than 10, 80% of the employees are covered by women.[96] In Debre Berhan town there are about 180 enterprises and from which 90% are low level of enterprise in which most of private women employees are participated.

But in medium level of enterprises where the number of labour workers are 51-500 and by machinery 11-50, the participation of women employees is relatively less. In those enterprises the conditions of work and its safety is relatively better compared to the low level of enterprises and the number of women employees are covered up to 55% of the total working forces.[97] From those enterprises the number of women is increased in hotels and Kindergartner and decreases in factories of such enterprises in which a relatively good payment is paid for employees.

But the numbers of women workers are very low in high level of enterprises where the numbers of labour workers are more than 500 and the numbers of machinery workers are more than 50. In such branch of enterprises the numbers of women employees are up to 28%

[96] Debre Berhan town labour and social affairs report.
[97] ibid

and from these enterprises, Debre Berhan leather factory and Debre Berhan wood factory. Give high and equal quotas of women workers respectively. But in other enterprises the numbers of women workers are low.[98]

3.2. An Assessment on the Protection and Violations of the Lbour Rights of Female Workers in Debre Berhan Town

3.2.1. The Institutional Framework for the Observance of Labour Rights of Female Worker in Debre Berhan Town

3.2.1.1. Women children labour and social affairs

A women children labour and social affairs is one of the government established organ that protect the rights of women and children. The women children labor and social affairs of Debre Berhan town protects the rights of women in general and the rights of women employees in particular.

Complains in relation to economic social and cultural affairs of women are submitted to women and children affairs of Debre Berhan Town.[99]When cases in relation to employment of women are submitted

[98] ibid

[99] Debre Berhan town Administration women children labour and social affair's head office, an interview
With w/ro Etalemahu Yimtatu was made in her office on December 7, 2009.

to them, they solve the cases through ADR system and if the case is not solved through conciliation, they send the case to other organs of government, court through police.[100]

Women children labour and social affairs of Debre Berhan town follows the plans of the sectors whether the hiring plan is discriminatory in quotas of women or not. Furthermore W/ro Etalemahu Yimtatu argues that the protections of the government towards the rights of women employees are less. Because there is no any government institution, that follows and protect the violation rights of women employees in workplaces.[101]In Amhara national regional state government women children labour and social affairs office of employment conditions of work, protection and enforcement of professional safety, health, and working environments, the rights of female employees are addressed in part 4. Part 4 (1) provides the rights of pregnant women in that to protect unhealthy and dangerous working conditions of pregnant women that affect their health and the conceived child. It also controls and protects pregnant women not to do overtime, night work and the 90 days of leave period with pay.[102]

Moreover part 4(3) follows the general protections of the rights of female working conditions provided in the proclamation No, 377/2003

[100] ibid
[101] ibid
[102] Amhara Regional State government labour and social affair office of employment conditions of work,
Protection and enforcement of professional safety, healthy and working environments, vol. 1, part 4.

from art 87-91.[103] In this the rights of nursing breaks the rights of domestic workers are not controlled and protected by women children labour and social affairs of Debre Berhan Town. Because they only follows the protection and enforcements of rights of female workers provided in the proclamation.

Cases in relation to employments of women are submitted to them. Most of the cases submitted to them[104] are refusal to pay wage, unfair dismissal, holiday leave, refusal to pay severance pay, dismissal without notice, etc. those cases are solved through conciliation in accordance to the provisions of labour proclamation.[105] When the cases are not solved by labour and social affair office, the case is submitted to labour tribunal court.[106]W/RO Mestewat further argues that in order to minimize such conflicts the labour and social affairs of their office prepare woreda conference, teaching, and others to announce the rights and obligations of the employees as well as the employers.[107]

More over the interviews continues with W/RO Etalemahu Endale, the main problems faced to the women children labour and social affairs of Debre Berhan town to do their activities effectively and efficiently are the gap of the proclamation No, 377/2003 to give enforcement power to them.

---

[103] ibid
[104] Supra note 7.
[105] ibid
[106]Ibid
[107] ibid

3.2.1.2. Court

The labour tribunal courts have the power to entertain cases in relation to employment in general and women employees in particular.

