

Committee on the Application of Standards

CAN/PV.6

Commission de l'application des normes

09.06.21

Comisión de Aplicación de Normas

109th Session, Geneva, 2021

109^e session, Genève, 2021109.^a reunión, Ginebra, 2021

Warning: this document is a draft and may contain omissions or errors. It is made available solely for the purpose of verification and correction. Persons referred to in this document are not to be regarded as bound by statements attributed to them. The ILO declines all responsibility for any errors or omissions which this document may contain, or for any use which may be made of it by third parties.

Avertissement: ce document est un projet, qui peut comporter des omissions ou des erreurs et n'est rendu public qu'à des fins de vérification et de rectification. Les mentions contenues dans ce document provisoire n'engagent pas les personnes dont les propos sont rapportés. La responsabilité du BIT ne saurait être engagée à raison des éventuelles erreurs et omissions entachant ce document, ou de l'utilisation qui pourrait en être faite par des tiers.

Advertencia: el presente documento es un proyecto y puede contener omisiones o errores. Solo se publica a efectos de comprobación y rectificación. Las declaraciones que se atribuyen en el presente documento provisional a las personas citadas en él no comprometen su responsabilidad. La OIT queda exenta de toda responsabilidad respecto de cualquier error u omisión que pudiera figurar en el presente documento o que pudiera derivarse del uso del documento por terceros.

Seventh sitting, 9 June 2021, 1 p.m.**Septième séance, 9 juin 2021, 13 heures****Séptima sesión, 9 de junio de 2021, 13 horas**

Chairperson: Ms Mvondo

Présidente: M^{me} Mvondo

Presidenta: Sra. Mvondo

Work of the Committee

PV – General discussion – Closure and PV.1 are adopted, as amended.

Travaux de la commission

La commission a adopté le PV relatif à la discussion générale – clôture et le PV.1, tels qu'amendés.

Trabajos de la Comisión

Las actas de la discusión general - Clausura y del PV.1 se adoptaron, en su tenor modificado.

Présidente – Notre séance de travail, comme annoncé dans le programme de travail de notre commission, sera consacrée à l'examen de deux cas individuels: l'Éthiopie, pour l'application de la convention (n° 87) sur la liberté syndicale et la

protection du droit syndical, 1948; et le Honduras, pour l'application de la convention (n° 169) relative aux peuples indigènes et tribaux, 1989.

À la lumière du nombre d'orateurs inscrits pour la discussion des deux cas de ce jour, et comme prévu dans les méthodes de travail, le bureau de la commission a décidé de réduire le temps de parole à deux minutes pour les délégués intervenant à titre individuel.

Avant de donner la parole au représentant gouvernemental de l'Éthiopie, et pour que nos discussions puissent se dérouler dans les meilleures conditions possibles, j'aimerais souligner une nouvelle fois l'importance d'envoyer la copie électronique de vos discours à: standardsinterpret@ilo.org.

Une nouvelle fois, je vous rappelle qu'il est important, pour le bon déroulement de nos travaux, que l'inscription sur la liste des orateurs se fasse 24 heures à l'avance, et je vous demande d'éviter des inscriptions de dernière minute qui pourraient perturber le travail du secrétariat. Par ailleurs, dès lors que la discussion sur un cas aura commencé, nous ne serons plus en mesure d'enregistrer de nouveaux orateurs.

Je porte à votre connaissance que, en prélude à l'examen de son cas, le gouvernement de l'Éthiopie a envoyé des informations écrites qui sont disponibles dans la section «Discussion des cas individuels» de la page de la commission.

Discussion of individual cases (cont.)
Discussion des cas individuels (suite)
Discusión de los casos individuales (cont.)

Éthiopie (ratification: 1963)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Convention (nº 87) sur la liberté syndicale et la protection du droit syndical, 1948
Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87)

Government representative (Ms GUADEY) – Allow me to first of all congratulate you, Madam Chairperson, on your election to preside over this Committee and the Vice-Chairs for assuming their role. We have full confidence in your wise and able leadership that ensures the success of our session.

We have carefully taken note of the observations of the Committee of Experts pertaining to the application of the Convention.

From the very outset, I would like to affirm to this august assembly that Ethiopia attaches great importance to the ILO supervisory mechanism. We believe this unique platform assesses the application of labour standards in a manner that takes into account the universality, interdependence and indivisibility of fundamental human rights and civil liberties. For a country like Ethiopia, which is undergoing through an overall reform process aimed at revitalizing the enjoyment of human rights, this platform will not only afford it with a great opportunity to deliberate on issues, reinforce the progress achieved, but also address the multitude of challenges in terms of its endeavour to protect human rights in general and labour rights in particular. It is in this spirit that I am going to deliver my intervention.

To demonstrate our serious engagement with regard to the application of the Convention in question, I would like to inform this august assembly that Ethiopia provided written replies. However, Ethiopia was regrettably included in the final list of

individual cases and appeared before this Committee for reasons which we still fail to understand.

Following the specific comments and observations made by the Committee of Experts on the application of the Convention, in Ethiopia, allow me to make the following comments.

First, the Committee observed a complaint received by Education International (EI) on 20 September 2019 – a denial of registration of the National Teacher’s Association (NTA) by the Government of Ethiopia.

It should be noted that the Constitution of Ethiopia, which is the supreme law of the land, incorporated international instruments, including international labour standards, which was ratified by Ethiopia into the national laws of the country. Accordingly, I wish to state that individuals and workers in Ethiopia are free to form any sort of association of their choosing based on applicable national laws.

In light of the enabling policy environment in Ethiopia for the formation of an association, I would like to inform the Committee that a request for registration by the National Teachers Association (NTA) has not – and I repeat has not – been received by any competent authority to date.

I would also like to bring to the attention of the Committee that the Ethiopian Teachers Association (ETA) that is affiliated to Education International (EI) with more than 600,000 members, is legally registered and is functional, operating towards advancing the interests and rights of teachers at different levels in the country.

This demonstrates that teachers are enjoying their constitutional right to organize and freely form associations without interference by the Government whatsoever.

