

Rights and Reality: The Working Conditions of Female Factory Workers in Selected Manufacturing Industry Sites in Ethiopia

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Abstract

The past few years have seen gradual expansion of the manufacturing industry in Ethiopia, creating employment opportunity for thousands of Ethiopians. There is a growing concern that the much-touted growing employment opportunity in the manufacturing sector is not matched by decent working conditions. This paper aims to present an assessment of the working conditions of female factory workers by focusing on a study conducted at selected manufacturing industry sites. Through a qualitative method and using the standard conditions of work set by the law as points of reference, the paper examines the working conditions of female factory workers as well as their interaction with the formal legal system to vindicate their rights and advance their interests in the workplace. It has been found out female factory workers, which constitute the largest portion of the work force in the manufacturing industries, are concentrated in blue collar jobs and survive under dismal working conditions that are way below the standards set by the law. A number of factors that hinder female factory workers from demanding enforcement of their rights utilizing the law and the formal legal system were also noted. The research findings point to the need for serious of legislative and programmatic interventions to ameliorate the condition of female factory workers.

Keywords: Working Conditions; labour Rights; Working Women; Manufacturing Industry; Ethiopia; Gender.

I. Background and Context of the Study

Following the liberalization of the Ethiopian economy in 1991, the manufacturing industry sector has seen gradual expansion. As the Ethiopian Government engages in a push towards ensuring economic and social development, the manufacturing sector has taken centre stage in its policy matrix. This is a vital approach as the manufacturing sector raises national income through value adding, creates demand for agriculture-based traditional products and provides growing employment opportunities.³⁷⁴With this in view, the Ethiopian government has focused

³⁷⁴Mitiku Amare&S.K.V. Suryanaryanaraya Raju, 2015, "Overview of Ethiopian Manufacturing Industries", *Industrial Engineering Letters*, 5(5): 41
<http://www.iiste.org/Journals/index.php/IEL/article/view/22270/22776>. (Accessed on 17 January 2015).

on transforming the economy from a primarily agrarian economy to an industrialized modern economy.

As a result, over the past 10 years Ethiopia has registered expanding investment in manufacturing industries as more and more foreign companies are enticed by the cheap labour prevailing in Ethiopia, in addition to the fledgling domestic manufacturing industry. It has become a rapidly growing economic sector providing increasing employment opportunities for thousands of Ethiopians. The number of large and medium scale manufacturing industries that was 796 in 2000/01³⁷⁵ has reached 2,610 in 2012/13.³⁷⁶ Between 2012/13 and 2014/15, the manufacturing industry sector has expanded, on average by 22%.³⁷⁷ Manufacturing industry output growth has been, on average, 14.9% for the period 2009/10 and 2013.³⁷⁸ The number of job opportunities the manufacturing industry created has also risen sharply, from 93, 515 jobs in 2000/01 to 380,000 by 2014/15.³⁷⁹ This expansion of the manufacturing sector in terms of size, economic output and job opportunity is set to accelerate as the Government is poised to make Ethiopia a leading manufacturing hub in Africa. The Government's Growth and Transformation Plan II (GTP-II) gives substantial emphasis to the manufacturing sector. The manufacturing industry is projected to grow by an annual average rate of 21.9% and manufacturing sector job opportunity by 15% for the GTP-II period (2015/16 - 2019/20), and the employment opportunity is anticipated to rise to 1.5 million by 2025 from the current 380, 000.³⁸⁰

While these developments in and buoyant trajectory of the manufacturing industry sector is a welcome development for a country besieged by poverty and unemployment, the growing manufacturing industry has brought new environmental and social problems. More specifically, with the expansion in industrialization and the concomitant rise in the number of factory labourers arise issues of working condition of factory workers. Reports, anecdotal stories and causal observation attest the existence of

³⁷⁵Central Statistics Agency. 2003. *Manufacturing Industry Survey*. Addis Ababa: Central Statistics Agency.

³⁷⁶Central Statistics Agency. 2014. *Manufacturing Industry Survey*. Addis Ababa: Central Statistics Agency.

³⁷⁷National Bank of Ethiopia. 2015. *Annual Report for 2014/15*. Addis Ababa: National Bank of Ethiopia.

³⁷⁸Ministry of Finance and Economic Development. 2014. *Growth and Transformation Plan Annual Progress Report for F. Y. 2012/13*. Addis Ababa: MoFED.

³⁷⁹Central Statistics Agency, *Manufacturing Survey (2003)*; National Planning Commission. 2016. *Growth and Transformation Plan II (GT-II) (2015/16-2019/20)*. Addis Ababa.

³⁸⁰National Planning Commission, *Growth and Transformation Plan II*.

forbidding working conditions in the mushrooming manufacturing industries.

With regard to women specifically, available data show that over the past two decades women's employment rate has increased even in times when there has been decline in the national unemployment rate.³⁸¹ The current employment policy which aims at generating employment for the country's abundant labour force through the expansion of labour-intensive export-oriented private investment and the liberalization of employment regulation as of 1991 seem to have helped in creating employment opportunity for the many poor and unskilled women. Textiles and garment, leather, agro-processing industries are among the manufacturing sectors that the government wanted to promote as labour-intensive economic activities and that have actually created employment opportunity largely for women.³⁸²

However, there is paucity of literature as regards the question of whether this increasing access by women to paid work has been matched by quality and empowering working conditions. In fact no single research on the topic of the working condition of female factory workers was found. This research was, therefore, conducted with the purpose of probing and understanding the working conditions of female workers in the growing manufacturing industries. The main objective of the research is to explore and understand the working conditions of female factory workers and how they perceive and interact with the legal system to vindicate their rights as workers. Specific objective of the research include assessing the working conditions of female factory workers; gauge women workers' understanding of labour rights and their attitude towards and practice of claiming rights; identify the major challenges and rights violations that female factory workers face; explore factors that determine women workers' inability/unwillingness to avail themselves of the formal labour

³⁸¹Central Statistical Agency.1999.*National Employment/Unemployment Survey for the Urban Population Report*, Addis Ababa: Central Statistics Agency; Central Statistics Agency.2003. *Manufacturing Industry Survey*. Addis Ababa: Central Statistics Agency; Central Statistical Agency of Ethiopia. 2004. *National Employment/Unemployment Survey for the Urban Population Report*. Addis Ababa: Central Statistics Agency; Central Statistical Agency. 2006. *National Employment/Unemployment Survey for the Urban Population Report*. Addis Ababa: Central Statistics Agency; Central Statistical Agency. 2011. *National Employment/Unemployment Survey for the Urban Population Report*. Addis Ababa: Central Statistics Agency.

³⁸²Bigsten, Arne, and Mulu Gebreyesus. 2009. "Firm Productivity and Exports: Evidence from Ethiopian Manufacturing." *Journal of Development Studies* 45 (10); Denu, Berhanu, Abraham Tekeste, and van der Deijl Hannah. 2005. "Characteristics and Determinants of Youth Unemployment, Underemployment and Inadequate Employment in Ethiopia." *Employment Strategy Papers* 7. Geneva: ILO.

dispute settlement fora to enforce their labour rights; and sort out issues related to the working conditions of female factory workers and labour rights enforcement for policy and program interventions.

The research followed a qualitative type of research method. Both primary and secondary data have been used. The research was preceded with a review of legal and policy framework, official data (statistics and reports) and literature on the subject. This was followed by development of primary qualitative data collection tools. Using the data collection tools qualitative data were collected from the study participants (female factory workers) and key informants from an array of institutions that directly or indirectly deal with employee-employer relationship or workers' welfare.

The qualitative data for the research were collected from Almegena-Sebeta and Modjo-Adama vicinities, on the southwest and southeast outskirts of Addis Ababa, respectively, and from Hawassa city. These sites were chosen because of the high concentration of manufacturing industries in these areas. In particular, the Alemgena-Sebeta and Modjo-Adama vicinities have the highest concentration of manufacturing industries in the country.

