

Trade Unionism in the Ethiopian Industrial Zones: Bahir Dar Industrial Zone in Focus

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Abstract

Freedom of association of workers is expressly recognized as a human right in national, regional, and international human rights instruments. International Labour Organization (ILO) instruments, most notably Convention 87 on Freedom of Association and Protection of the Right to Organize and Convention 98 on the Right to Organize and Collective Bargaining, expressly recognize workers' freedom of association. Though Ethiopia recognizes freedom of association of workers, the country's trade unionism movement is quite restricted in practice. This study explored the trend of workers unionization in Bahir Dar Industrial Zone. To attain the goals of the study, normative and empirical data were generated through evaluation of legal documents, relevant literature review, and sustained conversations with workers, union leaders, and management of undertakings operating in the study area. The data were analyzed using descriptive and thematic data analysis techniques. The findings of the study reveal that the majority of workers in Bahir Dar Industrial Zone are not unionized due to the resistance of employers to allow workers to organize. Even the established unions fail to sufficiently protect the interests of their members due to inaccessibility of facilities, absence of cooperation on the part of employers, undue influence by employers against leaders of employees,

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limited collaboration among member workers, and low commitment on the part of union leaders. Based on such findings, the authors provide possible recommendations.

Key Words: Bahir Dar Industrial Zone, Freedom of Association, Unionism, Workers

Introduction

It is an accepted fact that unity is power. Unity has paramount importance to achieve common interests of members of a group. It gives a strong bargaining power for members of a group to negotiate with other bodies over their interests. To understand the power of unity, one should recall the Amharic proverb ‘ድረ ቢያብረ አንበሳ ያስረ’ that translates to “When spider webs unite, they can tie up a lion.” This means that even the weakest persons can control the strongest if they get united. Cognizant of this, individuals in different sectors get united by establishing different forms of associations, including political and civic associations. Interestingly, freedom to associate is clearly recognized as a human right in national, regional, and international human rights instruments. At the international level, it is enshrined in Article 20(1) of the 1948 Universal Declaration of Human Rights (UDHR), Article 22 of the 1966 International Covenant on Civil and Political Rights (ICCPR), and Article 8 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR).¹ Freedom of association is also recognized under different regional human rights conventions, such as the 1950 European Convention on Human Rights, the 1969 American

¹ Mehari Redae, The Legal Framework for Trade Unionism in Ethiopia: A Historical Perspective, *Social Justice and Global Development Journal*, Vol.1, (2013), p.3.

Convention on Human Rights, and the 1981 African Charter on Human and Peoples' Right.²

In the context of labour relations, freedom of association is recognized in several ILO instruments, such as Convention No.87 on Freedom of Association and Protection of the Right to Organize and Convention No.98 on the Right to Organize and Collective Bargaining. These instruments exclusively deal with freedom of association in labour relations.³

In Ethiopia, freedom of association in general and freedom of association in the labour relation in particular are clearly recognized under the FDRE Constitution⁴ and Labour Proclamation No.1156/2019 respectively.⁵ Based on these laws, workers and employers in different industries establish their respective associations. The existence of workers and employers' associations helps to bargain over labour issues collectively. Collective bargaining, in turn, helps to bring "beneficial and productive solutions to potentially conflicting interests between workers and employers."⁶ In effect, it helps to negotiate in good faith over the different interests of the negotiating parties⁷ and to attain industrial peace.

² *Ibid.*

³ Andualem Nega *et al.*, Unionization in Industrial Park: The Case of Hawassa Industrial Park, *Hawassa University Journal of Law*, Vol. 7, (2023), p. 40.

⁴ The Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No.1/1995, Federal Negarit Gazette, (1995), Article 31 & 42 (hereinafter, FDRE Const.).

⁵ Labour Proclamation, Proclamation No.1156/2019, Federal Negarit Gazette, (2019), Article 113 (hereinafter, Labour Proc. No.1156/2019).

⁶ International Labour Conference, Freedom of Association in Practice: Lessons Learned, (2008), p. 5.

⁷ *Ibid.*

Recently, Ethiopia has established different industrial parks and industrial zones in different parts of the country. Industrial park technically refers to “the particular regrouping of industrial facilities,” whereas the word zone refers to “an area of land set aside for industrial facilities without the explicit purpose of facilitating or promoting the provision of common infrastructure and services.”⁸ So far, Ethiopia has established more than ten government and privately owned industrial parks: Bole Lemi, Kolento, Dire Dawa, Adama, Jimma, Hawassa, Mekelle, Bahir Dar, Kombolcha, and Debre Birhan industrial parks.⁹ As part of this move, industrial zones are demarcated at the municipality level in different towns or cities.

Before the legal recognition of trade unions in Ethiopia, workers were organized in different locally adapted forms of associations, including *Idir*, *Equb* and *Meredaja*.¹⁰ In the history of the country, trade unions were recognized for the first time during the imperial regime, and since then, a number of workers union have been established in different industries in the country.¹¹ Yet, in these courses of processes, the movement of trade unionism is very low as the movement of industrialization is a very recent phenomenon in Ethiopia.¹² Though the

⁸ Selam Gebeyehu, the Challenges and Contributions of Industrial Park Development in Ethiopia: The Case of Eastern Industry Zone PLC, *Masters’ Thesis*, (2017), p. 2.

⁹ “Industrial Parks of Ethiopia,” <https://www.ethiopiaturisms.com/list-of-industrial-parks-of-ethiopia-and-its-competitive-advantage/> accessed on December 17, 2023.

¹⁰ Mehari Redae, *Supra* note 1, p. 8.

¹¹ Adane Bezabih, The Formative Period of the Ethiopian Labour Movement, 1962-1974, *Policy Studies Institute*, (2022), p. 2.