Therefore, I am afraid that the complaint submitted by Education International to the Committee which refers to the denial of registration of the NTA by the Ministry of Labour and Social Affairs of Ethiopia is an unfounded allegation.

I would also like to take this opportunity to bring to the attention of the Committee of Experts that the NTA, like any other association, can register at any time if it so wishes, at a competent authority, provided that it complies with the relevant national laws that govern such registration process.

Secondly, we welcome the Committee's positive observation with satisfaction regarding the progress we have made in terms of the newly enacted Civil Society Organization Proclamation No. 1113/2019 that repealed the previous Charities and Societies Proclamation No. 621/2009.

That said, we took due note of the Committee's comments on section 59(b) and 78(5) of the new Civil Society Organizations Proclamation No. 1113 of 2019, regarding the ground to register and right to appeal to the court by civil society organizations.

In this regard, I would like to bring to the attention of the Committee that the domestication of international conventions (including Convention No. 87), standards and norms to the national laws is a complex process as circumstances vary from country to country.

In view of this, we are of the view that sections 59(b) and 78(5) of Proclamation No. 1113 primarily aim to prevent wrongdoing by civil societies and NGOs. It urges to take necessary measures on organizations with misconducts 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 the public at large.

That said, however, we would like to express our readiness and openness to engage constructively through dialogue on issues at hand with concerned stakeholders, including the social partners, and we will provide updated information to the Committee in our next report.

Third, as the Committee rightly noted, my Government has been seriously engaged in carrying out comprehensive and in-depth reforms that encourage 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, although a complex and painstaking process, our endeavour is to realize these reforms, in collaboration with development partners and stakeholders, and this is at a very promising stage.

In this connection, a Job Evaluation and Grading System (JEGS) for the civil service sector has been developed and it is at the stage of pilot testing. This JEGS is expected to help place the right people (civil servants) at the right place. The Job Evaluation and Grading System also intends to improve the pay system of the civil service sector.

With this update information, I would like to reassure you that we will provide in our next report, progress made thereon, taking into account the observations and comments made by the Committee.

Fourth, we took note of the observations and comments of the Committee with regard to certain categories of workers (workers whose employment relation arises out of a contract concluded for the purpose of upbringing, treatment, care of, rehabilitation, education, training; contract of personal services for non-profit-making purposes; managerial employees, as well as employees of state administration; judges and prosecutors, who were governed by special laws).

In this regard, we wish to carry out in-depth studies on the matter at hand with ILO technical assistance and we are ready to engage in constructive dialogue with our social partners; and we will provide updated information to the Committee on development thereon in our next report.

Fifth, we would also like to commend the Committee of Experts for its positive indication regarding the progress in relation to measures taken by the Government to minimize the list of undertakings that provide essential services to the public under our revised Labour Law.

Moreover, we have also taken into account the observation of the Committee pertaining 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 maximum effort to progressively domesticate the Convention into national laws and practices. In this regard, we stand ready to learn and share experiences of other countries with the ILO technical support.

In view of this, we will engage in a constructive dialogue with concerned stakeholders and social partners on the observation of the Committee and provide updated information on the outcome in our next report.

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

Article 159 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-thirds majority is required in order to decide on a strike motion. So, the intention of section 159 is to give an opportunity to the majority of the attending members to discuss

the issue. Otherwise, a decision will be passed by the majority out of the two-third attendants.

To clarify the matter with concrete example, let us assume that a trade union has 100 members. According to section 159 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 – 50 per cent plus one of 67, that is 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.

Last but not least, we 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. I would like to clarify that as per article 121 of Labour Proclamation No. 1156 of 2019, the Ministry, that is the Ministry of Labour and Social Affairs, at national level, or the appropriate authority (Bureaus 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 grounds provided in article 121(1)(a)-(c).

Therefore, the Ministry or the appropriate authority, has no mandate to revoke the certificate of registration of any association except filling 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 is in conformity with the Convention in point.

In conclusion, I would like to seize this opportunity to affirm the commitment of my Government for the full application of the Convention in point and other ILO instruments. We believe that ILO's technical assistance in this regard is of great importance for the full implementation of labour standards, human-centred Centenary

Declaration for the Future of Work for advancing social justice, promoting decent work for all, and achieving the 2030 Agenda.

Membres travailleurs – Mesdames et Messieurs, le gouvernement de l'Éthiopie s'était fermement engagé, en 2013, dans la déclaration commune rédigée à l'issue de la visite de la mission du BIT, à enfin enregistrer l'Association nationale des enseignants. Si d'autres problématiques se présentaient à l'époque, les difficultés rencontrées par les syndicats enseignants sont récurrentes en Éthiopie et remontent déjà aux années quatre-vingt-dix.

Nous sommes en 2021, et nous devons malheureusement constater que ces difficultés pour les enseignants du pays persistent. Si la demande de l'Association nationale des enseignants semble aujourd'hui être devenue caduque, il n'en demeure pas moins que l'Association des enseignants éthiopiens, mentionnée dans les observations écrites du gouvernement, n'est reconnue que comme organisation professionnelle. Cette association demande depuis longtemps à être reconnue comme organisation syndicale, mais cette reconnaissance reste impossible à ce jour en l'absence de réalisation des promesses du gouvernement d'introduire les modifications légales qui s'imposent, comme nous le verrons dans quelques instants.

Cette reconnaissance comme organisation syndicale permettrait à l'Association des enseignants éthiopiens de pleinement représenter les enseignants dans le cadre des négociations collectives et de s'affilier à une confédération syndicale.

Sur le plan législatif, la Proclamation sur les organisations de la société civile de 2019 est venue remplacer la Proclamation sur les organisations caritatives de 2009. La commission d'experts a noté certaines améliorations de la version du texte de 2019 par rapport à celui de 2009. La commission d'experts pointe néanmoins encore deux éléments problématiques au regard de la convention n° 87.

