

International
Labour
Organization

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1919-2019



USUAL WORKPLACE
METHOD OF CALCULATION
TERMS OF
REPATRIATION
ANNUAL LEAVE
DOMESTIC
ACCOMMODATION
NORMAL HOURS
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TYPE OF WORK
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WORKER
CONTRACT
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Rights and Responsibilities of Relevant Actors on Labour Migration in Ethiopia

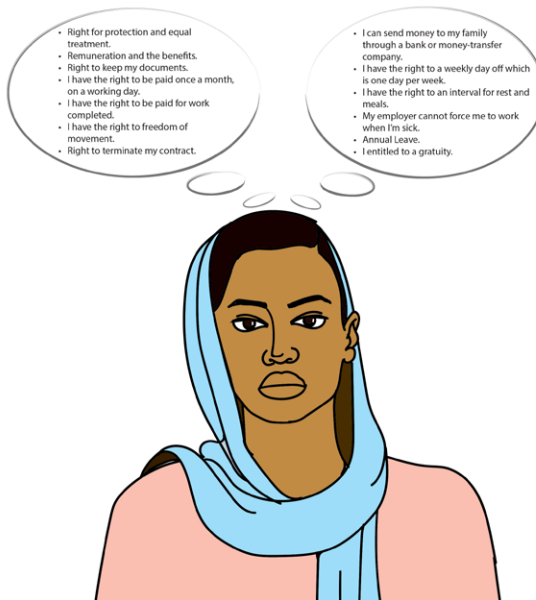
Rights and Responsibilities of Relevant Actors on **Labour Migration in Ethiopia**

The information provided in this booklet is designed to provide general information on rights and responsibilities of relevant actors involved in labour migration of Ethiopian migrant domestic workers to GCC States, it is based on available information and legal frameworks. Reference are provided for information purposes only and do not constitute endorsement by any of the organizations.

The information provided below is based on Ethiopian Overseas Employment Proclamation 923/2016¹, Government of Ethiopia Bilateral Agreements with Government of Qatar signed in 2012, Government of Jordan signed in 2012, Government of Kingdom of Saudi Arabia (KSA) signed in 2017, and Government of United Arab Emirates (UAE) signed in 2018, as well as KSA Decision 310 of 1434 on Domestic Work (2013), Qatar Domestic Worker Law No. 15 of 2017, UAE Federal Law No. 10 of 2017 on Support Service Workers (Domestic Workers Law), and Jordan Regulation No 90/2009 of Domestic Workers, Cooks, Gardeners and Similar Categories².

¹ https://chilot.me/wp-content/uploads/2017/04/proclamation-no-923-2016-ethiopia_s-overseas-employment-proclamation.pdf

² <https://www.ilo.org/dyn/travail/docs/642/Regulation%2090.2009.pdf>



1. Rights and Responsibilities of Ethiopian Migrant Domestic Workers

Rights of Migrant Domestic Workers

Migrant Domestic Workers have the right to:

Before Departure in Ethiopia

- ▶ access vocational skills training and information on regular labour migration, to better equip themselves with the necessary skills and knowledge to migrate;
- ▶ be informed of terms and conditions of employment in an appropriate, verifiable and easily understandable manner, including the name and address of the employer/workplace, contract period, type of work and working condition, remuneration and periodicity of payments, daily working hours; annual leave, daily and weekly rest periods, terms of repatriation and terms and conditions relating to the termination of employment;

- ▶ open bank accounts in country of origin as well as destination countries, to remit his/her salary through proper banking channel or other means authorized by the law;
- ▶ sign an employment contract with the employer or agency after fully understanding and agreeing with all its contents;

Upon arrival in destination country & during employment

- ▶ be free from forced labour;
- ▶ be treated without discrimination (based on gender, religion or race) while in employment;
- ▶ regular working hour as stipulated in the national laws of the destination country;
- ▶ get the minimum wages for regular working hours and overtime pay, as appropriate, which shall not be lower than the prescribed minimum wage in the destination country, or the appropriate minimum wage set by the bilateral agreement, or international agreements ratified by both countries, whichever is the highest;
- ▶ annual leave and weekly rest day as stipulated in the national laws of the destination country; free medication, food and accommodation; good hygiene and insurance coverage for life or disability;
- ▶ leave the workplace during rest day;