¹² Andualem Nega *et al.*, *Supra* note 3, p. 30.

country is working towards industrialization, the labour rights, including the right to form associations, are much neglected and unprotected.¹³

A study conducted by Vincent Hardy and Jostein Hauge revealed that trade unionism, or collective voice, is very much limited in the Ethiopian textile and leather industries.¹⁴ Workers have expressed their feelings only by terminating their employment contract when there is disagreement with the employer on working conditions.¹⁵ Another study conducted by Andualem Nega *et al.* indicates that though most industries in the Hawassa industrial park have trade unions, such unions are not fully functional due to limited awareness about the role of trade unions on both the part of workers and employers.¹⁶

Bahir Dar city administration earmarked an industrial zone that covers a total of 922.101 hectares of land.¹⁷ By doing this, the city is striving to expand the manufacturing sector, create job opportunities and promote exports. As of September 2023, there are 176 industries that are fully operational within Bahir Dar Industrial Zone.¹⁸ In the Bahir Dar Industrial Zone, only 11(6%) out of 176 fully operational industries have unions.¹⁹ A preliminary investigation into the operation of these few unions also shows that they are not effective in representing the collective interests of their members, mainly because of undue influence

¹³ Mohammed Seid and Solomon Molla, Strong business–state alliances at the expense of labour rights in Ethiopia’s apparel-exporting industrial parks, *African Journal of Business Ethics*, Vol. 17: No. 1, (2023), p. 2.

¹⁴ Vincent Hardy and Jostein Hauge, Labour Challenges in Ethiopian’s Textile and Leather Industries: No Voice, No Loyalty, No Exit? (2019).

¹⁵ *Ibid.*

¹⁶ Andualem Nega *et al.*, *Supra* note 3, p. 55.

¹⁷ First Quarter Report of Amhara National Regional State Industrial Parks Development Corporation, Bahir Dar Branch, (2016 E.C), p.15.

¹⁸ *Ibid.*

¹⁹ Annual Report of Ethiopian Workers Union Confederation, Bahir Dar Branch, (2015 E.C).

from employers.²⁰ While the subjects of unions are so critical in industrial socio-economic dynamics, such as one in Bahir Dar industrial zone, the world of worker union and the dynamics of their interaction with employers are unexplored. Except for these facts outlined earlier, there is no empirical evidence that illuminates the trend and challenges of unionization of workers in this industrial setting. Hence, this study is dedicated to filling this gap by examining the practice of trade unionism in this specific setting.

1. Concept and Significance of Trade Union

The notion of ‘trade union’ refers to any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workers and employers or among workers or employers, or for imposing restrictive conditions on the conduct of any trade or business.²¹ As such, it is “a continuing long-term association of employees, formed and maintained for the specific purpose of advancing and protecting the interests of the members in their working relationship.”²² Workers come together under this organization to achieve common goals in areas such as working conditions and protecting and promoting their mutual interests through collective action.²³

Trade unions have a primary objective of protecting the workers’ interests against discrimination and unfair labour practices. They are

²⁰ *Ibid.*

²¹ M. Vijay Kumar Sharma, *Social Work Practice in Industrial Setting*, (2010), p.9.

²² David Card, Thomas Lemieux & W. Craig Riddell, *Unions and the Wage Structure*, USA, (2002), p.15.

²³ P. S. Rao, *Human Resource Management (Text and Cases)*.1st Ed. Himalaya Publishing House Pvt. Ltd, (2010), p.15.

created for the purpose of securing economic and social welfare for their members. Also, it creates collective strength and unity that brings about guarantees to members of the association. It enables the members to fight against irrational, arbitrary, and illegal actions of employers. Members of the association can share their feelings, exchange notes, and fight the employers quite effectively whenever they go off the track. A trade union, through its leadership, bargains with the employer or the management on behalf of the union members and negotiates labour contracts, commonly known as collective bargaining.²⁴

Historically, trade unions and collective bargaining enabled workers to achieve a stable working population in developed economies and empowered workers to struggle for gaining different advantages. It helped workers earn a more equitable share of the wealth that they participate in its generation, improved working conditions, and job security.²⁵

Though unity is quite an important factor for the achievement of any objective aspired by a group of individuals,²⁶ it demands the freedom of individuals who intend to bring about a result in the stream that they want to organize.²⁷ Particularly, freedom within the realm of workers' unionism stands as a cornerstone of modern labour movements, embodying the rights and liberties of workers to organize, advocate, and negotiate for improved working conditions.²⁸ In today's globalized economy, workers' unions play a vital role in safeguarding the interests

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Ubeku, A. K. *Industrial Relations in Developing Countries: The Cases of Nigeria*. London: Macmillan, (1983), p. 25.

²⁷ *Ibid.*

²⁸ Munts, Raymond, *Bargaining for Health: Labour Unions, Health Insurance and Medical Care* Madison, WI: University of Wisconsin Press, (1967), p. 17.

of employees across diverse industries. The freedom to unionize empowers workers to address issues such as wage stagnation, workplace discrimination, and precarious employment arrangements.²⁹ By exercising their collective power, workers can negotiate with employers from a position of strength, striving for fair wages, decent working conditions, and equitable treatment.³⁰

Freedom in workers' unionism extends beyond collective bargaining to encompass broader social and political objectives.³¹ Unions often advocate for progressive policies aiming at addressing systemic inequalities, promoting social justice, and advancing workers' rights on a societal level.³² Through political activism and community engagement, unions contribute to shaping public discourse and influencing policy decisions, thereby amplifying the voices of marginalized workers and promoting a more inclusive society.³³

Despite its significance, freedom in workers' unionism faces numerous challenges in the contemporary landscape.³⁴ One notable obstacle is the rise of anti-union sentiments among some employers and policymakers, who view unions as impediments to corporate interests and economic growth. This hostility towards unionization has manifested in efforts to undermine labour rights, restrict union organizing, and erode collective

²⁹ Muhammad Tariq Khan, Social Role of Labour Unions, *Science Vision*, Vol. 14: No. 1, (2008), p. 6.