Le premier point problématique concerne le motif de refus d'enregistrement repris à l'article 59(b), qui reste excessivement large. Il prévoit en effet que l'Agence de la société civile et des organisations a l'obligation de refuser d'enregistrer une organisation lorsqu'elle constate que son but ou la description de ses activités figurant dans son règlement sont contraires à la loi ou à la morale publique. Nous ne pouvons que rejoindre la commission d'experts sur le constat qu'elle dresse, puisque la notion de moralité publique pourrait aboutir à refuser de manière arbitraire l'enregistrement de certaines organisations. Cette disposition légale est donc contraire à l'article 2 de la convention, en ce qu'elle est de nature à entraver le droit des travailleurs de constituer des organisations de leur choix. Le gouvernement renvoie dans ses observations écrites à une autre disposition de la proclamation, l'article 121(1), qui prévoit l'intervention d'une juridiction. Sur ce point, ce n'est pas tant l'intervention ou non d'une juridiction qui est en jeu, mais le critère trop large consacré par ces dispositions.

Le second point problématique concerne l'article 78(5) qui ne prévoit pas d'effet suspensif à l'appel interjeté à l'encontre de décisions de suspension, de retrait ou d'annulation de l'enregistrement d'une organisation syndicale. Nous rappelons également que l'article 3 de la convention prévoit que les autorités publiques doivent s'abstenir de toute intervention de nature à limiter ce droit ou à en entraver l'exercice légal.

Les précédentes observations de la commission d'experts relevaient que tous les fonctionnaires et tous les agents de l'État, y compris les enseignants, ne bénéficiaient pas tous de la liberté syndicale. Malgré les réformes qui étaient en cours, le gouvernement ne semble pas avoir apporté de solution à ce problème et s'est borné à réitérer son engagement à garantir la liberté syndicale aux fonctionnaires et aux agents

de l'État, en concertation avec les partenaires sociaux. Nous espérons que cet engagement sera suivi d'actions concrètes.

La Proclamation sur le travail de 2019, qui est venue remplacer celle de 2003, pose quant à elle également des problèmes de conformité à la convention.

Cette proclamation sur le travail exclut un certain nombre de catégories de travailleurs de son champ d'application, les privant ainsi des droits et libertés contenus dans la convention. Il s'agit des travailleurs liés par un contrat relatif à l'éducation d'un enfant, au traitement, aux soins ou à la réadaptation; les personnes régies par un contrat d'enseignement ou de formation professionnelle autre que d'apprentissage; les travailleurs fournissant bénévolement des services aux particuliers; les personnes exerçant des fonctions de direction, ainsi que les agents de l'administration de l'État; les juges et les procureurs, auxquels s'appliquent des lois spécifiques. Le gouvernement veillera à lever ces restrictions pour être en conformité avec la convention.

L'article 137(2)(d) prévoit que les services de métro léger urbain sont considérés comme des services essentiels pour lesquels le droit de grève n'est pas reconnu. Ces services ne constituent toutefois pas des services essentiels définis comme des services dont l'interruption peut mettre en danger la vie, la sécurité ou la santé de l'ensemble ou d'une partie de la population. Il conviendra dès lors que le gouvernement retire ces services de la liste des services essentiels.

La Proclamation sur le travail contient également des règles de quorum pour l'organisation d'un scrutin de grève. La commission d'experts avait déjà, dans le passé, signalé au gouvernement de l'Éthiopie que ce quorum de deux tiers n'était pas raisonnable, conformément à l'interprétation consacrée par la commission d'experts depuis son Étude d'ensemble de 1994. Le gouvernement semble passer outre ces

considérations et maintient délibérément ce quorum qui entrave indûment l'exercice du droit de grève contenu dans la convention.

Malgré les divergences de vues qui persistent sur la question du droit de grève entre le groupe travailleurs et le groupe employeurs, nous sommes parvenus à trouver un modus vivendi autour de cette question. Il nous paraît néanmoins important de rappeler que le groupe travailleurs tient toujours à réaffirmer sans équivoque que le droit de grève doit être reconnu dans le cadre de cette convention. Ce droit est lié à la liberté syndicale, qui est un principe et un droit fondamental de l'OIT. Ce droit est par ailleurs un élément fondamental de toute démocratie.

Nous le voyons, le chemin à parcourir pour aboutir à une pleine conformité à la convention par l'Éthiopie est encore long. Nous espérons que les engagements pris par le gouvernement pour résoudre les nombreuses difficultés qui persistent seront suivis d'actions concrètes.

Employer members - I would like to first thank the Government representative, Madam Guadey, for her presentation and the information she provided this morning. This additional information has been very helpful in our understanding in consideration of this case.

In respect of Article 2 of the Convention and the Committee of Experts' observations regarding the request by the National Teachers Association for recognition and registration under the Civil Society Organizations Proclamation No. 1.113, the Committee had noted that the Government had not responded to that request for registration. The Government in its submissions has indicated that there has not been a request for registration submitted by the National Teachers Association to the Ministry of Labour and Social Affairs, and has explained that the Ethiopian Teachers Association

is affiliated with Education International with more than 600,000 members is legally registered and has been since 1949.

The Worker members provided different information in their submissions today, noting a number of restrictions on the freedom of association that exists, that has impacted the National Teachers Association in particular. Therefore, the Employer members note that there appears to be a lack of clarity about the facts that are relevant for our full understanding of this case and we request that the Government provide this information so that the Committee of Experts can carefully consider the information about this issue.

The Employer members take this opportunity to remind the Government of its commitment to guarantee freedom of association, in consultation with the social partners, and therefore urges the Government to take the necessary measures to ensure that the NTA may be registered, that there are no obstacles to that process and to provide information to the Committee of Experts on progress made in this regard.

Turning now to the issue of the Civil Society Organizations Proclamation, the Committee of Experts noted that the Charities and Societies Proclamation No. 621 of 2009 has been replaced by the Civil Society Organisation's Proclamation No. 1.113 of 2019. The Committee of Experts noted with satisfaction that the Civil Society Organisation's Proclamation addresses some of the previous outstanding comments of the Experts by removing certain provisions of the Charities and Societies Proclamation that were not in conformity with the Convention. The Committee of Experts also observed that there were issues that remained necessary to be addressed and that included section 59(b) of the new Civil Society Organisation's Proclamation, noting that narrowing the grounds for registration refusal was still [missing]. While that occurred, overall the restrictions were still unnecessarily broad and the Committee of Experts

requested the Government to revise section 59(b) in consultation with the social partners and requested that the Government provide information on developments in this regard to the Committee of Experts.