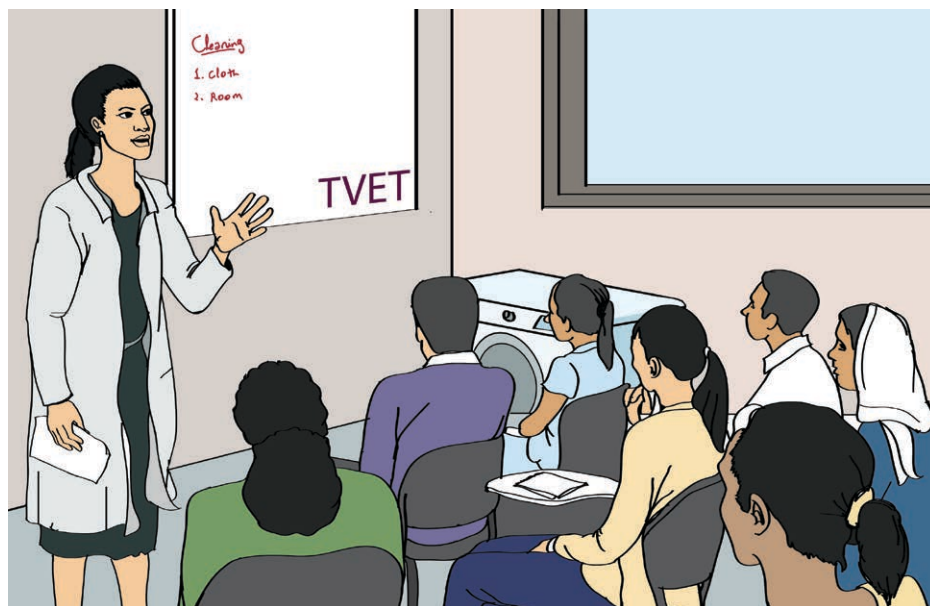
- ▶ communicate with relatives on a regular basis (at least once a week) through telephone or other means at own expense or at the employer's expense (depending on the agreement);
- ▶ contact embassy or employment agency in case of any mistreatment or abuse (emotional, any physical or sexual);
- ▶ practice one's own religious beliefs by respecting others religion, culture and traditions;
- ▶ make complaint if any of the contract clauses are breached;
- ▶ decent working and living conditions;
- ▶ keep passport, residency and work permit at safe place of your choice at all times;
- ▶ not to pay compensation for anything damaged or broken during duty of service unless it is due to recklessness or carefree behaviour.

Obligations of Migrant Domestic workers

Migrant Domestic Workers have the obligation to:

Before Departure in Ethiopia

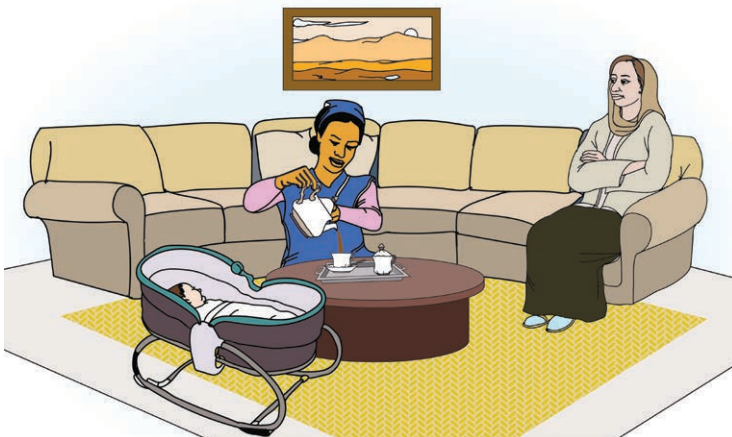
- ▶ As per Ethiopian overseas employment proclamation 923/2016, migrants should cover the following expenses during the recruitment and placement:
 - passport issuance fee;
 - costs associated with authentication of contract of employment and certificate of clearance from crime;
 - medical examination fee;
 - vaccination fee; birth certificate issuance fee; and
 - expenses for certificate of occupational competence.
- ▶ go through licensed private overseas employment agencies, get information/ address of licensed private employment agencies from the Ministry/Bureau of Labour and Social Affairs (MoLSA).



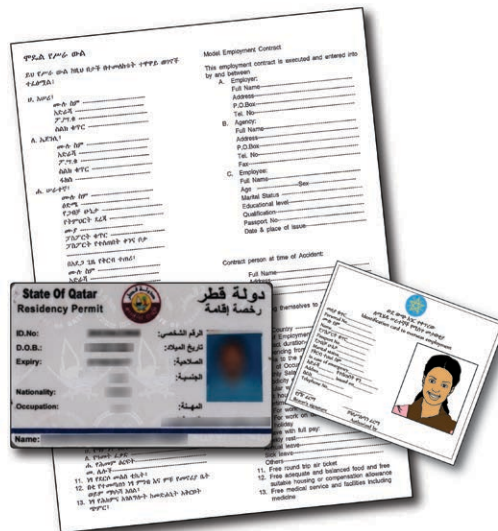
- ▶ use regular labour migration process through fulfilling the requirements under Overseas employment proclamation 923/2016. Accordingly migrant domestic workers need to:
 - be 18 years of age or above;
 - have completed at least eighth grade education;
 - attend skilled training and have a certificate of occupational competence;
 - attend the pre-employment and pre-departure training/orientation; and
 - be aware of their rights and duties by requesting information from Migrant Information Centers, Labour and Social Affairs Office, and attending pre-departure orientation and training programs.
- ▶ undergo medical examination and obtain medical certificate in a medical institution identified by the Ethiopian Government.