The data were collected from the study participants and key informants using a combination of different data collection tools: observation (in their working environment and body language and physical appearance during interviews); in-depth interview of study participants using semi-structured interview questions; focus group discussion; survey of study participants using structured checklist to gauge understanding of and attitude towards enforcing labour rights, and interview of employers and key informants from governmental and non-governmental institutions.

Data analysis was done manually. In analysing the data, a combination of thematic content and grounded analysis methods was adopted. First, thematic content analysis was done based on the following themes, predetermined based on the spectrum of the employment relationship and following the basic schema of the Ethiopian labour law that governs the working condition of factory workers. As more discrete information emerged from the data that does not fit with the pre-identified themes, the researchers updated and adapted the themes. The analysis is dotted with narration of personal stories of the lived experience of female factory workers to illustrate what they experience and the way they think, feel and react to life as factory workers.

II. Overview of the Legal Framework Governing the Working Condition of Female Labourers

A range of labour rights pertaining to the working condition of employees in general and female workers in particular, are provided for in an array of domestic legal and policy documents as well as international legal instruments ratified or adhered to by Ethiopia. This section will, review these legal instruments and highlight the rights of female factory workers as a background for analysis of the real working condition of female factory workers.

The first major international instrument that enunciated universal human rights was the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly as a foundation for world peace. This document has provided, in a general wording, 30 provisions of fundamental rights that form the core of the current international human rights law system, including labour rights. This instrument provides, among others, that women, in the same manner as men, are entitled to right of work by freely choosing their occupation in 'just and favourable' environments. In addition, women are also entitled to get equal pay with men for an equal work they performed, and for this payment to be 'just and favourable' as to enable them to live a dignified life that is capable of supporting their family. Moreover, the UDHR specifies that women have the right to 'rest and leisure time' with their working time limited reasonably and guaranteed holidays with pay. Besides these individual rights, women have also a collective right to form trade unions, or join a trade union of their choice to promote their interests.

The other relevant major international human right instrument is the International Covenant on Economic, Social and Cultural rights (ICESCR). It builds upon the UDHR and imposes upon state parties of the Covenant to ensure the economic, social and cultural rights of, among others, women. The ICESCR reiterates the right of work of women and obliges state parties to fulfil this right, by providing trainings and vocational guidance. The Covenant considers the free choice of employment as part of the right of work and imposes the same obligation on the states to take appropriate measures to safeguard it. It also reaffirms the right of women to work in just and favourable conditions 'not inferior to those enjoyed by men, with equal pay for equal work, 'a remuneration that enables them to live decent life, safe and healthy work conditions, equal opportunity in promotion to a higher level by requirement of seniority and competence, and rest, leisure and paid public holidays. Collectively, women workers have the right to form trade unions or join existing ones and a right to strike. The ICESCR, in

addition, provides that these rights, be them individual or collective, should be exercised without any discrimination of any kind including based on sex and obliges the State to ensure that women and men enjoy the rights equally.

The Convention for the elimination of all forms of Discrimination against Women (CEDAW) also deals with employment related rights of women. It obliges the State to ensure the elimination of discrimination of women in employment by taking appropriate measures. Specifically, it obliges states to ensure non-discrimination in realizing the right to work, the right to same employment opportunities especially by applying the same criteria for employment selection, the right to freely choose profession, and the right to equal pay. In addition, the state is under obligation to prohibit termination of employment of women on the ground of marriage and/or pregnancy, to introduce maternity leave, and to provide special protection for women during pregnancy from works harmful to them.

Similarly, the African Charter on Human and Peoples Rights (ACHPR) guarantees the right to work 'under equitable and satisfactory conditions' and equal remuneration for equal work. In addition, it stipulates that the enjoyment of rights under it should be free from discrimination. The Protocol to the ACHPR on the Rights of Women in Africa, like the CEDAW, calls on the state to take measures to redress discrimination against women via legislative or other measures especially in promotion of access to employment, in remuneration, in recruitment, promotion, and dismissal, by supporting their employment and their economic activities especially in the informal sector, and by providing 'adequate and paid pre- and post-natal maternity leave in both the private and public sectors.'

Further to those general provisions in the above mentioned human rights instruments, employment related specific rights for women workers are also stipulated under the International Labour Organization (ILO) conventions. As per the numerous conventions adopted under the auspice of ILO, in addition to the common protections they enjoy with workingmen, women workers are accorded specific rights. These rights include the right not to be discriminated against 'in respect of employment and occupation' and remuneration. The State is obliged to formulate and implement national policies that promote occupational safety and health in particular and working conditions in general. They are also obliged to give effect to this obligation by enacting laws. Female workers are also afforded protection during and after pregnancy: prohibition of engagement in works that are deemed to be hazardous to health of the mother or the foetus, to a minimum of 14 weeks maternity leave, and to a leave upon medical recommendation before or after giving birth. In addition, pregnant women

workers are protected from working in the night shift - from 10p.m. to 7a.m. Further, employed women are protected from being dismissed on account of their sex or for being pregnant or for having family responsibilities or for their marital status. The ILO conventions also provide women workers' right to form or join trade unions of their choice, to bid for trade union leadership or choose their representatives, free from interference by employers and employers' organizations.

In addition to the aforementioned international instruments, which are made part of the laws of Ethiopia by virtue of the Constitution of Ethiopia, legal protections for employed women are also set out in the Constitution itself and other subsidiary laws. The Constitution stipulates the right to equality in employment, promotion, pay and pension schemes, to paid prenatal and postnatal maternity leave, to 'reasonable limitation on the hours of work, to rest, to leisure, to periodic leaves with pay, paid public holidays' and 'safe and healthy' conditions of work. Women workers, just like other workers, have the right to form trade union and to strike. Moreover, the Constitution obliges the government to take 'all measures necessary to increase opportunities for citizens to find gainful employment'.

Labour Proclamation no. 377/2003 sets out the details of the general labour rights provided for in the international legal instruments and the Constitution. It provides common as well as specific protections for working women, including the prohibition of discrimination in employment, payment, and promotion and prohibition of dismissal on ground of their sex or maternity status. In relation to occupational safety and health, the Proclamation obliges employers to ensure that women workers are properly instructed as to the particular hazards of the work, and as to what they should do to keep themselves safe, provide safety tools with proper instructions, and in general, to ensure the safety and health of workers. In addition, women workers are entitled to prenatal maternity leave of 30 consecutive days and 60 consecutive days of post-natal maternity leave, with additional leave in case she did not give birth within the 30 days pre-natal leave, and leave with pay when a doctor recommends during pregnancy. Moreover, the proclamation provides that pregnant woman worker should not be assigned to night work (10 p.m. to 6 a.m.) or on overtime work, or on work, which is hazardous to the health of the mother or the foetus. In addition to maternal leave, women workers, like any other worker, are entitled to paid annual leave of 14 days for the first year of service (and an additional one day for each additional year of service), to sick leave, to leave for family events, union leave, and leave for special purposes. The Proclamation also stipulates the right to form and/or join a trade union as well as to engage in strike to advance their interests in

the workplace. Social security protections are provided in the Labour Proclamation itself and pension and social health insurance laws.

III. Findings on Female Factory Workers' Working Conditions

a. The Search for Job

The road to paid employment is arduous for female job seekers. Finding employment is made difficult by the absence of streamlined employment service systems and the high number of job seekers relative to the available jobs in the labour market.

While it is not uncommon for employers in the manufacturing sector to advertise vacancies by posting in public places or using print or electronic media, it is less common for blue-collar job vacancies to follow similar procedures. For vacancies of this job category, what employers do utmost to publicize vacancies is posting vacancy notices in public places and outside of their workshop premises. According to information from study participants, most female factory employees manage to get employment by roaming around factories and imploring for employment. The word of mouth communication about vacancies among job seekers is an important source of information regarding employment opportunities. Study participants have indicated that it is common for job seekers to gather around factory premises or in open spaces, in areas where there is concentration of factories, waiting for any chance to be called in and offered employment.