In Debre Berhan Town first instance court, of labour tribunal court, cases in relation to employment submitted to the court are both public and private sector disputes. when we comes to our scope to the claims of private sector women employees, there is no any claim submitted to the labour tribunal court which the women employees are the party to the suit since 2006 EC.[108]

As the interview is goes the reason for non-submission of cases to the labour tribunal courts by female employees may be procedural difficulty of courts, high cost of litigation, time consume of court, lack of knowledge, lack of efficiency and it also may be the case may be solved through arbitration.

From this we can say that the women employees who works in private sector have not know their right to application their case before the labour tribunal court.

[108] An interview conducted with W/RO Tigst who is a labour division bench judge in Debre Berhan Town
First instance court, was made on Dec 10, 2009.

3.2.2. Conditions of female employees in private sectors of Debre Behan town

As we have seen above many female employees are participated in low level of enterprises where there is unsafe working conditions.[109]As we have observe from different employment notifications, which specifically assigned to women are less payable and unsafe working conditions.

In these working places the rights of female workers are not well protected. Here in there is sex discrimination before and after hiring. In such enterprises especially in construction sectors, the payment of women and men who works the same work and time are different based on sex. Now let as see the working conditions of construction and industrial sectors.

3.2.2.1. In construction sectors

The construction sector employment condition in Debre Berhan town is uncohesive, unskilled and for the most part of the year under employed. In Debre Berhan construction sectors there is no modern machineries like lifts, mixers, safety tools etc. in most construction sectors such kinds of modern machineries are not available and it is done through workers. In these kinds of construction the employers employed labour workers in construction, maintenance, alteration, repair and demolition of buildings.

[109] Supra note 96.

Construction sector is a work where most of the poor peoples are employed. From the workers employed in such kinds of work, the large numbers of workers are covered by female.

In construction sector of Debre Berhan town there is violations of the rights of female employees in the workplaces.[110] In the construction, there is sex discrimination before and after hiring, unequal payment between men and women, sexual harassment, reduction of female workers during pregnancy, denied to rest, they work on holidays with the normal payments of other days, they work in the working atmosphere which is not conducive to their health, denied of giving affirmative action and other similar problems. From such sectors Bereka construction is the best example which the rights of female employees in the workplaces violated.[111]

Even if female employees are hiring equally with men, Most of the time their salary is 40-50 birr per day while, the men employees salary is 75-85 per day.[112]He added that hiring female employees is very preferable. Because female employees are very polite, and they do every work that the employers ordered to do effectively and efficiently without refusing the order. But they are paid lower wage as a result of culture, their sex and they cannot work heavy works Tigabu

[110] An interview made with Ato Tigabu Mulu who is the known contractor in Debre Berhan Town on Dec 10, 2009

[111] ibid

[112] Ibid

added.[113]As the interview is continued, female employees are dismissed from the workplaces during pregnancy and illness, not paid equally, not hiring equally, nursing break is not given, affirmative action is not given to them, their health and safety is not protected and faced other different problems. In addition to this other contractors admit that the interview made with Ato Tigabu is true and there is no contractor who treats female workers equally with men and protects the rights of female workers in the work places.[114]

As an interview is made with female employees indicate, the rights of female employees are not protected well and the employees even not know their rights in the workplaces. The rights of female employees in the workplaces are considered as the obligations of female employees in both sides of employees and employers. Female employees do not know their rights provided in the proclamation No, 377/2003.[115] As the interview is continue, female employees are not paid equally with men, they are discriminated before and after hiring, they are dismissed during illness and pregnancy and have no chance to be hiring after they get their health and giving birth, there is not only given affirmative action but also not treated equally with men, even when they have a chance of hiring after they birth a child, nursing break is

[113] ibid

[114] An interview conducted with Ato Biruk G/Yohans, Alemu G/Yohans and Dagm Kebede, who are contractors in Debre Berhan town, made on Jan 20, 2009.