Upon arrival in destination country & during employment

- ▶ adapt to the family and their ways of living within limits of recognized international human rights.
- ▶ carry ID card at all times and inform the employer before leaving the household.
- ▶ abide by the country's laws, social customs and traditions, as well as religious, cultural and moral values, as long as it does not violate internationally recognized human rights.
- ▶ carry out the work agreed upon in the employment contract with integrity and diligence.
- ▶ maintain confidentiality of information about your employers and safeguard money and property, of your employer and any people residing in the household or visitors,
- ▶ to act in good faith at all times.
- ▶ follow employer's instructions and orders with an optimum manner, unless they are in violation of the law or the labour contract, or expose his/her life, money, or the life or money of third parties to danger.
- ▶ safeguard the objects, which were handed to you to perform your work, and handle such objects in accordance with the nature of their use, and return to the employer upon finishing your service.



- ▶ not to work for other employers, be it remunerated or not, contrary to the provisions of the law or regulations which are in force in the State.
- ▶ treat the employer, his/her family, and persons residing with him/her, well, and refrain from harming them in anyway.
- ▶ terminate the employment contract based on the procedures stipulated on the employment contract.
- ▶ to report and get registered by MoFA or MoLSA when coming back on leave and returning back to the same employer by presenting the following documents:
 - valid passport;
 - visa and work permit valid for the country of destination; and
 - other evidences as necessary.





2. Rights and Responsibilities of Employers in GCC States

Rights of the Employers

Employers have the right to:

- ▶ terminate or void work contract if the migrant worker breaches the applicable laws; absconds from his/her workplace; and does not meet his/her obligations.

Obligations of the Employers

Employers have the obligations to:

Before Departure in Ethiopia

- ▶ cover migrant workers expenses such as round-trip transport; work permit; residence permit; insurance coverage; costs associated with visa, entry visa fee, and document authentication; employment contract approval service fee as during recruitment and placement;
- ▶ buy life and disability insurance for the worker;

- ▶ not to engage domestic workers in duties against her/his willingness which are going beyond tasks stipulated in employment contract;
- ▶ to act in good faith at all times.

Upon arrival in destination country & during employment

- ▶ provide access to nutritious food and drink, health care, and medication;
- ▶ cover the costs of returning her/his remains, belongings and salaries in case of death;
- ▶ avail decent working and decent living conditions that respect the privacy of the migrant workers;
- ▶ provide orientation to the migrant worker upon arrival. Orientation shall include but not be limited to the following: tour of the house, instructions in the use of equipment/machines and house rules;
- ▶ explain to the migrant worker the provisions of the contract and ensure that these are understood observed;
- ▶ obtain and renew residence and work visa for the migrant worker;
- ▶ refrain from any form of abuse, exploitation and harassment of migrant workers;
- ▶ safeguard, protect and guarantee migrant workers' dignity and wellbeing;



- ▶ never expose domestic worker's health or life to danger, or any harm that may affect them physically or morally;
- ▶ respect his/her rest periods and shall not request migrant worker to work during his/her rest periods, or during his/her weekly rest, unless there is a prior agreement between both parties to do the extra work, which should be adequately compensated;
- ▶ pay the monthly wage agreed upon with the domestic worker at the end of the month, or at the latest on the third day of the consecutive month.
- ▶ not deduct any fees, expenses or commissions from worker's wage to compensate for recruitment.