This difficulty of locating employment opportunities is made even more difficult by the large number of job seekers. Whenever the news of an employment opportunity with a certain enterprise is heard, often a large number of applicants report. Both employers and employees interviewed for this research have confirmed that female job seekers account for a higher proportion of job seekers.

When employers want to hire, the responsible person will just go outside of the enterprise premises and pick from among those gathered there, having regard to level of education and physical integrity of job seekers. Having relations, friends or acquaintances in a given enterprise guarantees better opportunity of employment. Even establishing connection with security guards of a factory is important, as they will tip information when a vacancy is available. While these are the common ways of getting employed, bribing insiders who can facilitate employment is also reported as a less common way of getting employment. Lelisie, a 23 years old girl

who works in a steel mill, said; *“I had to pay 200 birr and use networks of an insider who helped me to get the job”*.

By and large, getting employment in factories is difficult for job seeking women. It takes time, energy and money. Particularly for new job seekers it takes up to three months to get employment, as reported by study participants. For Lensa, a 24 years old girl who came to Addis Ababa from Butajira (130 kms south of Addis Ababa) in search of a job after dropping out from grade 7, getting employed was tough. She narrates her story of finding a job as follows

“When I arrived in Alemgena [south-west periphery of Addis Ababa], I took shelter with my childhood friend who has settled there earlier upon getting employment in a nearby factory. Since arriving there, I, along with other job seekers that I met there, went to various factories searching for an employment opportunity. Getting one was difficult despite my efforts day-in and day-out. At last I was in despair and about to return to my parents when an acquaintance tipped me about a vacancy in the enterprise where I make a living now, a wood-work factory owned and managed by Chinese people. I immediately rushed there and got employed forthwith to my relief”.

This difficulty of getting employment by female job seekers is despite the preferential treatment of female job applicants by employers. As noted by key informants and study participants, employers often prefer female job applicants over male and, in fact, most of the employees in the factories in the study sites are women. If employers prefer male applicants it is only for physically demanding jobs such as loading/unloading, moving heavy materials and operating heavy-duty machines and for managerial and supervisory positions.

The preferential treatment of female job seekers by employers is not at all out of humanitarian consideration on the part of industrialists for female job seekers. It is rather for practical management reasons. A human resource manager of a tannery in Modjo town stated that they prefer to employ female job seekers for they are obedient and can be put anywhere in the production line anytime. In a candid reflection as to why women are preferred in employment, a plant manager whom one of the researchers closely knows said that female workers are obedient and are not as naughty and demanding of their rights as the men turn out to be. These testaments sum up the considerations behind the preferential treatment of female job applicants by employers. This view is further shared by experts at labour affairs offices.

b. The Working Conditions of Female Factory Workers

The term 'working conditions' refers, in relation to labour market relations, to the working environment and all existing circumstances affecting labour in the workplace including working time, remuneration, amenities, physical conditions and mental demands as well as degree of safety and danger that exist in the workplace. Qualitative information generated from employees, groups of employees', and government offices (labour and social affairs and women and children affairs) reveal the dismal working conditions of female factory workers. Bare minimum wage, exhausting working hours, inadequate rest, employment insecurity, and hazardous and unhealthy work environment characterize the working condition of female factory workers. In women's own words, 'the working condition is suffocating'.

Wage:

The most serious complaint by female workers, and also echoed by government officers, is the meagreness of the wage. The wage paid to female factory workers is the bare minimum. According to information from study participants the common hourly and daily rates are, respectively, 4 birr and 30 birr. The daily rate is sometimes as low as 20 birr. A monthly wage as low as 500 birr is not uncommon. The common highest salary paid to blue collar workers having long years of service is in the tune of 2000 birr. Most female workers' monthly salary is in the range of 650 – 900 birr.

Workers bitterly complain that the salary they earn is insufficient to cover the cost of basic necessities for living. "The monthly rent rate for a 3x3 meters room is 500 birr, then what is left off for covering other basic expenses?", exclaim one female employee who took part in an in-depth interview. "The wage paid is not sufficient to cover basic living expenses, let alone to make a saving", said another female interviewee.

When Lensa decided to come to Addis Ababa from Butajira, her ideal plan was to get a well-paying job and make savings. She planned to return to her village, help her parents and start small business for herself. When she arrived in Alemgena (a manufacturing industry hotspot on the south-west outskirts of Addis Ababa) she found out that finding any job, let alone a well-paying job, was difficult. When she got one, the salary was negligible. Now after working sometime and getting a pay raise, she earns a gross monthly salary of 800 birr. This amount is subject to deduction of income tax and pension contribution. Lensa said;

“I realized the difficulty of living by myself with such meagre income and started living together [in an informal relationship] with my boyfriend.”

Even so, Lensa still laments about life; despite the new cost sharing arrangement she is in, she says “the bare minimum wage coupled with the high cost of living has made life unbearable”.

Other female factory workers share Lensa’s story. Since the salary they are paid cannot cover their basic costs of living, they have devised alternative sources of income. According to our informants almost all female employees routinely engage in overtime work, working extended hours in regular working days and weekly rest days. There are female employees who work 12 hours in a day or week-in week-out without having weekly rest breaks, as long as overtime work is available. This is discounting the household chores they have to be engaged back home. Others engage in in-house retail of goods or do handicrafts (such as embroidery) for sale during their spare time. Hawi, a 24 years old woman, works for a detergent factory in Hawassa for a gross salary of 1,022 and gets net 840 birr after the legal deductions. She is divorced, as her husband was not willing to let her work, and has two children to care for. She narrates her lived experience: “The income from my employment is not enough to support myself and my two children. As a result, to fill the gap between the rising cost of living and the negligible net income I have, I engage in baking and vending ‘injera’ at home”.

A 22 years old returnee migrant from the Gulf countries says;

“The net monthly income of 600 birr from my new employment does not cover my monthly basic expenses. As a result I make use of the money I saved while working overseas. I could not work overtime as it is not available in the tannery where I work”.

Lelisie works for a gross salary of 600 birr. She is married and has got a child. She says:

“As my husband’s salary and mine is not enough to cover our basic expenses, I have to work overtime whenever it is available at my place of work. During the regular working days I work for extra 4 hours and the whole day on Sunday [her weekly rest day]. That gives me extra 300 or 400 birr income per month. In addition to the overtime work, I do handicraft (embroidery) for sale during my spare time at home”.

Other female workers have developed other coping mechanisms to deal with the mismatch between the bare minimum wage and the skyrocketing cost of living. Some get assistance in kind from their parents back in their home area. Others share accommodation with co-workers. Dure, 22, came

to Alemgena from West Shewa to search for a job after completing post-grade 10 vocational training in cooperatives accounting. She said;

“At first I was not able to get a job that fits my qualifications. After a lot of effort I got employed in a biscuit factory as packer for a gross salary of 700 birr. I share accommodation with my sister, who has also moved to Alemgena. As the salary I and my sister get is inadequate to cover our basic expenses our parents support us by sending staple food grains”.

As the afore presented experiences clearly show, employment in manufacturing industries does not provide living wage for women. This is unanimously agreed by employees, employees’ associations and government offices directly involved in regulating working conditions or that promote the welfare of women. All agree that the government has to come up with minimum wage legislation that guarantees minimum living wage.