[115] An interview conducted with construction female employees of Bereka construction in Debre Derhan University on Dec 12, 2009.

not given to them, they carry a 50 kg weight cement and other materials to second, third, fourth and up to the last flowers, there is no chance of getting time for medical examination assigning over time without payment.

All the employers (contractors), construction female employees and different institutional framework directors, like labour and social affair admits that the rights of female employees provided in the proclamation are violated in the construction sector.

The reasons for discrimination are lack of skill, effort, assumption taken by employers that women employees are less effective, lack of awareness about the constitutional rights of female employees, lack of knowledge about the legal consequences on violations of female employees, failure of female workers to exercise their rights that they do not know their rights and do not submit the case during violation etc.[116]

The researchers understand that the rights of female employees provided in the proclamation are not protected in construction sectors.

3.2.2.2. In industrial sectors

As the report oflabour and social affairs indicate that thenumbers of female employees in the industrials sectors of DebreBerhan Town

[116] Reasons for discrimination raised by all the interviewed

areless in number than other sectors of the town. We can see by the table below: [117]

No,	Name of the industry	No. of male	No, female
1	Ital. Aluminum factory	105	22
2	Construction machinery Engineering	200	50
3	Debre Berhan wood Factory	128	128
4	Wodera union flour factory	16	7
5	Sikina flour factory	16	3
7	Demsew flour factory	11	2
8	Dashen beer factory	173	20

From this table since the numbers of male employees are 649 while the numbers of female are 231.The reason for such variation of number between men and women are the sectors hire males who can do every work even if it is hard, considering absenteeism of female

[117] Supra note 102

workers during pregnancy, some female employees are not volunteer to work at night that almost all industrial sectors work at night, failure of working overtime during pregnancy, female workers are not effective, they don't work hard works, they are careless, they are talkative and loss much of the work times in talking each other[118]. The researchers understand that the participation of female employees in industrial sector is sex discrimination. Except DebreBerhan wood factory which the number of women equals to the number of men employees, in other industrial sectors the number of female employees are less than men employees.

Even if there are about many private sector working factory in the town, the researchers used Dashen beer fabric for a deeply interview about the protection of female employees.

As an interview made with Ato Desalegn Birhanu[119] indicates, there is sex discrimination before hiring in Dashen beer factory. But the discrimination is based on the nature of the work assigning for men or female employees. More over the female employees are not assigning

[118]An interview conducted with Ato Yihun Megesha and Ato Fikadu Yirga, who are employers in ital. Aluminum factory and construction machinery engineering Respectively, made on Jan 20, 2009.

[119] Human resource information management administrator an interview made with Him in his officeAn

Interview conducted with Ato Yihun Megesha and Ato Fikadu Yirga, who are employers in ital.

Aluminum factory and construction machinery engineering respectively, made on Jan 20, 2009.

Human resource information management administrator an interview made with Him in his office, on

Dec 8, 2009.

to hazardous and dangerous working places that can affect their health like caustic soda said Ato Desalegn. As the interviews goes with Ato Dessalegn, the rights of female employees like equal pay, maternity leave and protection, not assigning women employees to a dangerous and hazardous works in general and pregnant in particular, not assigning pregnant to a night and overtime work, the rights of nursing break, the rights of safety and others are well protected.

Furthermore Ato Desalegn stated that the length of maternity leave given in Dashen factory is 4 months is that 1 month prenatal and 3 month post natal leave and 2 hours per day of nursing break for 6 months. In addition to this if the women do not birth with in the 30 prenatal leave, the length of the leave is increased.

As far as the interview is continued, in Dashen factory there is a well-structuredGender and compliance managers for the purpose of surveillance the wellbeing and to build the capacity development of women employees; it is a women affair department for the interest of women employees added AtoDesalegn.[120]

What the researchers become amazing in the female employees working condition of Dashen factory is that, the results of the interviews [121]and group discussions[122] made with female employees

[120] ibid
[121] An interview conducted with female employees of Debre Berhan Town, made on Dec. 12, 2009.
[122] A group discussion conducted with female employees of Dashen factory, made on Dec. 13, 2009.

result is exactly the same with the interview made with Ato Desalegn Birhanu, that the rights of female employees is well protected.