The Committee of Experts also noted section 785 of the Civil Society Organisation's Proclamation and requested that the Government indicate whether the appeal under this section had the effect of a stay of execution and, if not, to take the necessary measures to provide for such effect. The Government has expressed the view that sections 59(b) and 785 of the Proclamation have a justified objective but expressed a readiness to engage in constructive social dialogue on this issue and would provide information to the Committee for its next report.

The Employer members note this information and request the Government to consult with the social partners with respect to the issue of section 59, subsection (b) of the Civil Society Organisation's Proclamation in order to achieve its stated objectives and the Employer members also request the Government to provide information on developments in this regard so that they can be more fully considered.

Turning to the issue of civil servants and the employees of state administration, the Experts expressed in its previous comments, in view of the ongoing comprehensive civil service reform, the expectation that the right to organize would be granted to all civil servants, including teachers in public schools and employees of state administration, including care workers, judges, prosecutors and managerial employees. The Government has affirmed its readiness to address the matter and in full consultation with the social partners stated that it would take the necessary measures to grant civil servants and employees of state administration the right to establish and join organizations of their own choosing.

The Committee of Experts noted the absence of concrete information concerning the civil service reform in the Government's report. Therefore, the Employer members request that the Government provide information regarding the civil service reform and on all developments in this regard so that they may be properly considered. We do welcome the Government's comments in this regard of its process of engaging in social dialogue with the social partners in this aspect of reform and encourage that the process to continue.

Turning now to the Labour Proclamation No. 1156 of 2019, the Committee of Experts expressed concerns over provisions of the prior Proclamation No. 377 of 2003 and noted that that Proclamation of 2003 has been replaced by the Labour Proclamation 1156 of 2019. Nevertheless, the Committee of Experts still noted some concerns with the new Proclamation, including exclusion in section 3 from the scope of its application and from the right to organize of certain workers. Therefore, the Committee of Experts requested the Government to either amend this section or adopt adequate legal provisions to recognize and guarantee the right to organize for the certain category of workers discussed in its observations. The Government in its submissions points out that with the possible technical assistance of the ILO it will be in a position to carry out in-depth studies on the matters in hand and engage in effective and constructive dialogue with the social partners and has also indicated an ability with technical assistance to provide information to the Committee on the development thereon, to the Committee's next report. The Employers' group welcomes these comments from the Government and encourages this process.

Another issue that the Committee of Experts addressed in respect of the Labour Proclamation No. 1156 of 2019 was comments regarding quorum required for a strike ballot and we did listen to the government representatives' comments today about those

rules. However, the Employers' group position is very clear on this point. The Employer members are of the view that the right to strike and related issues are excluded from the scope of Convention No. 87. Those issues fall outside of the scope of the Convention and we therefore do not believe the Government has to provide details to the Committee of Experts or to the Committee on the Application of Standards around strike ballot rules or rules regarding quorum required for a strike, It is our view that this falls within the purview of national legislation and does not fall into scrutiny under the Convention.

In closing, we are very heartened by the Government representative's submissions and the willingness to work together with the ILO in order to address the remaining challenges with the application of the Convention in practice in Ethiopia, and we encourage the Government to continue to engage in a process of social dialogue with employers' and workers' organizations and encourage the Government to continue to avail itself of ...

Worker member, Ethiopia (Mr AMENU) – The Confederation of Ethiopian Trade Unions fully supports the report of the Committee of Experts on Ethiopia regarding Convention No. 87, which the country ratified in 1963.

According to article 9(4) of the Constitution of the FDRE (1995), "all international treaties ratified by Ethiopia are integral parts of the law of the land". Relevant ratified Conventions, such as Convention No. 87 is, therefore, an integral part of the legal framework governing labour relations in Ethiopia.

Article 13 of the FDRE Constitution (1995) provides that fundamental freedoms shall be interpreted per the main international human rights instruments adopted by Ethiopia. This implies that interpretations of Ethiopia's labour rights must conform to international human rights instruments.

Article 31 of the Constitution of the FDRE (1995) states that “Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities are prohibited.”

In stark contradiction against the provisions of these legal frameworks listed above, the Federal Democratic Republic of Ethiopia’s Labour Proclamation No.1156/2019, article 3 excluded some categories of workers from freely forming and joining trade unions of their choice. While the laws are relevant and proper, the gaps in practice are deep and deliberate.

What is clear is that Ethiopia’s industrial relations practices pick and choose what aspect of laws to respect and apply. This is the case for workers in Ethiopia Airways who are allowed to organize under the Labour Proclamation Law No.1156/2019. The management of Ethiopian Airlines Group (EAG) thinks otherwise and so flagrantly violates the freedom of association rights of workers. The EAG is victimizing workers who belong to independent workers’ union. They are deprived of benefits and punished, including sacked.

Six leaders of the Ethiopian Airlines Group Basic Trade Union (EAG BTU) including the president, a pilot and the vice-president, a technician were dismissed. A mediation meeting was organized by the Ministry of Labour and agreements reached by all parties. While other parties to the agreement have complied, the EAG whimsically breached the provisions of the agreement by continuing to deny the workers’ union recognition and refusing to reverse the punitive actions against the leaders.

The Ethiopian Government has demonstrated deliberate and disguised weakness in enforcing the provisions of the Convention. It is fair to say that the Government has continued to display bias. This is the case with the EAG issue. While our organization has

written 16 letters to the Ministry to enforce the outcome of the mediation, we are yet to receive a single response. However, to our dismay, the Ministry quickly responded to the management letter wherein it claimed that workers were using telegrams to undermine the company while in the real sense of it, the workers were simply conducting their affairs similar to what this Committee is now doing.

The Government is also using blanket and wide definition of essential services to deny workers the right to organize. Several sectors, which are not defined and contained in the ILO essential services list, are currently being classified as such. For instance, railway and aviation are classified as essential services. The Government should be advised to conform to the universally accepted list.