Working Hour:

Study participants reported that employers normally arrange the working hours following the legal requirement of maximum 8 hours of work per day. This apparent compliance with the law is, however, circumvented by the routine recourse to overtime work arrangements. Study participants repeatedly noted that employers usually prompted by fluctuations in the demand for and supply of products or raw materials, demand employees to make themselves available for overtime work. Failure to report for overtime work called by the employer is considered as a disciplinary breach eliciting the employer’s disciplinary action, including dismissal from employment. So, workers will be obliged to work extended hours during the regular working days (4 – 6 hours above the maximum working hours limit) and during weekly rest days (usually Sunday). It is common for female workers to work from 7:00 a.m. – 7:00 p.m. (or, during night shifts, from 7:00 p.m. – 7:00 a.m.). If the employer wishes, this will continue throughout the week, week-in and week-out, with no Sunday breaks or substituted weekly rest days.

Of course it is difficult for the workers themselves to resist the temptation of working overtime, be it during regular working days or weekend rest days, as this is their main way of generating additional income. Working overtime is part of the life of female factory workers. There are women workers who work for 16 hours a day, from 7:00 a.m. – 11:00 p.m., with interim breaks for lunch and dinner. There are others who work from 7:00 a.m. – 9:00 p.m., to fetch payment for 5 hours of overtime work per day. Dure’s life illustrates this. She says this: “I report for work at 8:00 a.m. and work until 5:00 p.m., with 30 minutes of interim break for lunch. If

overtime work is available, I continue working till 8:00 p.m.” Lensa does the same. She says, “I report for work at 7:00 a.m. and work till 4:00 p.m.; if there is the opportunity I work overtime till 7:00 p.m. If, again, there is the opportunity, I continue to work on the weekend day off”. Lelisie also shares the same story. She says that

“My gross salary for the regular working hours is 600 birr. To add to this, I regularly work overtime, frequently being on duty from 7:00 a.m. – 7:00 p.m., including on Sundays, as long as overtime work is available. When I feel exhausted I take 2 or 3 days off utilizing my annual leave”.

Female factory workers impart that it is not worth doing overtime. It is exhausting and the payment is not rewarding. It is reported by study participants that, because of the exhaustion from the long hours of work, some workers have difficulty preparing or having meals back home. For married workers and those with children, this is just one part of their life, as they have a husband to care for and/or child(ren) to nurse or look after. The deeply embedded tradition of gender-based division of roles in our society which assigns household chores as the domain of women means that the factory working woman has to also tend to all household affairs by herself, even if she is married or have male partner living with her. When having child (ren) is added to that, the domestic responsibility itself is immense. While for the husband/male partner returning home from work usually means getting rest, for the employed wife/female partner, it is the start of another work shift. They have to take care of all household work. Thus, female factory workers often live shouldering bifurcated responsibilities: as an employee in the workplace and as a housemaid back home. This puts severe strain on their life.

Most of our study participants (in FGD and in-depth interview) who live in marital or marital-like relationships stated that their husbands/partners do not help them with the household work. So, upon return from work, be it regular or overtime, they have to engage themselves in that routine household work. They will stay on this work as late as 11:00 p.m. They have to, again, rise early in the morning for some as early as 5:00 a.m. to prepare breakfast for the family and also fill the lunch boxes for herself, her husband/partner and any school going child (ren). Being assigned in the evening or night shift by her employer further complicates her life, particularly if she has child(ren) who need nursing or close supervision.

Such is the life of Ayantu and other female factory workers. Ayantu, a 26 years old woman, works in a garment factory. She is married and has two children of school age. She has said this:

"My husband does not at all help me with the household work. I usually wake up on or before 5:00 a.m. to prepare breakfast and also fill lunch boxes for my husband (who is a factory worker as well) and myself, and our two children who go to school. At 8:00 a.m. I report for work at the garment factory. I work there till 5:00 p.m., after which I will rush home to attend to the kids after school and take care of the household work. Sometimes, however, my employer obliges me to stay on for overtime work till 8:00 p.m. That worries me a lot as there will be no one who will look after my children after school. The children stay with our neighbours until I return home after 8:00 p.m. Upon returning home I immerse myself in the routines of household chores: cleaning, washing clothes, preparing dinner, fetching water, etc.... till 10:00 or 11:00 p.m."

For Ayantu life goes on like this. That is also how life as an employee was for Birtukan, who was an employee of a textile factory but was recently dismissed by her employer. She is married and has a child of school age.

"When I was working", Birtukan, said, "I used to start my day at about 5:00 a.m. I prepare food for my husband and the child, and myself. At 8:00 a.m. I report at my workplace to work till 5:00 p.m. If there is overtime work opportunity, I will continue to work till 8:00 p.m. upon returning home I do household chores usually till 10:00 p.m. My husband, who does not like the idea of me working in a factory, does not help me in the household work. The most that he does is dressing the child".

Lelisie, however, says "I am lucky as I have got a husband who does his share of the household work. He makes coffee, washes clothes, bakes 'injera' and cooks stew, brooms the house, etc."

Rest and Leisure:

On annual leave, sick leave and maternity leave, female factory workers seem to benefit from the prescriptions provided by the labour proclamation, although some irregularities and violations of the law are observed. The information from our study participants indicated that female factory workers are provided an annual leave of 14 working days for the first year of service plus one working day for each additional years of service. Few employers provide 15 working days of annual leave irrespective of the length of service while there are other employers that do not afford paid annual leave for their employees at all, except 3 or 4 days off for the most industrious and loyal of their employees.

Information obtained from the study participants show that sick leave is provided more or less according to the stipulations of the law. The only persistent unwieldy requirement by employers for the purpose of granting

sick leave is employees have to produce medical papers from government medical institutions; medical certificates offered by private medical institutions are not accepted by employers. Some employers provide sick leave without pay.

As regards maternity leave the practice seems to be more or less uniform and according to the law. Paid leave is given for periodic medical check-up purposes upon production of medical paper from government medical institutions or an institution authorized by the employer. When pregnancy of a worker is confirmed, employers, in most cases, make favourable adjustments for the pregnant worker; no overtime work, no work during night shift, transfer to posts which are physically less demanding etc. Some employers, however, do not make such adjustments and the pregnant worker will be forced to leave her job on her own at the 7th or 8th month of her pregnancy when her condition of work becomes unbearable. Our informants confirmed that many employers comply with 30 days of prenatal and 60 days of postnatal leave, if the pregnant worker manages to survive the hard working conditions up to the 8th month of pregnancy. There are employers who grant extended unpaid maternity leave upon the expiry of the legally stipulated maternity leave period. There are, however, also reports of unpaid maternity leave or dismissal on ground of pregnancy.

Employment Security:

Female employees work under job insecurity. Their employers often remind them that they are employed for fixed-term and their employment can be terminated upon the expiry of that term. They also believe that the employer can dismiss them at his will in the same way he employed them; they do not know that they have legal protection from arbitrary dismissal. So, they always live under an atmosphere of insecurity. One cannot miss how hard it is to live on bare minimum wage and again feel the possibility of dismissal at anytime. It leaves every worker in utter insecurity. Of course, thanks to the deeply held belief in divine providence in our society, these female factory workers find solace in God. 'God determines what the future holds for me; He would not let me down', they say.

Occupational Safety and Health:

Female factory workers work in appalling occupational safety and health conditions. The information gathered from our study participants and key informants show that female employees work in warehouses, processing and assembling lines, operate machines, handle chemicals without any protective equipments such as helmet, boots, goggle, overalls, mask, etc., that may be necessary according to the nature of the risk a particular

workstation involves. Beshatu, 22, who came from Arsi works in a tanning position in a tannery at Modjo, an industrial area on the eastern outskirts of Addis Ababa. She described her experience: "I am not provided with basic protection materials such as: gloves, boots, overall and face mask, which were essential for the particular job I do. I do all the work with bare hands and sandal on my feet."