³⁰ Knowles, Caroline and Eade, Deborah (n.d.), Labour Unions and Development: An Annotated List of Selected Resources, (2008), p. 34.

³¹ Muhammad Tariq Khan, *Supra note*29, p .7.

³² *Ibid.*

³³ *Ibid.*

³⁴ Peter W. Jones, The Role of Labour Unions in a Changing World Environment: A Comparative Analysis, *The Economic Development Institute*, Vol. 2, (2004) p. 8.

bargaining power through legislative measures and judicial rulings.³⁵ In addition, the emergence of non-traditional forms of employment, such as gig work and remote freelancing, presents new obstacles to unionization efforts.³⁶ The transient nature of these employment arrangements, coupled with the lack of legal protections for gig workers, makes it difficult for unions to effectively organize and represent these individuals.³⁷ Furthermore, technological advancements and automation pose challenges to traditional union structures, necessitating innovative approaches to organizing and advocacy in the digital age.³⁸

In general, freedom in workers' unionism remains indispensable to the advancement of labour rights and social justice in contemporary society. Through the historical struggles and triumphs of the labour movement, workers have asserted their rights to organize, mobilize, and demand fair treatment in the workplace. However, the journey towards achieving full freedom in workers' unionism is an on-going struggle, marked by persistent challenges and evolving dynamics in the modern economy.

1.1. Underlying Principles of Trade Unionism

Unionization stands as a foundation of modern labour movements. It embodies principles of collective bargaining, advocacy for workers' rights, and the pursuit of equitable treatment in the workplace.³⁹ At its core, the principle of workers' unionism emphasizes the immediate needs and grievances of its members and broader social justice

³⁵ *Ibid.*

³⁶ ILO, Productivity Improvement and the Role of Trade Unions, Workers' Education Manual, (2015), p. 36.

³⁷ Munts, Raymond, *Supra note* 28, p. 26.

³⁸ Knowles, Caroline and Eade, Deborah, *Supra note* 30, p. 18.

³⁹ Development Cooperation Network, Trade Union Principles and Guidelines on Development Effectiveness, Appendix I - 8GC/E/11, p. 15.

concerns.⁴⁰ Early labour movements in the west laid the groundwork for workers' unionism by championing fundamental principles such as solidarity, collective action, workers' empowerment, and others. Principled workers' unionism is built upon a set of core principles that guide its actions and objectives. First, unionism adheres to the principle of solidarity, emphasizing unity and mutual support among workers. Solidarity transcends individual interests, fostering a collective consciousness and a sense of shared purpose in pursuit of common goals.⁴¹ Second, it embraces equity and justice. Principled worker" unionism seeks to rectify systemic injustices and inequalities in the workplace. It advocates for fair wages, equal treatment, and dignified working conditions for all workers, regardless of race, gender, ethnicity, or socioeconomic status.⁴² Unionism is also principally guided by the principle of collective bargaining. This principle serves as a cornerstone in the moves of the members and the institution to achieve their goals. As such, it enables workers to negotiate with employers collectively rather than as isolated individuals. Through these moves, trade unions secure tangible gains for their members, including wage increases, benefits, and workplace protections.⁴³

Still another important principle in trade unionism is democratic governance. The underlying tenets of this principle hold that principled workers' unionism upholds democratic principles within its organizational structure, ensuring that decisions are made transparently and democratically. Members have a voice in union affairs, electing

⁴⁰ *Ibid.*

⁴¹ *Id.*, p. 10.

⁴² *Ibid.*

⁴³ ILO, the Labour Principles of the United Nations Global Compact: A Guide for Business, (2008), p.18.

leaders, shaping policies, and holding leadership accountable.⁴⁴ This principle is complemented by the ideas of social justice advocacy. Beyond the confines of the workplace, principled workers' unionism engages in broader social justice advocacy, addressing issues such as racial inequality, gender discrimination, immigration rights, and environmental justice. By aligning with other social justice movements, unions amplify their impact and contribute to the advancement of a more just and equitable society.⁴⁵

Despite its enduring relevance, principled workers' unionism confronts a myriad of challenges in the contemporary landscape. Erosion of labour rights, precarious work, technological disruption, fragmentation and division, and political hostility are some of the major challenges that negatively affect workers unionism.⁴⁶

In sum, the principles of workers' unionisms embody a vision of a more just, equitable, and democratic society, grounded in the principles of solidarity, equity, and collective action. As the labour movement confronts a changing economic landscape and formidable challenges, its ability to adapt, innovate, and build alliances will be critical to its continued relevance and effectiveness. By embracing these imperatives and staying true to its core principles, principled workers' unionism can remain a powerful force for social and economic justice in the 21st century and beyond.

⁴⁴ Development Cooperation Network, *Supra* note 39, p. 23.

⁴⁵ ILO, *Supra* note 43, p. 19.

⁴⁶ *Ibid.*

1.2. History of Trade Unionism

The history of trade unionism began in the 18th century in Britain and continued throughout the European industrial revolution.⁴⁷ Smaller worker associations were formed in Britain in the 18th century, but they remained irregular and short-lived for the majority of the nineteenth century, owing to antagonism from employers and the government.⁴⁸ This labour movement sought higher wages and fewer working days.⁴⁹ There was also a fight to buy labour in the cheapest market, similar to raw materials for manufacturers.⁵⁰ In the USA, the earliest worker strikes had occurred in 1768, when journeymen tailors opposed salary reductions.⁵¹ Following the strike in 1794, Philadelphia shoemakers created the Federal Society of Journeymen Cordwainers, the first workers' union.⁵² Since these events occurred, many trade unions were formed in Europe, the United States, and other continents.