Finally, Ethiopia is aiming to industrialize and grow national prosperity. Ethiopian workers fully support these aspirations and are at the heart of the efforts to their realization. However, it is wrong and unacceptable if such aspirations will be driven by direct denial of the right of the workers. This is the case with industrial parks where workers are not allowed to form and join trade unions. The Government must be assisted to ensure that its recently launched Decent Work Country Programme fully and genuinely complies with the provisions of the extant laws and standards it has ratified.

Government member, Portugal (Mr CLAUDINO DE OLIVEIRA) – I have the honour to speak on behalf of the European Union and its Member States. The Candidate Countries, the Republic of North Macedonia, Montenegro and Albania, the EFTA country Norway, member of the European Economic Area, as well as the Republic of Moldova align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights and the right to organize and freedom of association. We actively promote the universal ratification and

implementation of fundamental international labour standards, including ILO Convention No. 87. We support the ILO in its indispensable role to develop, promote and supervise the application of international labour standards and of fundamental Conventions in particular.

The EU and its Member States have been engaged in development dialogue and cooperation for more than 40 years with Ethiopia. We recognize the progress made on the implementation of international labour standards.

In line with the Committee of Experts' assessment, we note with regret however, the insufficient progress with regard to freedom of association and the right to organize, in particular the fundamental right of social partners to form organizations and, subsequently, the right to official recognition through legal registration. Having this in mind, we urge Ethiopia to take the necessary measures to ensure the immediate registration of the teachers' associations. It is the fundamental right of all workers, including civil servants and other employees of the state administration, to form organizations of their own choosing for furthering and defending their occupational interests.

We commend the replacement of the Charities and Societies Proclamation by the Civil Society Organizations Proclamation in 2019, which removed certain provisions that were not in conformity with the Convention, among others, provisions that gave governmental authorities great discretionary powers to interfere in workers' and employers' freedom of association and their right to organize. We call on the Government to revise, in consultation with the social partners, remaining outstanding provisions not in line with the Convention, in particular on the registration and effect of appeals.

We also note with satisfaction the recent revision of the Labour Proclamation in 2019, however we regret that it still unlawfully restricts the application of Convention No. 87, in particular in relation to the coverage of all categories of workers, the list of essential services in which strike action is prohibited and the quorum required for a strike ballot.

We welcome the written information provided by the Government, underline the importance of technical assistance and hope for a close cooperation of the Government with the ILO and social partners in addressing all the outstanding issues.

Furthermore, we note that the Committee, in its report of 2021, has requested the Government to take measures or provide information with respect to child labour. We appreciate many of the measures put in place by the Government in recent years, but encourage further efforts to eliminate child labour, including by moving towards compulsory and free primary and secondary education for all children until they reach the minimum age of admission to work. Particular attention should be paid in this respect to gender equality and the informal sector.

The EU and its Member States will continue to cooperate with Ethiopia and stand ready to support the country in their continuous work towards the full implementation of ILO Conventions.

Government member, Namibia (Mr AMUNYELA) – Namibia welcomes the detailed response from the Federal Democratic Republic of Ethiopia and commends it for its readiness and openness to engage in a constructive dialogue on issues at hand with the concerned stakeholders, including social partners.

Namibia equally notes the Ethiopian Government's efforts in collaborations with development partners and stakeholders in carrying out comprehensive and in-depth

reforms, including civil service reform, and the job evaluation grading system for the civil service sector, which is at the stage of pilot testing.

In conclusion, Namibia would like to underscore the efforts being made by the Federal Democratic Republic of Ethiopia in as far as the Labour Proclamation No. 1156/2019 is concerned, and we call upon the International Labour Organization to provide technical assistance, which will carry out in-depth studies on the matters at hand and engage in an effective and constructive dialogue with social partners.

Worker member, Somalia (Mr OSMAN) – This intervention is made on behalf of the workers and trade unionists in the Horn of Africa. It is aimed at providing additional information to the report of the Committee of Experts.

The ILO Convention No. 87 is a fundamental labour right. It is essentially an enabling right, a means of facilitating the realization of further rights, rather than just a right in itself. Without the right to freedom of association, workers are at risk of being isolated and voiceless. It is the essential means through which workers may promote and defend their economic and social rights and interests.

The unethical and skewed labour relations practices being implemented in the Ethiopian Airlines Group is deplorable and unacceptable. The actions of this company are clear violations of the spirit and letter of Convention No. 87. The company is openly and recklessly breaching the rights of the workers there, including victimizing pilots for belonging to the union. This, even though the Ethiopian Industry Employers' Confederation states that: "Captains or pilots have the right to organize based on ILO Convention 87 on freedom of association, the Constitution of the Federal Democratic Republic of Ethiopia and the National Labour Proclamation". This, even though Ethiopia ratified Convention No. 87 decades ago and that the spirit of the Convention should be an integral part of the legal framework governing labour relations in Ethiopia.

Ethiopian Airlines Group's management has reportedly stopped some benefits to pilots who joined the independent and democratic trade union. It has also applied intimidation tactics by contacting the Ministry of Labour to prevent the registration of the union.

The Federation of Somali Trade Unions supports calls for those pilots, dismissed or laid off by the Group due to their union involvement, to be immediately reinstated. No law has been broken that warrants that pilots should be punished.

Interpretation from Chinese: Government member, China (Mr WANG) – We have carefully read the report of the CEACR and written materials of the Government on the case.

The Ethiopian Government gave a detailed response and clarification to the recommendations or observations of the report. We commend this. Over the years, both in legislation and practice, the Government has earnestly implemented Convention No. 87 and made positive progress. We highly acknowledge the enacting of the CSO Proclamation and its positive effects. The Proclamation is for the purpose of registration, management, inspection and supervision of CSOs and NGOs that support vulnerable groups.

In order to prevent misconduct engaged by such organizations that run counter to people's rights and interests, social norms, moral values or social beliefs, we welcome the Government's attitude in maintaining constructive dialogue with social partners and stakeholders.

We welcome the comprehensive and in-depth reforms by the Government in areas such as public administrative and civil service, tax administration and judiciary, and look forward to more fruitful results coming out of the reforms in the future.

Meanwhile, we would also like to remind this Committee to duly note that countries have different national circumstances and development stages. The domestication of various labour Convention standards and norms, including Convention No. 87, is in itself an incremental and complex process. When stressing or enhancing the capacity of Conventions, we should also look into the question from a historical, involving and dialectic perspective.

