

Committee on the Application of Standards

Date: 21 May 2021

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

► Information on the application of ratified Conventions supplied by governments on the list of individual cases

Ethiopia (ratification: 1963)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Government has provided the following written information.

1. Article 2 of the Convention. Right of workers, without distinction whatsoever, to establish organizations. Teachers.

The Committee observed a complaint by Education International (EI) received on 20 September 2019, which refers to the denial of registration of the National Teachers' Association (NTA).

The Government of the Federal Democratic Republic of Ethiopia (FDRE) would like to candidly inform the Committee in this case that there was no request whatsoever for registration submitted by the National Teachers' Association (NTA) to the Ministry of Labour and Social Affairs.

On the other hand, the Ethiopian Teachers' Association (ETA) which is affiliated to Education International (EI) with more than 600,000 members is legally registered since 1949 and is functionally operating towards advancing the interests and rights of teachers at different levels in the country. This show case, therefore, can be considered as progress towards the application of the Convention in law and practice in Ethiopia.

In view of the above, the observation submitted by the EI (received by the Committee on 20 September 2019) which refers to the denial of registration of the NTA by the Ministry of Labour and Social Affairs of the FDRE is an unfounded allegation.

The Government would like to take this opportunity to bring to the attention of the Committee that the NTA like any other association (namely the ETA) can register at any time if it so wishes with a competent authority, provided that it complies with the relevant domestic legislation that governs such registration.

2. Articles 2, 3 and 4. Legislative matters. Civil Society Organizations Proclamation (No. 1113/2019).

The Government would like to commend the Committee for its acknowledgments with regard to significant changes made in a newly enacted Civil Society Organizations Proclamation No. 1113/2019 that repealed the previous Charities and Societies Proclamation No. 621/2009.

That said, the Government took due note of the Committee's comments on sections 59(b) and 78(5) of the new Proclamation No. 1113/2019. In this regard, the Government would like to bring to the attention of the Committee that the assimilation of international Conventions (including Convention No. 87), standards and norms into the national laws is a complex process as circumstances vary from country to country.

In view of this, the FDRE newly enacted the Civil Society Organizations Proclamation No. 1113/2019 taking into account the country's circumstances with the main aim to register and closely monitor civil society organizations (CSOs) and non-governmental organizations (NGOs) that seek to engage in mobilizing resources domestically and internationally for the purpose of supporting vulnerable and disadvantaged segments of the population through projects and programmes at the grassroots level.

In light of the above, the FDRE is of the view that sections 59(b) and 78(5) of Proclamation No. 1113/2019 primarily aim to prevent wrongdoing by CSOs and NGOs and takes the necessary measures against organizations' misconduct and engaging in activities that are contrary to the rights and interests of their beneficiaries in particular, and the social norms, moral values and beliefs of society at large.

That said, the Government is ready and open to engage in constructive dialogue on issues at hand with concerned stakeholders including the social partners and will provide updated information to the Committee in its next report.

3. Civil servants and employees of the State administration

As the Committee rightly pointed out, the FDRE has been seriously engaged in carrying out comprehensive and in-depth reforms (including civil service reform) that encompasses administrative and civil service reforms, public expenditure management, tax administration, public enterprises reform, and legal and judicial reform and their interface with sectoral institutions that aim at promoting good governance. To this effect, the Government endeavours to realize these reforms in collaboration with development partners and stakeholders, and is at a good and promising stage although it is a complex and painstaking process. In connection with this, a Job Evaluation and Grading System (JEGS) for the civil service sector (as part of the reform) has been developed and it is at the pilot testing stage. The JEGS is expected to place the right people (civil servants) in the right place. The JEGS also intends to improve the pay system.

With this information, the Government will provide in its next report progress made thereon, taking into account the observations and comments made by the Committee.

4. Labour Proclamation No. 1156/2019

(a) Workers covered

The Government took note of the observations and comments of the Committee with regard to certain categories of workers (workers whose employment relations arise out of a contract concluded for the purpose of upbringing, treatment, care of, rehabilitation, education, training [other than apprenticeship]; contract of personal

service for non-profit-making purposes; managerial employees, as well as employees of the State administration; and judges and prosecutors, who were governed by special laws).

To this effect, the FDRE, with possible technical assistance from the ILO, will carry out in-depth studies on the matter at hand and engage in effective and constructive dialogue with social partners; and provide information to the Committee on development thereon in its next report.

(b) Essential services

The Government would like to commend the Committee for acknowledging measures taken by the Government (in consultation with the social partners) to minimize the list of undertakings (while revising the labour law) that are providing essential services to the public.

That said, the FDRE took note of the observation of the Committee with regard to the deletion of urban light rail transport from the list of essential services. In this regard, we would like to bring to the attention of the Committee that the Government is exerting its maximum effort to progressively assimilate the Convention into the national laws and practice.

In view of the above, the Government will engage in constructive dialogue with concerned stakeholders and social partners as regards the observation of the Committee and provide updated information on the outcome in its next report.

(c) Quorum required for a strike ballot

As regards the quorum required for a strike ballot (section 158(3) of Labour Proclamation No. 1156/2019), the Government noted the observations and comments of the Committee and wishes to provide the following illustrative explanations on the same.

As section 159(3) of the Proclamation stipulates, a strike motion has to be supported by a majority of the workers concerned in a meeting in which at least two thirds of the members of the trade unions are in attendance. This does not, however, mean that a two-third majority is required in order to decide on a strike motion. So, the intention of section 159(3) is to give an opportunity to the majority of the attendant members to discuss the issue. Otherwise, a decision will be passed by the majority out of the two thirds attending. To clarify the matter with a concrete example, let us assume that a trade union has 100 members. According to section 159(3) of the Proclamation, two thirds of the trade union members (that is, 67 members) are required to attend the meeting and a simple majority vote of the attendants (namely 50 per cent +1 of 67=34) is required to authorize a strike resolution; which in effect is one third of the total members. We hope this illustration clarifies the intention of section 159(3) of the Proclamation.

(d) Cancellation of registration (article 121(1)(c))

The Government took due note of the Committee's observation with regard to the cancellation of registration of an organization as stipulated in article 121(1)(c) of the Proclamation, and wishes to clarify as follows.

As is stipulated in article 121 of Labour Proclamation No. 1156/2019, the Ministry (namely the Ministry of Labour and Social Affairs at national level) or the appropriate authority (namely the Bureaux of Labour and Social Affairs in their respective regions)

may file before the competent court to cancel the certificate of registration of an association on any of the grounds provided in article 121(1)(a)–(c).

It is clear from the above that the Ministry or the appropriate authority has no mandate to revoke the certificate of registration of any association, except if filing the case with good grounds (that are specified under article 121(1)(a)–(c).

We hope this clarifies the concern of the Committee and we are of the view that article 121(1)(c) is in conformity with the Convention in point.

In conclusion, while the Government is committed to progressively assimilate the Convention to ensure its conformity with the national laws and practice, the FDRE look forward to the ILO's technical assistance in this regard.