In this regard the researchers concluded that, both the government and other private sectors of Debre Berhan Town should take the lesson of Dashen beer factory for the good protection of female employees.

3.3. Trade unions

Even if there are many private sectors in DebreBerhan Town, in most of the sectors there is no an established trade union and even some established trade unions are not work properly.[123]On the summary of the report, the labour and social affairs recommends that since trade union is not established in each private sectors, we the labour and social affair should initiate each sectors to establish trade union with in their work places. In addition to the reports of labour and social affair, the researchers through different interviews understand that trade union in DebreBerhan Town are not established in most of the private sectors. The trade unions of Dashen factory isa strong trade union which protects and observes the well protection of female employees through gender and compliance manager[124]. Further, Manalebish added that the government institutions like labour and social affairs are not observe and initiate our trade union and even we

[123] Supra note 103

[124] An interview conducted with w/ro Manalebish Asmare Who is the deputy chairman Of trade union of
Dashen factory, an interview conducted on Dec 15, 2009.

don’t see any government organ in this company who observes the working conditions of female employees.

As the result of complexity of working places for observing the establishment of trade unions and negative views of employers towards its establishment, it makes difficulty to do effective works towards the establishment of trade union and its effectiveness.[125]

For instance the researchers conclude that for the well protection of female employees in Debre Berhan Town private sectors, trade unions should be established in each private sector and the government especially labour and social affair should initiate employers to established trade union in there sector.

3.4. Summary of Finding

From this chapter the researchers find the following points:

- The rights of female employees especially in the construction sectors of DebreBerhan town are not protected at all. They are assigned to work dangerous to their health, they carry a heavy amount of materials, and maternity leave is not given for them.
- There is gender discrimination in industrial sectors of DebreBerhan town, that the numbers of female employees in DebreBerhan town are lower in each private sector.

[125] ibid

- The numbers of female employees' are high in lower level of enterprises where the numbers of labour employees are less than 50 and less than 10 by machines. In such work places safety of the work is very low and the rights of female employees are not protected.
- The female employees don't know their rights to complain case to the government organs especially to labour and social affair, trade union, court, labour tribunal and to others.
- Trade union is not established in most of the private sectors of DebreBerhan Town and the government organs contribution to establish it is very low.
- The constitutional rights of affirmative action of female employees are not protected in DebreBerhan town.

CHAPTER FOUR

CONCLUSION AND RECOMMENDATIONS

4.1. Conclusion

In Ethiopia the current female population is 50.2% .Women make up 40% of the global workforce yet makes less than their male counter parts in every country. Women make up a vital part of the economic and social fabric that holds their communities together, yet that work is rarely valued at the same level as men's work. With regard to women's participation in economic life, the 2005 national labour force survey reveals that women represent 47% of the labour force in Ethiopia. With highly unequal participation: 68.5percent of employed women were unpaid family workers and 24.8% were self-employed in informal jobs.

Women disproportionately bear the burden of poverty in Ethiopia which is mainly a result of the gender based division of labour and lack of access and control over resources prescribed not only by tradition and culture but also reiterated in the law.

Even if the rights of female employees are protected under international, regional and domestic laws, still now there is discrimination based on sex in the work places. The rights of women employees enshrined under such instruments are not protected. Accordingly the rights of female employees in the work places of our study area are violated.

Even if international and different regional instruments accord a good protection to female employees in the work places, the labour proclamationNo. 377/2003 do not cover all employees of female, since, it failed to cover the rights of female managers, and issues of affirmative action.

Art 35(3) of the constitution gives affirmative action for females but the labour proclamation failed to promote gender equality through affirmative action and imposes positive obligation on the private sectors. Thus there is no legislation applying the constitutionally recognized principles of affirmative action for the rights of female employees in the private sector.