We hope the ILO will continue to provide technical support and keep strengthening constructive dialogue with social partners so as to further promote the concrete implementation of Convention No. 87.

Government member, Ghana (Mr BIBUKSI) – *[long period of microphone problems]*

Convention No. 87 is a very important fundamental Convention towards union formation and social dialogue. The effort by Ethiopia in response to its compliance with the provisions of this Convention by allowing workers to register their unions at any time in conformity with the relevant ratified instruments is commendable.

Acknowledging that Ethiopia repealed the Charities and Societies Proclamation (No. 621/2009) which was very limiting to freedom of association, and replaced it with Civil Society Organizations Proclamation (No. 1113/2019) gives effect to the freedom of association as provided for in Convention No. 87. This is very positive, especially as we are reliably informed that it has created an enabling environment towards the enhancement of the democracy and the desire to organize.

Ghana believes that union pluralism in the industrial space creates the opportunity for new and emerging unions to be registered, thereby meeting the letter and spirit of this Convention. This has progressively positioned Ethiopia as one which is accountable and encourages transparency in the implementation of same.

Ghana firmly believes in supporting a worthy cause that culminates into a rich tripartite experience for national development and we are convinced that Ethiopia is in a position to adopt measures to align its laws and practice in line with the comments made by the Committee of Experts.

Worker member, Norway (Ms MJØBERG) – I will speak on behalf of trade unions in the Nordic countries.

The right to organize is a key element of the ILO Convention. Most importantly, being organized in a trade union gives workers a sense of belonging, representation and legitimacy. It is sad that Ethiopia, under its labour laws, precludes several workers from exercising their fundamental rights to organize because their work is termed as “essential services”. This applies to transport workers, air transport and urban bus services.

Sadly, we note that civil servants, such as teachers in public schools, employees of the state administration, care workers and others, do not enjoy the right to organize. It is unfortunate that despite earlier promises given by the Government, the trade unions of teachers are still not registered nor recognized.

All Nordic workers enjoy the right to form and join trade unions of their choice and the right to bargain collectively. This includes workers in the public sector, such as teachers, police, prison staff and armed forces as well as those in the private sector. They all have the right to strike. We are aware that there are countries on the African Continent which have unionized public sector workers. We would encourage the Government to share experiences with these countries.

Accordingly, we urge the Government to take the necessary measures to ensure immediate registration of the NTA so that teachers can fully exercise their right to form

organizations of their choice and defend teachers' rights. We further urge the Government to revisit and reassess their "essential services" policy.

Interprétation de l'arabe: Membre gouvernemental, Algérie (M. MERCHICHI) –
L'Algérie prend note des informations fournies par la République fédérale démocratique d'Éthiopie, selon lesquelles elle fait connaître qu'aucune demande d'enregistrement de l'Association nationale des enseignants n'a été déposée.

En revanche, elle informe que l'Association des enseignants éthiopiens est affiliée à l'Internationale de l'Éducation et compte un nombre important d'adhérents et œuvre à la promotion des intérêts et des droits des enseignants.

L'Algérie prend note également de la satisfaction exprimée par la commission d'experts à propos des modifications apportées à la proclamation sur les organisations de la société civile.

Aussi, l'Algérie appuie les efforts de la République fédérale démocratique d'Éthiopie dans les réformes entreprises dans la fonction publique, les entreprises publiques, l'administration fiscale et l'instauration d'un système d'évaluation et de classement des emplois qui aboutiront à l'amélioration des rémunérations.

L'Algérie se félicite de l'annonce de la disponibilité du gouvernement de la République fédérale démocratique d'Éthiopie d'entamer un dialogue constructif avec les partenaires sociaux sur les questions soulevées et de la transmission d'informations actualisées à la commission dans son prochain rapport, dans lequel elle indiquera les progrès réalisés en tenant compte des observations de la commission.

L'Algérie encourage la coopération entre la République fédérale démocratique d'Éthiopie et l'OIT en vue de lui apporter l'assistance technique exprimée dans la mise en œuvre de la convention n° 87.

Membre gouvernementale, Burkina Faso (M^{me} GUEBRE/OUEDRAOGO) – La délégation du Burkina Faso vous félicite pour votre élection à la tête de notre commission et vous assure de son soutien à l'ensemble de votre équipe.

Mon pays réaffirme son attachement aux principes et valeurs véhiculés par la convention n° 87.

La question de la défense de la liberté syndicale est une préoccupation fondamentale de notre Organisation. En effet, de la Constitution de 1919 à la Déclaration de l'OIT relative aux principes et droits fondamentaux au travail de 1998, en passant par la Déclaration de Philadelphie de 1944, l'OIT a fait de la promotion de la liberté syndicale son cheval de bataille.

Madame la présidente, le gouvernement de l'Éthiopie est interpellé devant notre commission au sujet de la mise en œuvre en droit et en pratique de certaines dispositions pertinentes de la convention n° 87 qu'il a ratifiée le 4 juin 1963.

La délégation de mon pays note avec satisfaction les informations utiles fournies par le gouvernement de l'Éthiopie à travers les différents efforts consentis par ce pays frère pour donner plein effet aux principes contenus dans la convention.

Il est heureux de constater que, sur toutes les questions soulevées par la commission d'experts, l'Éthiopie a manifesté sa volonté d'apporter les corrections nécessaires pour assurer une application adéquate de la convention sur le terrain. À cet effet, elle a marqué sa disponibilité à engager le dialogue avec les partenaires sociaux et à recevoir l'assistance du BIT.

C'est pourquoi, tout en encourageant le gouvernement de l'Éthiopie à poursuivre ses efforts, dans le cadre des réformes envisagées, nous espérons que la commission fera preuve de clémence et de compréhension à l'égard de la République d'Éthiopie.

Employer member, Ethiopia (Mr ENDRIS) – The last two years, we have been working hand-in-hand with the Ethiopian Confederation of Ethiopian Trade Unions. We have been solving lots of problems that have arisen between the employers and the workers. We have solved legal issues than what we have on the table today.