Female employees complain suffering from back pain, irregular menstrual cycles, kidney pain, and skin rash which they say is because of the nature of the job they do or the way they do it (standing or sitting steadfast for long hours). Annual or bi-annual medical check-ups for workers working in hazardous positions are not common. Where it is done, it is done nominally in ill-equipped medical institutions, just for reporting purposes and to keep the workers satisfied. Key informants from labour and social affairs offices noted that the only center in Ethiopia for occupation related risks examination is the Health and Nutrition Research Institute (Pasteur Institute) in Addis Ababa. Over and above these, it is reported that bullying and intimidation of female workers by supervisors is common, particularly in enterprises owned and run by foreigners.

c. Access to Social Security Services

Access to social security services is the other major issue to be noted in understanding the life of female factory workers. Social security mechanisms provide a socially shared safety net for times of ill health, old age and redundancies.

The starting point for economic security in times of any mishaps is personal saving. For female factory workers, however, saving is difficult, given the meagreness of their income. Our study participants noted that some female factory workers try to make some savings using the traditional institution of *Iqub*. Few others take part in credit and saving associations established by workers at their workplaces. This, however, is not common among factory workers. There are also female workers who are members of *Idir*, a neighbourhood association of households for helping each other in the event of the death of a family member.

Many female employees seem to be covered by the recently introduced private enterprises employees' pension scheme. Many of the study participants have indicated that they have been registered for the pension scheme with the facilitation of their employer. There is, however, a risk of the employees being victims of scam by the employer: employees may feel covered by the pension program but not actually. Trade union leaders and study participants have indicated that employers often deduct pension contribution from the employees' salary, without, however, actually

transferring the fund to the government organ entrusted by law to administer the pension scheme. For instance, in one textile enterprise from Adama, the trade union there had twice uncovered such irresponsible act of the management of the enterprise and had caused the fund to be transferred to the appropriate government authority. It is also indicated by labour affairs officers that employers cover their share of the pension contribution by deducting from the employees' salary.

The other thing that operates against female employees benefiting from the pension scheme is the high turnover of female factory workers. When giving birth or when female employees quit employment for other reasons, their pension record may not be traced and connected to a new pension record upon new employment. This means the previous contributions will be lost.

In general, female factory workers survive at the margins of social safety net. They live under employment insecurity and bare minimum wages and without benefits package for times of unemployment or coverage by any meaningful formal or informal system for basic welfare protections.

d. Working Women in Collective Labour Relations

For workers, engaging in collective labour relations is helpful to improve their working conditions. Collective labour relation is defined as relation of workers as a collectivity with employer to engage in sustained dialogue to arrive at solutions for the conflicting interests and values of labour and capital: profit and employee welfare. Unionization gives strength for the worker while collective bargaining provides the platform for engaging with the employer and achieving gains for the workers.

The study participants agreed that the existence of a trade union in the workplace is useful. It is also indicated that female factory workers join trade unions, where there is one. There are, however, others who, for fear of reprisal by the employer or for not knowing the real significance of unionization, do not consider being part of a trade union. Given the really tough resistance from the employer for the formation and operation of trade unions, there are female factory workers who do not want to associate themselves with such venture.

Many of the study participants see the potential and actual benefit in having and being part of trade unions, if it were not for problems, internal to the workers themselves and influence from the employer, which make trade unions dysfunctional in reality. Genet who works in a garment factory in Alemgena agrees that in principle trade unions are useful.

However, she says “in reality I have not seen the potential benefits realized as there is always confrontation between trade unions and the enterprise’s management”. Hawi, who works in a detergent factory in Hawassa, says, “the existence of a trade union is important as it works on my behalf for the protection of my interests”. Dinsure, another employee in a flour factory in Hawassa says “*I have actually benefited from the existence of a strong trade union in my workplace*”.

Most of the study participants, however, agree that establishing or running trade union is not an easy venture. Employers do everything within their power not to see a trade union within their enterprises or to weaken it, if there is one. The employers either dismiss (using false causes) or transfer union leaders or workers who steer the formation of trade unions to another workplace. The other technique used by employers to disband or weaken trade unions is infiltrating the union leadership circle with pro-employer workers. According to our study participants and key informants, these techniques are routinely and widely practiced by employers to make sure that there is no strong trade union within their respective enterprises. Labour inspection officers and trade union leaders that the researchers talked to have strongly expressed the near impossibility of establishing or running trade unions. Lack of cohesion, unity and common vision as well as the absence of a sense of permanent tie with a given employer among employees are considered as secondary factors for the minimal place of trade unions in the life of factory workers.

No wonder, then, that there are not many trade unions in the study areas despite the large number of enterprises having various numbers of employees. For instance in Adama town, while there exist 1,369 enterprises of various type having employees of various size, only 43 of them have trade unions, according to information obtained from the city’s Labour and Social Affairs Office. Of 445 private enterprises that exist in East Shewa Zone, only 48 of them have trade unions. The story is the same in Hawassa and Almggen-Sebeta industrial areas.

Having trade union is not an end by itself. It is a means to collective bargaining and entering into collective agreements with the employer with the aim of procuring better working conditions for the workers. Yet, again, the evidence gathered from the study areas show that working to this end is even more frustrating. Given the hostile relationship that often exists between the unions and employers or because of the internal weakness of the unions themselves, not many of them succeed in negotiating and entering into collective agreements with the employer. For instance, of the 43 enterprises in Adamatown, which have trade unions, only 20 of them have succeeded in concluding collective agreements with the respective

employers. And in East Shewa Zone, of the 48 trade unions that exist, only 36 have collective agreements with the respective employers. This is even without having regard to the quality of the collective agreements in ensuring decent working conditions for the workers. As a matter of fact only in public enterprises or privatized public enterprises one can find relatively stronger trade unions that bring relatively better benefits for the workers.

In relation to the protection of the special interests of female factory workers through the collective labour relations structure, there is one more problem other than that of the absence of strong trade unions that can bargain for better working conditions on behalf of the workers. Obviously female factory workers have special interests not shared by male co-workers that need protection at the workplace. These interests primarily relate to/arise from the special role that women have in the human reproduction process and vulnerability to gender based violence. There are issues that matter immediately to workingwomen and to society at large: protection from assignments that are not safe for the reproductive function; and protection and favourable treatment at the workplace in times of pregnancy and breastfeeding. Arising from the imbalanced gender relationship in our society, female factory workers need protection from sexual violence and gender-based discrimination.

Obviously, if a collective agreement has to protect the interest of all workers, it has to address such issues that are of special and immediate concern to female workers. Naturally, raising and addressing such special issues of concern for women through the collective labour relations process requires the active involvement of women in the process. However, that is not the reality on the ground. While women constitute most of the workforce in manufacturing industries, they are, however, invisible in the leadership circle of the trade unions that exist. The leadership of trade unions is dominated by men. Men are actually minority in the manufacturing industries workforce. During the field work the researchers have not found a trade union headed by women. We had the chance to meet only one woman who works in a privatized enterprise in Adama and serves as the vice chairperson of the trade union there. In general, women are not represented in union leadership positions. In trade unions that have 5, 7 or 9 executive committee members, one can get only one or, in rare cases, two female members. One cannot expect women's special interests to be reflected in the collective bargaining process with the marginal role that they have in union leadership positions. While the Confederation of Ethiopian Trade Unions (CETU) and labour and social affairs offices, which facilitate and advise on the formation of trade unions, work to ensure that

gender is mainstreamed in the organization and work of trade unions, it has not helped to reverse the underrepresentation trend.

Our society's stereotyped expectation of what role women should have and where and how they should (not) act seem to partly explain why female factory workers play marginal role in union leadership positions. The gender-based, stereotyped, division of social roles that assigns all household works to women means that the attention of employed women, during off duty hours, will be on their household assignments which make women 'time poor' for trade union activities. The triple responsibility that working women have as worker, wife and mother does not give them the time or energy needed to take part in union activities. Other than that, our tradition does not promote women to go out into the public, express and assert themselves, or assume leadership roles. Their domain is supposed to be the household routine. Study participants have confirmed that there are husbands/partners who even believe that women should only handle household works and should not go out for paid employment.

e. The Role of Gender in Employment and the Workplace

Gender is a social construct that defines the relationship between men and women, their roles, access to and control over resources, division of labour, interests and needs. Gender affects the employment opportunity as well as the life of women as employees.