In addition to this, the right of nursing break is also not covered under Ethiopian laws. Hence both the health of the child and mother are affected. In DebreBerhan town, the rights of female employees in different and most private sectors are violated. The violation is harsh and increased in the construction sectors in which there is no equal payment, there is discrimination before and after hiring, they carries

up to 50 gk of cement and other things, there is no protection of maternity leave, nursing break is not given, dismissal from work during pregnancy and illness, unsafe working condition, assigning females to dangerous works etc. In addition to these women employees are assigned in the low level of enterprises where the numbers of labour employees are less than fifty and less than ten of machine employers. In such enterprises the rights of women employees are not protected and there is less payment with hard working condition.

The reasons for violation of such rights are:

1. From the side of employers; because of their thought that they considered women as less powerful to do works, talkative, less effective, fearing pregnancy and voluntariness of to do night works, they discriminate before and after hiring.
2. From the side of workers; they are not active to exercise their rights and they do not know their rights what they have in the work place and not submit their case to the court during violation.

In most of the private sectors of the study area trade union is not established and the government organs like labour and social affair are not initiated the sectors to establish it.

All the above problems massively contribute the violation of the rights of female employees in our study area.

4.2 Recommendations

The types of measures to be taken to encourage and protect the rights of female employees in the workplaces including but not limited to:

- The responsible organ especially women children labour and social affairs, trade unions, and others should control the well protection of female employees in different private sectors**.**
- In order to avoid the consequence of the past discrimination and to promote equality between men and women, special attention in training should be given to female workers.
- The employees should play their important role in exercising their rights entrusted by relevant legislations. There are some ways by which the employees can exercise their employment rights like lodging complaint to the trade unions and to the competent government bodies or employment labour tribunals. The failure of the workers to exercise such rights may contribute to increase the violations of the rights of female workers.
- There should be media outreach: as the main sources of news and public information, the media is the most wide reaching way to inform and engage citizens. Hence the government should use media to announce and creating awareness for the rights of female employees in the work places so as to protect the rights of female employees.

- There should be a well-established trade union in each private sectors and within this union, there should be department of women's affair which is led by the women so as to initiating women employees to submit every complain without fearing. The government organs especially labour and social affair should take the responsibility to establish it and initiating it to do its activity well.
- To promote gender equality through affirmative action and impose positive obligation on the private sectors, there should be legislation applying the constitutionally recognized principle of affirmative action for the right of women employees.
- To protect the health of the mother and the child maternity leave should be extended in the events of illness, multiple births up on the recommendations of a medical doctor.
- The prenatal leave should not be reduced even if the delivery takes place before the lapse of 30 days prenatal leave rather the remaining days which is not used in the prenatal leave should be added with the post natal leave.
- Nursing break should be given to new mothers to breastfeed their infant for an hour per day at least for the first six months. Since it has health benefits to the mother and the child. In addition employers also benefit i.e. it decreases absenteeism at the same time it increases productivity. Thus, Ethiopia should adopt

maternity protection conventions because it gives better rights to female workers.

- In order to protect the health of the mother, the law should extend night work prohibition after maternity leave until two or three months to fully make sure she is fit.

Bibliography

A. Books

1. Bryan A. Garner, Black law dictionary, 9th edition
2. GirmachewAlemu, YonasBirmeta and WondmagegnTadesse, Ethiopian Human Rights hand Book(2003)
3. Janice nairns, Employment law for Business Students, second edition, university of Teesside.

B. Publications

1. ILO, women workers, module1 training package, introduction, (international labour office, Geneva).
2. ILS, maternity protection resource package, breast feeding agreement at work, module 10.

3. International labour Organization, A Human Rights Approach to equality for women in the workplace, submission to the review of the opportunity for women in the workplace Act 1999 (Oct 2009.
4. International Labour Organization, ABC of women Workers' Rights and Gender Equality, (International Labour Office, Geneva, 2000).
5. International Labour Organization, Guide to International Labour Standards, Author, Geneva (2006).