The last two years, even our tripartite forums were going smoothly with us employers, with the Government, and with the workers. We have achieved to fulfil a new labour law that has taken seven years to come up to conclusion.

This shows that the relationship between we employers, workers and Government is getting better than ever. This year, the Government is trying to make things very smooth for all parts of the society, economy and the political situation. Although there were some social unrests here and there, we have been approaching the Government to give us a fair playground as far as work is concerned.

It is our belief, as the Confederation of Ethiopian Employers' Federations, that whatever has been done so far will even be better in the coming years. Of course, by the end of the year, there will be a new Government, a new hope, a new development, and we believe that, as an employers' organization, by coming together with CETU, the workers' organization, we will make a very impressive approach to let the Government abide with Convention No. 87 that has been ratified by Ethiopia a very long time ago.

It is also our belief, as employers, to work hand in hand with the workers to bring a better working condition, a better dialogue and social forums, and even to work in enhancing and influencing other policies which the Government will be implementing.

As far as the Ethiopian Airlines case is concerned, we have been working with CETU, the Confederation of Ethiopian Trade Unions, in a bilateral forum to make things better for the pilots, for the mechanics and, in general, for all Ethiopian Airlines staff, to make things better. We believe that our involvement has bring [sic] things to a better level.

And it is still our mandate and our obligation to work with CETU in resolving whatever problem is remaining as far as the teachers' condition is concerned, and the vital essential services are concerned.

We have been working bilaterally, and tripartitely [sic], in solving all kinds of problems that the Ethiopian economy has been facing. We do not exist if the workers do not exist. In the same fashion, workers will not exist if we employers do not exist. As a matter of fact, what the workers are complaining about, and what we are complaining about, is not that big issue which cannot be resolved among us, the tripartite solution that we are working on.

So, with the end of this election period, which will take us to end of July and August, we will come back again with a better solution that will satisfy the workers, the government, and us, we employers. So, it is our belief that there is nothing bigger than our tripartite forum and solution mechanism.

I thank you for giving us the chance and I promise, on behalf of the Ethiopian employers, that we will be resolving, and stand hand-in-hand with our workers, CETU, and the Government itself.

Government member, KENYA (Ms MULI) – The Kenyan delegation thanks the representative of the Government of Ethiopia for the response to the issues raised by the Committee.

In regards to the complaint by Education International on failure to register the teachers' association, we note that the Government of Ethiopia is ready to undertake their registration as long as they comply with the national legislations.

We further note that Ethiopia is ready to engage the social partners in the implementation of the Civil Society Proclamation. These measures represent an

important step towards resolving the concerns raised, even as the Government retains its oversight role.

The Kenya Government further notes the willingness of the Government of Ethiopia to engage the social partners in discussions on aspects of the Labour Proclamation 2019, namely: workers covered; essential services; and the quorum required for a strike ballot. Tripartite consultations and meaningful and effective dialogue are essential elements on the application of fundamental principles and rights.

In conclusion, we urge the ILO to avail technical assistance to complement the Government's efforts in addressing challenges in the implementation of its obligations under the Convention. We believe it is necessary to note and support the commitment of Ethiopia to engage in social dialogue, while continuing to monitor the progress under existing reporting mechanisms.

Observer, International Transport Workers' Federation (ITF) (Mr SUBASINGHE) –

As you have already heard today, as a consequence of corporate restructuring, workers at the national airline group registered a trade union – the basic trade union – in September 2019. Shortly thereafter, another trade union was registered to represent the same group of workers – the basic primary union – despite protestations from the incumbent. The airline actively supported the registration of the second union and began a hostile anti-union campaign.

The airline has dismissed a majority of the basic union's leadership. It also initiated a check-off system for the primary union, but refused to do so for the basic union. This system then became the basis of the "representativity" certificate issued by the Ministry to the primary union. The airline now makes membership of the primary union a prerequisite for accessing employee support measures, including bank loans. Furthermore, the basic union is not allowed to recruit members and workers who

express an interest in joining are effectively threatened with dismissal. These are acts of gross anti-union discrimination and employer interference in the establishment and functioning of trade unions.

We deplore the dismissal of workers on grounds of their leadership roles in the basic union. These workers must be reinstated into their original jobs and compensated for loss of income immediately.

The intervention by the airline to promote the establishment and functioning of the parallel primary union constitutes an extreme act of interference. Intimidation of trade union members under the threat of termination constitutes a denial of these workers' fundamental rights. Finally, the provision of employee benefits only to members of the employer's favoured union amounts to another egregious act of anti-union discrimination.

We trust that the Government must take measures to ensure that the airline adopts a neutral stance on union representation. Further, the airline must be called on to remedy all acts of anti-union discrimination without delay.

Observer, IndustriALL Global Union (Ms MILLER) – I am speaking in the name of IndustriALL Global Union representing over 50 million workers including textile and garment sectors, to deplore ongoing violations of workers' rights to organize in Ethiopia's industrial parks.

Although we welcome Ethiopia's Labour Proclamation in 2019 to integrate international labour standards, our affiliates report that unfortunately these same labour standards are violated daily in the industrial parks, which are special economic zones for export-oriented light manufacturing in which the majority of foreign investors enjoy many advantages including tax and duty exemptions.

Over 45,000 workers from the textile, garment, shoe and leather sectors are employed in these industrial parks, owned by state bodies, namely the Ethiopian Investment Commission (EIC) and managed by the Ethiopian Industrial Parks Corporation.

In 2019, IndustriALL Global Union carried out an investigation in Hawassa Industrial Park (HIP), which showed that the majority of workers from the main garment factories were not unionized. The investigation also found that in these industrial parks, workers in some cases earned the lowest wages in the sector – some only earning between US\$17 to US\$30. We wonder how it is possible for workers to live on those kinds of wages.

It was also found that unfortunately the employers at Hawassa behave somewhat like a cartel, where they decide to pay exactly the same wages to the workers to avoid workers moving from one factory to another in searching to improve their wages. The union still have no access to the workers in the industrial textile parks, meaning no freedom of association and dramatically low wages.