Study participants and key informants noted that, contrary to what one might expect, generally employers do not discriminate female job applicants simply on ground of their sex. In fact employers prefer to have female employees, unless the nature of the particular job, in their view, necessitates taking male job applicants. The information gathered clearly shows that women have taken most of the employment positions in manufacturing industries. It should be clear, however, that women's numerical superiority is in blue collar jobs. The number of female employees in white collar and enterprise management positions is negligible.

Female job applicants are vulnerable to discrimination at the time of employment if they are pregnant. The study participants explained that a female applicant whose pregnancy is physically observable has no chance of getting employed. Many employers ask if an applicant is pregnant at the time of screening for employment. Some employers also require pregnancy test results before proceeding with employment. Dismissal of a worker for getting pregnant is not, however, common, according to informants. There are, however, reports of sporadic practices of indirect dismissal, i.e. by failing to make working condition adjustment that suits the pregnant

worker. Study informants have also reported dismissal on grounds of pregnancy in some enterprises.

In the manufacturing plants there is differential assignment of job responsibilities along sex lines. Study participants noted that, usually, men and women are assigned different types of jobs. Those jobs that require applying heavy physical force go to men, while those jobs that are tedious or require dexterity and attention to details are assigned to women. While such assignment of jobs in the factories seems, on the face of it innocent, it, however, carries with it the seeds of gender-based discrimination against women. The male workers are paid higher relative to the female workers, even if there is no difference in the complexity of the assignments or the degree of skill or knowledge that the posts require. The jobs that female workers engage in are looked down upon by male co-workers and are regarded as less valuable by the female workers themselves. In addition to this disguised discrimination in remuneration, information gathered from study participants and key informants indicate the prevalent practice by employers of paying less for female workers compared to that paid for male workers for works of equal value.

Study participants (FGD and in-depth interview) and key informants from government offices indicated the prevalence of violence against female factory workers, usually by male supervisors. It is reported that bullying and intimidation are common. Cases of battery have been reported. Sexual violence and abuses are noted as common. Study participants and key informants from various offices told us that they know in some enterprises (naming specific Turkish and Chinese companies in Modjo-Adama and Alemgena-Sebeta areas) employment of female workers is done having regard not to educational qualification, skills or experience, but having regard to physical attractiveness³⁸³. They said that when these companies want to hire, they line-up female job applicants at the gate of their premises and pick from the lines those that they identify as 'sexy'. Our informants noted that female employees from these enterprises have been forced to quit their employment within short periods of their employment because of the incessant sexual harassment. This is a matter widely known by officers in labour and social affairs office and women and children affairs office.

While the Turkish and Chinese enterprises are raised commonly for their notoriety on the issue, sexual harassment exists in other enterprises as well. The victims of sexual harassment will either submit to or bear the hostile

³⁸³Interview with Kumele Gadisa, Head of Adama Woreda Women and Children Affairs Office, interviewed in August, 2015. This was also repeated by our interview with Kedija Hussien, head of the Adama City Women and Children Affairs Office, interviewed in the same period.

conditions. Some leave their employment to look for employment elsewhere. Askal, a 24 years old girl who works in a garment factory in Alemgena, says

“My immediate supervisor did repeatedly ask me for sexual favour and put every pressure to compel me. I did not report the matter to the enterprise management since I did not trust that they would take effective measures. Neither did I report it to the police or women and children affairs office, since I am afraid of approaching and talking to authorities”.

Another study participant has told us the story of her friend who had to quit her job when the enterprise management failed to take measure on her immediate supervisor who has repeatedly sexually assaulted her. And another study participant has related the story of a female factory worker who is raped and stabbed on her way back to her home by a co-worker whom she refused to have sexual relation with.

Factory representatives we talked to assert that their enterprise is serious on the issue of sexual harassment. But they have not shown us their policy document on the subject or procedures papers for taking disciplinary measures on sexual predators.

f. Knowledge and Attitude towards Claiming Rights by Female Factory Workers

Knowledge of labour rights and the attitude to enforce these rights by workers are keys to realizing the protections provided by law and ensure decent working conditions and industrial peace. In relation to female factory workers it is interesting to note that they have a fair understanding of the basic labour protections provided by law. Using an inventory of rights and entitlements from the labour law, we were able to note our study participants identify most of them as rights/entitlements of a worker. Most of them were able to identify the following rights, entitlements and protections: 8 hours per day maximum working hour; payment for overtime work; access to occupational safety and accident prevention tools; annual leave; sick leave; maternity leave; unionization; prohibition of arbitrary dismissal; and permanent employment status after probation period of 45 days following employment.

However, female factory workers are not used to asserting observance of their rights when they encounter violations at their place of work. Information gathered from study participants and key informants clearly show that female factory workers do not like or entertain the idea of raising claims against their employer. They have lower rate of instituting labour claims before labour disputes settlement bodies compared to male workers.

Statistical information obtained from courts attest to this assertion. Of the 252 labour cases entertained by Adama District Court in 2007 (E.C.) fiscal year, only 61 cases were initiated by working women. The President of the Court also told us in an interview that of about 70 labour cases that are, on average, entertained in a month, only 5 or 6 cases involve female plaintiffs. Labour bench judges from Hawassa City High Court also stated that not more than 5 labour cases are brought by women annually, emphatically indicating the insignificance of the number of labour cases instituted by women labourers compared to men. The same statement is echoed by officers from labour and social affairs offices entertaining complaints from employees of business enterprises.

The minimal number of labour cases involving female workers is not because the number of female employees in the private sector is small; nor is it because female employees do not encounter violation of their rights. In fact the information gathered from study participants and key informants show that female factory workers encounter a myriad of rights violations: delayed payment of salary; unaccounted for deductions from wage and overtime payments; arbitrary dismissal; sexual violence; denial of annual leave, sick leave, and maternity leave; unjustified disciplinary measures and transfers, etc. Information gathered using different methods from female factory workers, judges, labour affairs officers, and trade union officials reveal the practical barriers that hinder female factory workers from litigating against their employers for violating their rights.

A major factor that explains why female factory workers do not press claim against their employer is their deep-seated fear of their employer. A shocking revelation during the fieldwork for this research was the extent to which female employees dread the employer. Talking to female workers around their working premises during off duty hours was almost impossible. They say that their employer will scold or discipline them if they are seen talking to strangers. As a result we had to arrange interview meetings in places away from their workplace. FGD participant female workers drawn from various manufacturing enterprises from Adama and Modjo areas have cautioned us not to disclose their identity or the fact that they have taken part in the FGD, noting that it will put them in trouble with their employer.

Whether the manner of treatment of workers by enterprise managers elicits such fear on the part of female workers is something that needs further investigation. What is clear is that female factory workers highly dread their employer and, undoubtedly, that has negatively affected their attitude of taking legal action against their employer. They say that suing the employer is not a wise choice. Many female employees consider the

employer as having power that enables him to outmaneuver workers that engage against him. There is tendency among the female factory workers to assimilate the employer with government, which, in our tradition of governance is considered as having absolute power over the life of individuals. They say 'how come I sue a company... it is like a government?', with exclamation and 'it is impossible' overtone.

Others raise the resource that the employer has compared to theirs and reach to the conclusion that it is almost impossible to win a case against the employer. They also assume that the employer can use its resource to tilt the balance of justice in his favour. Hence, they prefer to leave their grievance to the Almighty. Others are concerned with the practical issue of having smooth relations with the employer after the legal battle. They opt to entertain the idea of suing the employer only if they are dismissed or are determined to quit their job. Hence, as noted by our study participants and key informants from courts and labour affairs offices, most labour cases brought by female workers relate to termination of contract of employment. This atmosphere of fear is not limited only to suing the enterprise. Female employees are also afraid of making complaints against their immediate supervisor to higher-level management.