In Africa, the trade union movement overlapped with the decolonization effort. Colonizing countries, notably France and Britain, advised workers in their colonies to refrain from participating in political issues and instead concentrate on economic relations by forming workers'

⁴⁷ "A brief history of unions," <https://www.unionplus.org/page/brief-history-unions>, accessed on 5 May 2024.

⁴⁸ "Trade Union: Definition, History, and Facts," <https://www.britannica.com/topic/trade-union> accessed on 18 May 2024.

⁴⁹ Sidney and Beatrice Webb, *The History of Trade Unionism*, 2nd ed., 1896, p. 39.

⁵⁰ *Ibid.*

⁵¹ "The History of Unions in the United States," <https://www.investopedia.com/financial-edge/0113/the-history-of-unions-in-the-united-states.aspx>, accessed on 18 May 2024.

⁵² *Ibid.*

associations.⁵³ Workers' associations were formed throughout African history to protest, among other things, the "discriminatory treatment in general and discriminatory payment in particular between the foreigners and indigenous labour force."⁵⁴ Also, trade union movements were employed to combat labour exploitation and colonization.⁵⁵ After independence, most African trade unions lost their independence since they were dependent on their respective ruling parties.⁵⁶ At the end of the 1980s, trade unions struggled for independence alongside the struggle for democracy in the continent.⁵⁷ Following the fight, labour laws were amended, and industrial relations were liberalized, resulting in some significant changes in Africa's labour history.⁵⁸

Similar to developments in other countries, the history of worker unionism in Ethiopia is closely associated with the industrial expansion of the country.⁵⁹ The introduction of capitalism into Ethiopia can be traced back to the beginning of the twentieth century, during which the then ruler, Emperor Menelik II, endeavored to bring about an industrial revolution in the country.⁶⁰ The issues of labour and capitalism began to emerge following the establishment of foreign-owned companies in the country, such as the Ethiopian-Franco Railway Company in 1889 and the Bank of Abyssinia in 1905.⁶¹ Following the expansion of companies, workers were exploited, and their working conditions became poorer

⁵³ Kwasi Adu Amankwag and Kwabena Nyarko Otoo, Unity and Revitalization of Trade Unions in Africa, *International Journal of Labour Research*, Vol. 11, No. 1-2, (2022), p. 20.

⁵⁴ Mehari Redae, *Supra* note 1, p. 5.

⁵⁵ *Ibid.*

⁵⁶ Kwasi Adu Amankwag and Kwabena Nyarko Otoo, *Supra* note 53, p. 20.

⁵⁷ *Id.*, p. 21.

⁵⁸ *Ibid.*

⁵⁹ Mehari Redae, *Supra* note 1, p. 6.

⁶⁰ *Id.*, p. 5.

⁶¹ *Ibid.*

and poorer over time. Because of this, workers started to meet and discuss their concerns.⁶² As establishing trade unions and participating in labour movements were considered crimes, workers discussed their labour-related issues in social settings such as church compounds and other places.⁶³

The workers struggle against capitalism in Ethiopia was started in 1943 by the workers of the Ethiopia-Franco Railway Company.⁶⁴ The workers of Ethio-Franco Railway started the labour movement in the country, demanding wage increments, reductions in daily working hours, and improvements to working conditions in the company.⁶⁵ On July 22, 1946, the workers of the Ethio-Franco Railway Company organized a labour strike at Dire Dawa.⁶⁶

Even though there were some movements demanding an increment of wages, a reduction in working hours, paid leaves, and other labour conditions, there were no organized trade unions as such. Rather, workers use self-help social associations like Edder and Cooperative as a forum to struggle for better labour conditions. In May 1961, Abara Gamu, who was the coordinator of the cooperative association of fiber factory workers in Addis Ababa, started the initiative of establishing a nationwide self-help cooperative association of workers.⁶⁷ Fortunately, his initiative was realized, and the first national self-help workers

⁶² Desset Abebe, Trade Union Rights of Government Employees in Ethiopia: Long Overdue, (2013), p. 111.

⁶³ *Ibid.*

⁶⁴ Yesuneh Aweke, Freedom of Association under Ethiopian Laws, *International Journal of Social Science and Humanities Research*, Vol. 6: No. 3, (2018), p.914.

⁶⁵ Mehari Redae, *Supra* note 1, p. 7.

⁶⁶ Adane Bezabih, *Supra* note 11, p. 12.

⁶⁷ *Ibid.*

cooperative association, known as “*YäIteyopiya Säratäñöče Yä Sera ena Yä Heberät Sändika*, (Ethiopian Workers’ Development and Cooperative Syndicate),” was established on July 1, 1961.⁶⁸ Following the establishment of this national self-help cooperative association of workers, there was a hidden movement to form a national trade union.⁶⁹ Though the then ruler of the country, Emperor Haile Selassie, tolerated this hidden movement of forming national trade unions, the movement was not successful due to the absence of a legal basis that allowed the establishment of trade unions in the country.⁷⁰ There was some pressure on the Ethiopian government from the International Confederation of Free Trade Unions (ICFTU) to give legal permission for the establishment of trade unions in Ethiopia.⁷¹

In response to these movements, the Ethiopian government adopted, in 1963, Proclamation No. 210/1963, that allows the establishment of trade unions.⁷² Following the promulgation of this law, about 109 trade unions consisting of 60,000–70,000 employees were established across the country within one year.⁷³ In addition, a national trade union known as the Confederation of Ethiopian Trade Unions (CELU) was established in April 1963.⁷⁴ However, the trade unions were not active

⁶⁸ *Ibid.*

⁶⁹ *Id.*, p. 12.