To date, our affiliate in Ethiopia, the Industrial Federation of Garment, Leather and Textile Workers Union (IFGLTWU) has been unable to organize workers at HIP because union ... *(cut off by Chairperson)*

Government representative (Ms GUADEY) – I would like to thank all those who have contributed to the discussion of my country. Let me also use this opportunity to thank in particular and express sincere appreciation to the interventions made by Namibia, China, Ghana, Algeria, Burkina Faso and Kenya.

We take note of the various constructive ideas raised during the discussion and our appreciations reserved for the country in the implementation of Convention No. 87.

I would like to underline once again that Ethiopia attaches great importance to the ILO supervisory mechanism. We are encouraged by speakers' positive observations regarding the progress we have made in terms of the newly enacted Civil Society Organizations Proclamation that repealed the previous Charities and Societies Proclamation.

Please note that Ethiopia is still undergoing through an overall reform process as well as an in-depth reform encompassing the administrative and civil service reforms.

In my intervention, I reaffirmed the commitment of my Government to the engagement and social dialogue with partners. We will continue to engage in constructive dialogue with concerned stakeholders and social partners on the various observations and as I said earlier provide an updated information on the outcome in the next reports.

Allow me to briefly restate some pertinent issues. Please note that individuals and workers in Ethiopia are now free to form any sort of association of their choosing based on applicable national laws. The request of registration by the National Teachers Association has not been received by any competent authority. If it so wishes, then the NTA would, like any other association, register at any time provided that it complies with relevant regulations.

In conclusion, let me reiterate once again, the commitment of my Government for the full application of the Convention in point and other ILO instruments.

Employer members – I would like to begin by thanking Madam Ambassador from Ethiopia for the information that she provided today and the Employers' group takes note of the written and oral information provided by the Government representatives and the interesting discussion that followed.

Taking into account the Government's submissions and the discussion, the Employer members note that a number of compliance issues regarding Articles 2, 4 and 6 of Convention No. 87 appear to remain outstanding.

In this regard, the Employers call upon the Government to revise, in consultation with the social partners, section 59(b) of the Civil Society Organizations Proclamation No. 1113 of 2019, in order to ensure that the grounds for refusal of trade union registration are not excessively broad.

We call upon the Government to make sure that the appeal of members, founders or managers against the dissolution of their organization to the Federal High Court, which is regulated in section 78(5) of the Civil Society Organizations Proclamation, has suspensive effect.

The Employers also call on the Government to either amend section 3 of the new Labour Proclamation 1156 of 2019 in order to recognize the right to organize for the categories of workers currently excluded from its scope, or to adopt adequate legal provisions to this end to respect the principles of freedom of association fully.

The Employers also request the Government to provide information on the status of the ongoing comprehensive civil service reform as regards the granting of the right to organize to civil servants and to inform the Committee of Experts on progress made in this regard.

In conclusion, the Employers' group wishes to remind the Government of its commitment to guarantee freedom of association in compliance with Convention No. 87. This is to be done in consultation with the social partners and must take into account compliance both in law and practice.

The Employers, in closing, express our appreciation for the Government's stated willingness to work towards full compliance with Convention No. 87 in both law and practice and we would encourage the Government to avail itself of technical assistance in order to make this happen.

Membres travailleurs – Nous remercions la représentante du gouvernement éthiopien pour les informations qu'elle a pu nous fournir au cours de la discussion, et nous remercions également les intervenants pour leurs contributions constructives.

Selon nos informations, la demande d'enregistrement de l'Association nationale des enseignants est en effet à ce jour toujours caduque. L'association s'est en effet dissoute suite aux nombreuses entraves délibérées qui ont été organisées au cours du processus d'enregistrement, qui n'a pu aboutir. Si la demande d'enregistrement de cette association est aujourd'hui caduque, les pratiques qui ont empêché cette association d'être enregistrée ne le sont pas, et d'autres associations rencontrent encore aujourd'hui des difficultés pour être pleinement reconnues comme organisations syndicales.

C'est aujourd'hui l'Association des enseignants éthiopiens qui rencontre de telles difficultés, puisqu'elle n'est reconnue que comme association professionnelle, et non comme organisation syndicale. Nous invitons dès lors le gouvernement à tout faire pour lever, en droit comme en pratique, les entraves à la reconnaissance des organisations syndicales représentatives des enseignants, et ainsi leur permettre de représenter clairement les intérêts des enseignants éthiopiens.

Le gouvernement veillera également à procéder aux adaptations législatives qui s'imposent pour assurer la conformité de la Proclamation sur les organisations de la société civile de 2019 à la convention.

Premièrement, une révision des articles 59(b) et 121(1) de cette proclamation s'imposera, puisque le critère de contrariété à la morale publique, selon lequel les

autorités peuvent refuser d'enregistrer une organisation, est un critère excessivement large et arbitraire.

Deuxièmement, une révision de l'article 78(5) de la proclamation s'imposera également afin d'accorder un effet suspensif au recours introduit à l'encontre des décisions de suspension, de retraite ou d'annulation de l'enregistrement d'une organisation syndicale.

Une autre problématique concerne les droits et libertés garantis par la convention n° 87, qui ne trouvent malheureusement pas à s'appliquer pour de nombreuses catégories de fonctionnaires et d'agents de l'État. Le gouvernement veillera dès lors à inclure ces catégories de travailleurs dans le champ d'application des législations qui garantissent les droits et libertés consacrés par la convention n° 87.

À côté des difficultés qui concernent les agents de l'État, la Proclamation sur le travail de 2019 se révèle également contraire à la convention en ce qui concerne l'exclusion d'un certain nombre de catégories de travailleurs, que nous avons déjà énoncées dans notre discours d'introduction, et pour lesquelles il conviendra que le gouvernement garantisse la pleine application des principes contenus dans la convention.

Afin de mettre en œuvre effectivement l'ensemble de ces recommandations, nous incitons le gouvernement éthiopien à recourir à l'assistance technique du BIT.

Présidente – Par cette intervention, nous arrivons à la fin de l'examen de ce cas. À titre d'information, la lecture du projet de conclusions concernant ce cas aura lieu, comme pour tous les autres cas individuels, lors de la dernière séance de la commission, le vendredi 18 juin 2021.