Such poignant atmosphere of fear of women workers to take legal action when they encounter grievance at the workplace can be explained partly by the economic insecurity they live in and partly by our tradition of how girls are nurtured. The fact that wages are bare minimum and the difficulty of finding another job means that female workers have to maintain their job at any cost. The workers are certain that the employer will retaliate against them for being sued and that it can do it even by terminating a worker. Most female workers' reason for not wanting to sue the employer or lodge complaint against their immediate supervisors who violate their rights is fear of retaliatory dismissal. An interviewee has told us the story of a female co-worker who lost her job as a result of false accusation by her immediate supervisor whom she physically resisted when he sexually assaulted her after calling her into his office. The following true story narrated by a labour affairs officer we interviewed also serves to illustrate the magnitude of the problem.

A pregnant employee working in a factory was repeatedly asked for sexual favour by her immediate supervisor. He has even kissed her by force. She has not, however, reported the harassment she is enduring to the enterprise management or law enforcement organs. Her husband, somehow, came to know about the matter and reported it to the labour and social affairs office of the area, without her knowledge. When she was summoned and asked by a labour affairs officer about the matter, she said that she did not report

it since she was afraid that he would have her dismissed, as he is her immediate supervisor.

The tradition of bringing up girls and our society's stereotypical expectation of how a woman should behave or act also explains why female workers shun the idea of taking legal action against their employer. Women grow up often being told to be shy, reserved, and staying in house. Going public, connecting and interacting with others and asserting oneself is not considered as a typical feminine role. Hence, women do not acquire these as life skills and tend to be withdrawn and reserved. As a result, engaging with the employer will not be an easy business for female factory workers. In fact, the study participants have said that they do not want to sue their employer because they are afraid of going to court or other offices. The researchers have come to know in the course of this research that female workers do not even dare to inquire about suspected unexplained deductions from their salary or overtime payments. It seems that they feel ineptness and step back from asserting themselves. And when they dare they lack the hint on how to go forward - where to go and how to express themselves prove to be challenging. How can such women challenge the employer before court of law or any other forum? In the words of one women's rights activist, interviewed in the course of the field research, "how can a woman who reveres entering the living room (salon) go to a court of law and fight with her employer?"³⁸⁴

The other factor that discourages female factory workers from taking legal action against the employer is the time, money and energy that litigation requires. Female factory workers who also assume the responsibility of looking after the household affairs do not have the luxury of spare time, money and energy for litigating with the employer. This is further aggravated by the inaccessibility and unresponsiveness of the institutions entrusted to entertain labour cases. Some of our study participants who have the experience of suing their employer bitterly complain about the unhelpfulness of the labour disputes settlement system. And this is a view shared by labour affairs and women affairs officers within the government structure.

The other challenge for female factory workers who may be determined to bring a claim against their employer is the problem of obtaining supporting evidence. For a worker plaintiff the handiest evidence to support allegations of right violation is naming co-workers as witnesses. But co-workers are not willing to testify against their employer for fear of reprisal.

³⁸⁴Interview with Serke Bekele, a women's rights activist in Hawassa city who has been supporting women having legal cases. Interview held in August 2015 (Her real name has been changed to ensure anonymity of her identity).

This is a serious issue, mentioned by our study participants and key informants. Birtukan, who is now jobless after being dismissed by her employer, recalls how she lost a case due to unwillingness of her co-workers to testify against the employer. She said this:

I was absent from the workplace for one day due to a severe toothache that I had. When I reported for work the following day the manager was mad at me and told me to leave the workplace immediately. He did not even take the chance to look at the medical paper that I brought from my doctor. I, then, went to the nearby labour and social affairs office. An officer of the labour and social affairs office wanted to mediate between me and the employer but the owner-manager did not heed to the summons issued by the labour affairs officer. Then, as per the advice of the labour affairs officer I went on to institute a court case against the employer. When I was asked for evidence in support of my allegation that the employer unceremoniously dismissed me from my workplace, I named two of my co-workers who knew about the matter very well. When I asked them to appear before court and testify to the facts, they refused saying that the employer will dismiss them if they testify. When they were summoned by the court, they testified saying that they knew nothing about the matter, simply out of fear of reprisal by the employer. As a result I lost the case and could not return to work. When I started the case I was confident that I will win; but the witnesses dashed my hope. As I was hopeless I did not appeal the case to the next tier of court.

All these factors militate against female employees lodging claims against their employer. Whatever violations they sustain in the hands of the employer they bear it. Once again, the belief in divine providence pops up to provide comfort for the soul wounded by the sense of defeat, helplessness and indignation. 'It is God's will', they say.

When female factory workers like to institute action against their employer, most of them take their case to labour and social affairs offices. Some like to take their case to women and children affairs offices. Most of them do not like to go to court, even when they are told that it is the only organ that has the mandate to decide on their particular cases.

The major type of complaints made by female factory workers against the employer often presented to labour and social affairs offices, women and children affairs offices or courts of law are related to unfair dismissal and related claims. However, it is rare to find other types of complaints being presented by female factory workers to these institutions.

g. Issues in Labour Relations Regulation

While the mandate to issue labour law in Ethiopia is that of the federal lawmaker, the institutions for implementing the law exist at the federal as well as regional state levels. At the federal level there is the Ministry of Labour and Social Affairs and each regional state and Addis Ababa and Dire Dawa administrations have their own bureaus of labour and social affairs. In the regional states and city administrations the labour relations regulation structures exist at the zonal and *woreda* (district) administrative units levels.

With regard to adjudication of labour matters, there are two structures: regular courts are mandated to entertain individual labour disputes, while collective labour disputes are set to be handled through amicable disputes settlement processes set up under the Ministry/Bureaus of labour and social affairs.

While this is the basic design of the labour relations regulatory system, much remains to be desired in enforcement. Key informants from labour and social affairs offices, women and children affairs offices and trade unions noted that the institution that is mandated to regulate labour affairs is not well organized and equipped. The problem starts with the poor staffing of the labour affairs offices. The offices are not staffed with adequate number of qualified professionals. Labour affairs officers that the researchers talked to speak in unison the near impossibility of getting staff qualified in occupational safety and health. According to key informants from labour and social affairs offices, the only higher education institution in the country that provides training in occupational safety and health is Gonder University.³⁸⁵ It graduates limited number of occupational safety and health officers annually. There is a big gap between the demand for and supply of occupational safety and health officers. This is raised as big concern by labour and social affairs offices that the researchers visited. At the SNNRS Bureau of Labour and Social Affairs level there are only 4 occupational safety and health officers. It is not possible to find and assign such officers at the zonal or *woreda* (district) levels. What is done as alternative measure is hiring graduates in natural sciences (biology and chemistry) and giving them short-term training in occupational safety and health to certify them as occupational safety and health officers. Officials have admitted that this approach has its own limitation, as these are not properly qualified occupational safety and health officers.³⁸⁶ The problem is, even after adopting this approach, it is difficult to have the required

³⁸⁵Shimeles Negash, Head of Adama Woreda Labor & Social Affairs Office. Interviewed in August 2015.

³⁸⁶Ibid

number of officers at a given labour and social affairs office. Adama Town Labour and Social Affairs Office has only one such officer (graduate in applied chemistry) but has more than 1300 enterprises to inspect under it.³⁸⁷ All officials in labour and social affairs offices we talked to expressed their dissatisfaction for not being able to discharge their duties due to lack of qualified occupational safety and health officers.