⁷⁰ Samuel Andreas, Dynamics of Assertive Labour Movementism in Ethiopia: Organized Labour, Unrest and Wages in a Socio-Historical Perspective, *PhD Dissertation*, University of Basel, p. 78.

⁷¹ *Ibid.*

⁷² Desset Abebe, *Supra* note 62, p. 111.

⁷³ Mehari Redae, *Supra* note 1, p. 11.

⁷⁴ *Ibid.*

and independent since the law favors employers.⁷⁵ The movement of trade unions was criticized as “weak, dormant, and inconsequential.”⁷⁶

While the imperial time sparked these spots of movements, the labour movement didn’t show any improvement during the Dergue Regime, and instead, local trade unions were used as a means to propagate the socialist ideology of the regime.⁷⁷ During the era of the Dergue regime, the autonomy of trade unions was restricted; the political bodies repressed the leaders of CELU.⁷⁸ In the early 1980s, the CELU was changed to “All Ethiopian Workers Association (AEWA),” which was predominantly controlled by the ruling party.⁷⁹ In the aftermath of the fall of the Dergue Regime, the labour movement was revitalized in the early 1990s, and the Confederation of Ethiopian Trade (CETU) was re-established as a national trade union in 1993.⁸⁰

In general, though the numbers of local unions show an increase over time, the labour movement has never been positively welcomed in Ethiopia by all successive governments.⁸¹ There was not really an independent labour movement in the country, and rather, the labour

⁷⁵ Desset Abebe, *Supra* note 62, p. 111.

⁷⁶ Samuel Andreas, *Cycles of Mobilization, Waves of Unrest: Ethiopian Labour Movement History*, (2019), p.91.

⁷⁷ Desset Abebe, *Supra* note 62, p.111.

⁷⁸ “Ethiopian Labour Movement Confronts A New Era: Will it Thrive?” <https://addisfortune.news/ethiopias-labour-movement-confronts-a-new-era-will-it-thrive/> accessed on April 24, 2024.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Andualem Nega *et al.*, *Supra* note 3, p. 30.

movement “has been kept as a docile instrument of state policy by successive governments since the 1960s.”⁸²

Currently, movements of trade unions manifest in varying ways. Yet these movements are not seen as positive social moves on the part of the government and employers.⁸³ For example, the Confederation of Ethiopian Trade Unions (CETU) planned to hold a rally on May 1, 2023, to demand for regulation of the minimum wage floor in the country, an increase in the salary of workers, and improvements to other working conditions in the country. However, this rally was cancelled after incurring a huge amount of money for its preparation due to the pressure from the law enforcement officials in Addis Ababa under the pretext of security concerns.⁸⁴ Thus, this suggests that the labour movement is not welcomed, even by the current government of Ethiopia.

1.3. Legal Frameworks Governing Trade Unions in Ethiopia

1.3.1. International Legal Instruments

The right to organize is one of the fundamental rights recognized in international legal instruments. These instruments impose obligations on member states, among others, to recognize the right to freedom of peaceful assembly and association.⁸⁵ The UDHR, the cornerstone of the international legal instruments, provides that “everybody shall have the right to freedom of association and assembly so long as they freely

⁸² Samuel Andreas, *Supra* note 76, p. 91.

⁸³ Andualem Nega *et al.*, *Supra* note 3, p. 30.

⁸⁴ “Ethiopian Labour Movement Confronts A New Era: Will it Thrive?” <https://addisfortune.news/ethiopias-labour-movement-confronts-a-new-era-will-it-thrive/> accessed on April 24, 2024.

⁸⁵ UDHR, Art. 20(1).

reach consensus to organize and form association”.⁸⁶ This instrument presupposes free consent to organize. Human beings shouldn’t be compelled to organize and assemble. Workers’, as human beings, are, therefore, entitled to form associations, which are commonly known as trade union.

ICCPR similarly recognizes this right of workers. As per article 22 of this instrument, “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.”⁸⁷ This provision stipulates that everyone is entitled to freedom of association and other political interests. Industrial workers who are historically fighters for such rights are at the centre of the ICCPR. The covenant further inform the state parties that workers shall not be restricted to exercise this right unless it is so required for “the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.”⁸⁸ Therefore, the right to freedom of association of workers has been explicitly promoted and protected by the ICCPR.

Reflecting a similar position, the ICESCR, under Article 8, requires state parties to ensure the right of workers to form trade unions and an individual worker to join a trade union of his choice.⁸⁹ This right extends to forming and joining any national federation and confederation of workers.⁹⁰ Therefore, the right to organization of workers is sufficiently recognized under the major international legal instruments, and the workers shall exercise such right without any

⁸⁶ *Id.*, Art. 20(2).

⁸⁷ ICCPR, Art. 22 (1).

⁸⁸ *Id.*, Art. 22 (2).

⁸⁹ ICESCR, Art. 8 (1).

⁹⁰ *Id.*, Art. 8 (2).

restriction unless the restriction is prescribed by the law for exceptional grounds.

Apart from the major human rights instruments, ILO Convention No. 87, 1948, and Convention No 98, 1949, enshrine the right to freedom of association and the principle of organization.⁹¹ The conventions, which consist of 16-21 provisions, are substantially dedicated to two interdependent rights and principles, which divulge freedom of association and organization of workers. The stipulations across the provisions promote and protect the right to freedom of association and the right to organize in any form of union. They further allow workers to form associations and organize themselves in order to realize their labour rights in the companies where they are working.⁹²

As an integral extension of the convention, various ILO standards and recommendations, including Workers' Representative Recommendation No.143 (1971) and Workers' Representatives Convention No.135 (1971), were formulated. The documents recognize the principles and rights of freedom of association and organization of workers and set different standards and protections so as to realize labour rights and improve labour conditions.