C. International Laws

1. African charter on human and people's rights, (ACHPR)
2. American convention on human rights (entry into force 18 July 1978).
3. Convention on the Elimination of all Forms of Discrimination Against Women,, 1979
4. Declaration on Equality of Opportunity for Women, 1975.
5. Discrimination (employment and Occupation) Convention 1958, (No. 111)
6. Equal Remuneration Convention, 1951 (No. 100)
7. European Social Charter (ETS No, 35), 26 October 1965.
8. Maternity Protection Convention, 2000 (No. 183)
1. Universal declaration of human rights

D. Local Laws

1. Civil servant proclamation No, 515/2007.

2. Labour Proclamation: Fed. Neg. Gaz., 10th year, No,12 Proclamation No 377/2003
3. Public servant pension proclamation, 2011, proclamation No, 714, Neg, Gaz, year….no,…`1`
4. The Constitution of Federal Democratic Republic of Ethiopia, Federal Neg.Gaz. 1st year, No. 1. Proclamation No 1/1995
5. The Directive issued to determine the dangerous or harmful to the Health and reproductive working conditions of female workers

E. Other Materials

1. Amhara Regional State government labour and social affair office of employment conditions of work, protection and enforcement of professional safety, healthy and Working environments, vol 1, and part 4.
2. KalayuBrhane, TitinaTsegaye, utilization of long acting reversible contraceptive methods and associated factors among female college students in DebreBerhan town, Ethiopia, advances in applied sciences. Vol 1. No 1, 2016, pp. 19
3. MedhanitAdamu and SofanitMekonen, Gender and the law teaching material (2009)

F. Internet Sources

1. Countrymeters.info/en/Ethiopia, last accessed on Oct 15, 2016.

2. http: //en m. Wikipedia .org/wiki/ women's rights. Last accessed on 3 Nov 2016
3. http: //www. Global fund for women. Org / women's –human rights/ last accessed on 1 Nov 2016
1. http: //www. Safe workers. Co.uk/equal opportunities. html, last accessed on 4 Oct 2016
2. http: //www.laborrights.org / issues / women's, last accessed on 21 oct 2016 rights
3. http:// small business.chrom.com /equal-opportunity-employment-895.htm, last accessed on 8 Oct 2016.
4. http:// www.wiki.gender.org/ wiki/ILO instruments –on-labour – standards concerning women workers/, last accessed on Oct 2, 2016.
5. http://legal –discrimination. The free dictionary.com /sex – discrimination.html/ Last accessed on 3 Oct 2016.
6. http://weigo.org/ informal-economy-law/domestic-workers-and-law, last accessed on 4 Oct. 2016.
7. http://www. Equality human rights. Com /en/ advice –and guidance / sex discrimination. Last accessed on 2 Oct 2016.
8. http://www.workplacefairness.com.org/sexual-genderdiscrimination, last accessed on 2 Oct 2016.
9. http:|| www.un.org |women watch |confer| Beijing| national| Ethiopia. Htm, last accessed on 3 Oct 2016.

G. Interviews

1. Interview with w/ro Mestwat Endale, enforcement of law and labour dispute
2. Interview made with Ato Tigabu Mulu who is the known contractor in DebreBerhan Town on Dec 10, 2009
3. Interview conducted with construction female employees of bereka construction in DebreBerhan University on Dec 12, 2009.
4. Interview conducted with Ato Yihun Megesha and Ato Fikadu Yirga, who are

   Employers in ital. Aluminum factory and construction machinery engineering

   Respectively, made on Jan 20, 2009.
5. Interview conducted with female employees of DebreBerhan Town, made on Dec 12, 2009.
6. A group discussion conducted with female employees of Dashen Brewery factory, made on Dec 13, 2009
7. Interview conducted with w/ro Manalebish Asmare Who is the deputy chairman of trade union of Dashen factory, an interview conducted on Dec 15, 2009.
8. Interview conducted with W/RO Tigst who is a special tribunal judge in DebreBerhan Town first instance court, was made on Dec 10, 2009.

9. Interview conducted with w/ro Etalemahu Yimtatu, Debre Berhan town Administration women, and children, labour and social affair's head Office, made December 7, 2009 EC.
10. Interview conducted with Ato Biruk G/Yohans, Alemu G/Yohans and Dagm

Kebede, who are contractors in Debre Berhan town, made on Jan 20, 2009.

Reports

1. Debre Berhan town administration finance, economy and development office report 2008 Ec
2. Debre Derhan town' Labour and social affairs report