It appears that this regulatory organ is not given due attention by the Government. There seems to be lack of political commitment to make the institutions robust. Apart from the lack of occupational safety and health officers, there are complaints that it is staffed with poorly qualified professionals. A trade union chairman from Adama has bitterly expressed his dissatisfaction with the services provided by these offices. He says that the government has not given its attention to the office; it has just made it a dumping ground for demoted and reprimanded officials. He said that the officials are not receptive, cooperative and responsive. They are not properly discharging their responsibility of looking after labour relations and working conditions. This is a view widely shared by workers, trade union officials and labour affairs officers themselves who speak candidly in private conversations.

Officials and labour inspectors at the labour affairs offices themselves bitterly complain that inputs necessary for carrying out their duties such as vehicles, equipments and laboratories for inspection of occupational hazard are not provided. Inspection guidelines and manuals are not available or accessible. For instance the research team was told that the Directive on women's working condition issued by the Ministry of Labour and Social Affairs is not available at Adama Woreda Labour and Social Affairs Office. Senior labour inspector at SNNRS Bureau of Labour and Social Affairs has told us that as there are no detailed inspection guidelines developed for Ethiopia they use a model guideline developed by ILO³⁸⁸.

A further problem raised by the labour inspectors is the intervention by higher officials in their day-to-day inspection activities. Often this arises in relation to inspection works on foreign owned enterprises. The inspectors say that foreign owned companies are resistant to instructions they give after inspection.³⁸⁹ The managers of these enterprises often complain saying that we came to do business in Ethiopia after we were told about the

³⁸⁷Interview with Haji Ketema, Labour and industrial peace expert, Adama city labour & social affair office, interviewed in August 2015. Also see Supra note 12.

³⁸⁸Interview with Girma, Labor and Industrial Peace Expert, SNNPR Bureau of Labor and Social Affairs Agency, August 2015.

³⁸⁹Interview with Sintayehu Terefe, Head, East Shewa Zone Labor and Social Affairs Office. Interview with Shimeles, Supra note 11.

availability of cheap labour, so we should not be bothered about workers safety or broader working condition issues³⁹⁰. Some of these foreigners call the high level officials they know at the regional state or federal level. This is, in some cases, followed by telephone contact to lower level officials (Woreda, zone, city mayors) by the higher level officials (ministers and bureau heads) to give instruction for appeasing those foreign investors who, they say, came to Ethiopia after painstaking lobbying.

A further problem pertaining to the regulation of labour relations is the inaccessibility of the organs established to handle labour disputes. Particularly, there is a serious problem with regard to the accessibility of the Labour Relations Board, the organ mandated to amicably settle collective labour disputes. For Oromia, the largest region in Ethiopia, there are only two benches of the Board, one in Nekemte (for west Oromia) and another in Adama (for east Oromia). The bench situated in Adama is supposed to entertain collective labour disputes from the entire east Oromia including West Hararghe, East Hararghe, Bale, Arsi, East Shewa, and North Shewa. If workers from these areas want to bring a case before the Board, they have to travel hundreds of kilometres, which is not affordable for factory workers. Further problematic arrangement of the work of the Board is that its members are not fulltime functionaries. They are drawn from various government offices and sit to entertain labour cases in their capacity as Board members only one day in a week. Often it takes a lot of time to finalize and give decision on a case. That this organ is not properly functioning is evident from the insignificant number of cases it entertains. For example, in the 2007 (E. C.) fiscal year, the bench of the Board situated in Adama entertained only 17 cases. It is the same in Hawassa. The secretariat of the Hawassa Bench of the Board told us that only few cases come to the Board. By the time the research team visited the Hawassa Bench of the Board, it had only four cases to entertain.

³⁹⁰Ibid, see also Supra notes 12, 14, 15.

IV. Conclusion and Recommendations

This paper draws on an exploratory qualitative research to understand the working life and condition of female factory workers and their interaction with the formal legal system to vindicate their rights as worker. The research is conducted on study participants drawn from manufacturing industries found in three sites: Alemgena-Sebeta and Modjo-Adama areas on the outskirts of Addis Ababa and Hawassa city.

In the course of the study it is observed that the manufacturing industry has provided employment opportunity for many women. In fact, it has been found that women constitute higher proportion of the work force in the manufacturing industry. Women workers are, however, concentrated in blue collar jobs and the few women serving in management are relegated to lower level supervisory jobs.

The growing employment opportunity created for women by the manufacturing industry sector is not matched by decent working conditions. Female factory workers survive under dismal working conditions that are way below the standard set by the labour law. Data collected during the research attest to female workers job insecurity. They are employed in most cases on a short-term contract bases and are routinely subjected to arbitrary dismissal. The study participants as well as the key informants indicated that female workers experience physical and sexual abuses by their supervisors. There are also limitations in the exercise of rights to annual leave, to sick leave and maternity leave as provided under the labour law.

Discrimination on ground of pregnancy, unpaid maternity leave, hazardous working practice, and underpaid overtime work are some of the bad practices reported. It is also widely raised that female factory workers are not getting payment commensurate to the exhausting condition they are required to work and the rising cost of living. Unionization is appallingly difficult process and trade union movement is extremely weak due, mainly, to tough resistance from employers. And in those manufacturing enterprises where there exists trade union, women workers' role in the unions is marginal, with minimal role in union leadership positions and activism.

Regarding attitude towards and practice of demanding the observance of labour rights, both the study participants and key informants indicated that women workers are not used to demanding redress for violation of rights. A number of practical barriers are raised as factors hindering female

workers from demanding enforcement of their rights. One of the common obstacles repeatedly noted is getting evidence, especially witnesses willing to attest in support of their allegation. The common form of evidence that a worker can produce in support of her allegation of violations of rights at the work place is witness from among co-workers. However, study participants and key informants emphatically stated that no serving employee is willing to give testimony against her employer for fear of reprisal.

Other factors mentioned by the key informants and study participants as obstacles affecting female employees from claiming their rights include: lack of confidence and limited awareness about the mechanisms for enforcing rights; the time and monetary cost associated with pursuing a legal claim; and the deeply ingrained social norm that upholds that women should be passive and obedient, not assertive and demanding. It appears that in some enterprises, let alone raising broader labour rights and welfare issues at the workplace, inquiring about unaccounted wage deductions is understood by the workers as a reprimand-able behaviour. There is, however, a belief, at least on the part of those female workers who have gone through litigation, that going for legal action helps to improve the situation, if not for them, for their colleagues and they noted that rights awareness creation initiatives are useful.

There is also a big sloppy side in the regulatory and law enforcement sector of the state. The existing labour legislation is not up to the growing complexity of labour relations with the growing industrialization. Labour affairs departments are found to be deficient in terms of response and in their human resource, technical capacity and budgeting. They are not provided with quality and adequate staff and budget to enable them carryout the ever-expanding labour inspection and labour disputes conciliation work. Even more disturbing is the attitude of higher government officials at the Federal and Oromia Regional State government level, who, upon receiving informal complaint from enterprise owners, particularly foreign ones, scold lower level officers for investigating alleged labour standard violations in the name of being favourable to investment.

This paper forwards the following recommendations to tackle the plight of women factory workers.

- The labour relations regulatory organ, the Ministry of Labour and Social Affairs and corresponding regional and local offices, should be organized and resourced to a degree that befits their growing task with the expanding investment in manufacturing industry and other sectors.

- The Ministry of Health, Ministry of Labour and Social Affairs, Ministry of Education and higher education institutions should work in collaboration to train and address the shortage of qualified occupational safety and health officers, which is raised as critical problem.
- Minimum wage should be introduced, sector wide or universal. This will help female factory workers as leverage to secure a living wage.
- Concerted effort should be made to create confidence on the contents of the labour law and provide capacity building training on workplace issues for workers and employers.
- Implement a program to nurture a culture of unionization and labour movement.
- Implement program to engender a practice of adherence to voluntary industry code of conducts and social audit.