1.3.2. Regional Legal Frameworks

There are different regional legal instruments recognizing freedom of association in general and the freedom of association of workers in particular. The Council of Europe, one of the institutions issuing such instruments, has so far enacted the following instruments: the 1950

⁹¹ C87 Freedom of Association and Protection of the Right to Organize, 1948 and C98 Right to Organize and Collective Bargaining, (1949).

⁹² *Ibid.*

Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols Nos.11 and 14 (Article 11); the 1961 European Social Charter as revised in 1996 (Part I/5); the 1986 European Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations (Articles 1-4); the 1995 Framework Convention for the Protection of National Minorities (Articles 7 and 8); the 2011 Convention on preventing and combating violence against women and domestic violence (Articles 7 and 8); the 2011 convention on preventing and combating violence against women and domestic violence (Article 9); and the Charter of Fundamental Rights of the European Union (Article 12).

The 1969 American Convention on Human Rights (Article 16), the African Charter on Human and Peoples' Rights (Articles 10 and 29), and the Arab Charter on Human Rights (Article 24) are other regional legal frameworks that deal with trade unions or freedom of association. All these regional instruments directly or indirectly incorporate the right of workers to form or join trade unions.

1.3.3. National Legal Frameworks

The issue of trade unionism was officially recognized, for the first time, by the 1955 Revised Constitution of Ethiopia.⁹³ The constitution recognizes workers' right to form or join occupational associations in accordance with the law. In particular, the constitution stipulates that "[e]very Ethiopian subject [has] the right to engage in any occupation and to form or join occupational associations, in accordance with the law."⁹⁴ This provision, however, was simply recognition of the right to

⁹³ Mehari Redae, *Supra* note 1, p. 8.

⁹⁴ The 1955 Revised Constitution of Ethiopia, Art. 47.

form an association of workers. There was not, however, any specific law that governed how workers formed or joined occupational associations until 1962. In fact, the 1957 Penal Code of Ethiopia, which was proclaimed two years after the Revised Constitution, considered the movement to form associations as a criminal act.⁹⁵

According to Article 476 of the 1957 Ethiopian Penal Code, “whosoever founds, organizes, or commands the society, band, meetings, or assemblies forbidden, either generally or from time to time by law, by government, or by competent authority; or whosoever knowingly takes part in such activities is punishable with a fine not exceeding five hundred Ethiopian dollars.”⁹⁶

The first specific law, known as Labour Relations Decree 49/1962, was issued on September 5, 1962, granting the right to realize the constitutionally recognized labour right to form or join associations.⁹⁷ On October 2, 1963, by making some changes to this law, the decree was proclaimed as Proclamation No.210/1963.⁹⁸ These laws were a milestone for the labour movement in Ethiopia. The decree allows workers to unionize and defend their common interests.⁹⁹ The decree, in addition to allowing the establishment of trade unions, encourages workers and employers to settle their industrial disputes through collective bargaining mechanisms and provides for the establishment of a labour relations board to solve industrial disputes whenever the bargaining negotiation fails to settle the dispute.¹⁰⁰ Of course, though the adoption of the decree caused the establishment of a lot of trade

⁹⁵ Yesuneh Aweke, *Supra* note 64, p. 914.

⁹⁶ *Ibid.*

⁹⁷ Adane Bezabih, *Supra* note 11, p. 7.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

unions, such unions were not “as strong and independent as they should have been, since the law was highly biased towards employers.”¹⁰¹

This decree, however, was repealed during the Dergue regime and replaced by Proclamation No.64/1975.¹⁰² Though this proclamation allowed workers to unionize, it didn’t allow employers to form or join associations.¹⁰³ Similarly, the 1975 labour law of Ethiopia didn’t bring tangible reform in the movement of trade unionism; the then military government used trade unions as a means to promote its socialist ideology. As such, the trade unions during the military government were not autonomous; rather, they served as a “conveyor belt” between the military government and labourers.¹⁰⁴ Evidencing such realities, the labour law makes lower unions subordinate to the higher unions, and leaders of higher unions were empowered to control the lower trade unions and to enact directives to unions to regulate their operation in accordance with the socialist ideology. In this proclamation, ‘illegal strikes,’ ‘lack of good faith in a collective negotiation,’ failure to immediately execute an ‘agreement, decision, or order given at any level,’ or ‘to obstruct or be the cause of a delay in the speedy settlement of a trade dispute’ were all considered criminal acts punishable with one year in prison.¹⁰⁵

In 1982, Labour Union Organization Proclamation No.222/1982 was enacted. This proclamation was, however, a direct replica of the 1975 labour law of the country, except that it gives additional protection for

¹⁰¹ Desset Abebe, *Supra* note 62, p. 111.

¹⁰² Mehari Redae, *Supra* note 1, p. 15.

¹⁰³ *Ibid.*

¹⁰⁴ *Id.*, p. 16.

¹⁰⁵ Samuel Andreas, *Supra* note 70, p. 62.

state-approved trade union leaders not to be dismissed or transferred to another union without the approval of the then Ministry of Labour and Social Affairs.¹⁰⁶ Unlike the labour laws during the imperial regime, the labour laws during the military regime allowed workers to make political engagements.¹⁰⁷

After the fall of the Dergue regime, the Transitional Government led by the Ethiopian People Revolutionary Democratic Front (EPRDF) enacted Labour Proclamation No.42/1993 in 1993. This proclamation was effective until it was replaced by Labour Proclamation No.377/2003 in 2003.¹⁰⁸ These two labour proclamations were almost similar, and they retracted the centralized feature of trade unions and the protection given to union leaders, which were the major features of the previous labour laws.¹⁰⁹ Unlike the labour law of the military regime, the 1993 and 2003 labour proclamations equally recognize freedom of association for employers.¹¹⁰ The minimum number requirement to form a trade union was reduced to twenty and ten in the 1993 and 2003 labour proclamations, respectively.¹¹¹ More importantly, these laws try to ensure that trade unions are autonomous and free from political affiliation, unlike the previous laws.¹¹²

Currently, the FDRE Constitution recognizes workers freedom of association as a basic right. To this effect, the Constitution stipulates, using general terms, that “[e]very person has the right to freedom of

¹⁰⁶ *Ibid.*

¹⁰⁷ Yesuneh Aweke, *Supra* note 64, p. 915.