3. Responsibilities of Private Overseas Employment Agencies

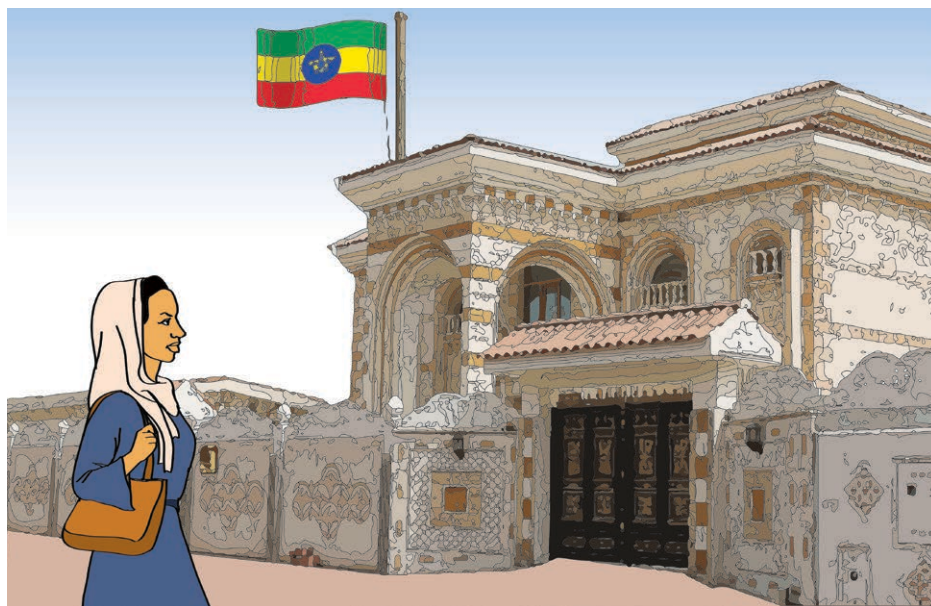
Private Overseas Employment Agencies have the obligations to:

Before Departure in Ethiopia

- ▶ not to charge directly or indirectly, in whole or in part, any fees or related costs to migrant domestic workers;
- ▶ conduct the recruitment of migrant workers in an open and transparent process through advertising the overseas job vacancy publicly;
- ▶ provide orientation on general conditions of work, situation of receiving countries, and pre-departure orientation and counselling services to migrant workers;
- ▶ provide an employment contract which is written or translated in the language understood by the migrant workers and a copy shall be provided to the migrant workers;
- ▶ explain the provisions of the contract to the migrant workers;
- ▶ adhere to the ethical standards and principles of fair recruitment to prevent migrant workers from abuse and exploitation at recruitment, placement and return.

Upon arrival in destination country & during employment

- ▶ treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, social origin, or in any other forms during recruitment and placement;
- ▶ provide protection for migrant workers during recruitment and placement in the Middle East;
- ▶ register, track and document all relevant information of migrant workers recruited by the PEA and placed in GCC states and Lebanon;
- ▶ deploy the migrant workers within one month after the approval of the contract of employment;
- ▶ notify the Ethiopian Mission or Consular office in the country of destination, and ensure registration of deployed workers within 15 days;
- ▶ ensure that the worker has obtained work and residence permit;
- ▶ ensure that the contract of employment is not breached.



4. Roles and Responsibilities of Government in Countries of Origin and Destination

Roles and Responsibilities of Government in Destination Countries

Government in Destination Country has the obligation to:

- ▶ ensure that migrant workers have access to justice – access to the appropriate courts or shall otherwise obtain redress for his/her grievances or compliant through well-established complaint handling mechanism settle disputes between migrant workers and employers;
- ▶ ensure that laws and regulations protecting migrant workers are actually enforced and are effective deterrents – including regular inspections of working and living conditions and supervision of compliance with employment contracts and bilateral agreements;
- ▶ accord equality of treatment between migrant workers and national worker;

- ▶ ensure that effective and adequate remedies are available to migrant workers in case of violations;
- ▶ effective promotion and protection of the human and labour rights of migrant workers;
- ▶ take measures to ensure that migrant workers enjoy effective and adequate protection against all forms of abuse, harassment and violence;

Roles and Responsibilities of the Government of Ethiopia

The Government of Ethiopia/Ministry of Labour and Social Affairs has the obligation to:

- ▶ ensure that the terms and conditions of employment are in line with bilateral labour agreement and the relevant legal framework in country of origin as well as destination;
- ▶ ensure that the copy of employment contract has been delivered to the migrant worker before departure;
- ▶ ensure that the migrant workers fully understand the terms and conditions of their employment and content of their contract;
- ▶ authorize recruitment agencies to recruit and place migrant workers overseas
- ▶ supervise and monitor the practice of the private employment agencies to prevent abuse and exploitation of migrant workers;
- ▶ undertake regular pre-employment and pre-departure orientation/training for potential migrants for free;
- ▶ provide assistance to migrants in finding employment and information about the migration process as well as the conditions of work in the destination country;
- ▶ ensure that the rights, safety and dignity of worker deployed overseas are respected;
- ▶ place a mechanism to get migrant workers grievance or complaint, and to settle the complaint amicably if possible, if not, by following the formal procedure in major countries of destination.

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