¹⁰⁸ Desset Abebe, *Supra* note 62, p. 111.

¹⁰⁹ Samuel Andreas, *Supra* note 70, p. 63.

¹¹⁰ Mehari Redae, *Supra* note 1, p. 18.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

association for any cause or purpose.”¹¹³ It does this, of course, with a prohibition of organizations formed in violation of laws or illegally subverting the constitutional order.¹¹⁴ Beyond this general stipulation, the constitution, specifically under first sub-provision of Article 42, allows workers to form associations. Clearly evidencing this, it provides:

*[f]actory and service workers, farmers, farm labourers, other rural workers and government employees whose work compatibility allows for it and who are below a certain level of responsibility, have the right to form associations to improve their conditions of employment and economic well-being. This right includes the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests.*¹¹⁵

While the constitution in clear terms allows for the formation of unions in the first sub-section, it provides for the right to express their dissatisfaction by launching a strike.¹¹⁶ Complementing these rights, it further requires the enactment of laws that establish procedures for the establishment of trade unions and for the regulation of the collective bargaining process.¹¹⁷

Based on this stipulation of the Constitution, the federal parliament enacted Labour Proclamation No.1156/2019, which regulates

¹¹³ FDRE Const., Art. 31.

¹¹⁴ *Ibid.*

¹¹⁵ *Id.*, Art. 42/1/a.

¹¹⁶ *Id.*, Art. 42/1/b.

¹¹⁷ *Id.*, Art. 42/3.

procedures for the establishment of trade unions and the regulation of the collective bargaining process. As outlined in the preamble, one of the major objectives of the proclamation is to “lay down a working system that guarantees the rights of workers and employers to freely establish their respective associations and to engage, through their duly authorized representatives, in social dialogue and collective bargaining, as well as to draw up procedures for the expedient settlement of labour disputes, which arise between them.”¹¹⁸ Similar to Labour Proclamation No.377/2003, this proclamation explicitly recognizes the rights of both workers and employers to establish and organize their own associations.¹¹⁹ Workers can form one or more than one trade union at an enterprise level, provided that the minimum number of members of a union is ten or more.¹²⁰ This low membership requirement would create opportunities to organize for those enterprises with few workers. The proclamation also allows workers who work in different undertakings but have similar activities that have less than ten workers to organize across enterprises and form a general trade union.¹²¹

Trade unions may also form trade union federations, which may then organize to form confederations.¹²² This serves to preserve the interests of the country’s member workers by establishing strong and organized trade unions. The current labour proclamation, like prior labour laws, requires that every worker association be registered with the Ministry of Labour and Social Affairs or an appropriate regional agency authorized to administer the labour legislation.¹²³

¹¹⁸ Labour Proc. No.1156/2019, Preamble, Para. 2.

¹¹⁹ *Id.*, Art. 113/1.

¹²⁰ *Id.*, Art. 114/1.

¹²¹ *Id.*, Art. 114/2.

¹²² *Id.*, Art. 114/3.

¹²³ *Id.*, Art. 119/1.

Trade unions work to protect the rights and interests of their members. They, in particular, represent members in collective bargaining and dispute resolution proceedings.¹²⁴ With the view of facilitating the smooth functioning of trade unions, the proclamation allows leaders to leave with pay for the purpose of presenting cases in labour disputes, negotiating collective agreements, attending union meetings, and participating in seminars or training courses.¹²⁵ Once formed, the trade union has the right to bargain with one or more employers or their associations and reach a collective agreement.¹²⁶ Furthermore, the proclamation, prohibits employers or managerial employees from “coercing or in any manner compelling any worker to join or not to join a trade union; or to continue or cease membership of a trade union; or to require a worker to quit membership from one union and require him to join another union or to require him to cast his vote to a certain candidate or not to a candidate in elections for trade union offices.”¹²⁷ In general, the proclamation affirms workers’ right to organize associations and outlines detailed regulations for association creation, collective bargaining, and collective agreement conclusion, among other things.

2. The Practice of Trade Unionism in the Bahir Dar Industrial Zone

This section is dedicated to presenting and interpreting the data collected through various research methods in this research site. The data was collected considering the research objectives and questions in order to unravel the existing situation in the Bahir Dar industrial zone from the

¹²⁴ *Id.*, Art. 115/1.

¹²⁵ *Id.*, Art. 82.

¹²⁶ *Id.*, Arts. 126 and 125.

¹²⁷ *Id.*, Art. 14/1(d).

point of view of works. To this end, the authors employed survey, interview, and observation data collection tools. The survey questionnaire has been distributed to 96 respondents randomly selected from those companies for which trade unions are available. 32 questionnaires were distributed in each selected company. The preliminary figures from the data show that 31 and 30 respondents were males and females, respectively, and the remaining 35 respondents didn't express their sex.

The data from questionnaires have been tabulated, codified, entered into SPSS software (version 21), analysed, and interpreted. Descriptive data from the SPSS output were taken as evidence of the investigation. This quantitative data were triangulated with the data obtained through semi-structured interviews, observations, and document analysis. The result are interpreted and discussed in the subsequent sections.

2.1. Workers and Employers Awareness and Interest

2.1.1. Workers' Awareness and Desire

One of the major themes of exploration in the investigation was workers' awareness and desire to use laws as a tool of protecting and regulating labour rights. The first question presented to the workers in this respect was whether the workers are sufficiently aware of the existence of laws governing the right of workers to organize. This question was framed in order to test awareness of the workers' about the existence of the laws supporting their rights to organize. The response denoted that there is an awareness problem on the side of the workers'. Only 33.3% of the respondents confirmed that they are fairly aware of the existing law. However, 13.5%, 27.1%, and 6.3% of the respondents replied, agree, somehow, disagree, and strongly disagree about the existence of the law. The response indicated in the table here below

generally shows that awareness of the workers' about the existence of the law regarding the right to organize is low.

Table 1: Workers Awareness about Laws Governing Workers' Association

Question	Options	Responses (%)
Workers sufficiently aware of the existence of laws governing the right of workers to organize	Strongly disagree	6.3%
	Disagree	27.1
	Fairly	33.3
	Agree	19.8
	Strongly agree	13.5

Similarly, the interview data result reveals that workers who have not established an association so far don't have a proper understanding of the laws governing freedom of association.¹²⁸ Employees are unaware that they have the right to form associations to fight for the protection of their work-related rights and interests.¹²⁹

Although the awareness of the workers about the existing law is low, the table here below implies that the workers do have an interest to forming the association. 54.6%, 10.3%, and 8.2% of the respondents replied that they do have interest in being organized in the trade union. The remaining 2.1% and 24.7% of the respondents disagreed and strongly

¹²⁸ Interview with unorganized workers, 12th May 2024 (names of the respondents are not mentioned here as they preferred to be anonymous respondents).

¹²⁹ Interview with Experts from the Ethiopian Labour Unions Confederation, Bahir Dar Branch, 16th May 2024 (names of respondents are not mentioned here as they preferred to be anonymous respondents).

disagreed on the question presented about their interest to forming an association in the company.

Table 2: Workers Interest in Unionizing

Question	Options	Responses (%)
Workers have an interest in forming a trade union	Strongly disagree	24.7
	Disagree	2.1
	Fairly	8.2
	Agree	10.3
	Strongly agree	54.6

This response of the respondents is comparatively smaller than the workers who responded that they do have no awareness about the existence of the law to the previous question. Hence, it is possible to infer that their ignorance about the existing law regarding the right of workers to organize is the problem of their disinterest. Of course, workers' lack of interest towards trade unionism is also exacerbated due to the undue influence on the part of employers. In this regard, participants have been asked whether union leaders are under pressure from employers, and 22.2%, 23.3%, and 24.2% of the respondents replied, strongly agree, agree, and somehow, respectively. This reveals the pressure of employers on the implementation of the right to organize in the undertakings. Thus, this implies that the oppositions of the employer negatively affect the workers' right to organize.

The qualitative data similarly shows that workers do have awareness and interest about the trade union. The interviewees confirmed this fact. One of the interviewees explained that "workers' do have a high desire to form an association and use it as a strategy for struggling for the

realization of their rights.”¹³⁰ He further explained that workers do have adequate awareness about their rights to organize. Because experts of the workers and employers office of Bahir Dar City administration and the Confederation of Ethiopian Workers Association made tremendous efforts to create and increase the level of awareness of the workers about their rights to organize.¹³¹ According to him, conciliators and inspectors of the office strictly follow and supervise the formation of the associations in each company allocated in Bahir Dar city industrial zones. Expert of the Ethiopian Workers Confederation Bahir Dar branch strengthened the response of the case team leader as well. In conclusion, workers’ do know the existence of laws that provide the right of workers to organize, and they do have a desire to form a trade union.

Table 3: Employers’ Influence Against Union Leaders

Question	Options	Responses (%)
Union leaders are under pressure from employers	Strongly disagree	15.8
	Disagree	14.7
	Fairly	24.2
	Agree	23.2
	Strongly agree	22.1

2.1.2. Awareness and Desire of the Employer

Likewise, questions have been provided in the questionnaire in order to test the awareness and desire of the employers regarding the formation

¹³⁰ Zewedu Desalegn, Case Team Leader at Bahir Dar City Employers and Employee Office, 12th May 2024.

¹³¹ *Ibid.*

of workers' associations. In this test, recognition, assistance, and resistance of the employers as to freedom of workers to association have been presented to the employees. Accordingly, the workers replied that employers do not organize and assist the formation of associations. The following tables show that employers have no interest in recognizing and supporting the formation of associations. The table herein below denotes that employers don't recognize the workers' right to associate. According to the response indicated in the table, 28.9%, 32.0%, and 19.6% of the respondents strongly disagree, agree, and somehow respectively. 80.4% of the respondents confirmed that employers didn't recognize the formation of the association. In contrast, 19.6% of respondents responded conversely.

Table 4: Employers' Recognition of Workers' Right to Unionize

Question	Options	Responses (%)
Employers recognize workers' right to organize	Strongly disagree	28.9
	Disagree	32.0
	Fairly	19.6
	Agree	10.3
	Strongly agree	9.3

Besides, the employers did not provide assistance to the workers' association. The response given in the table here below tells that employers do not provide assistance to strengthen the associations. 50.5%, 23.2%, and 11.6% of the respondents responded that they strongly disagree, disagree and somehow respectively. Hence, employers don't give recognition to formation of the association. However, as the ultimate goal of trade unionism is to bring industrial

peace, employers shall give necessary support to enable workers right to organize.

Table 5: Employers Support Trade Unions

Question	Options	Responses (%)
Employers provide the necessary support for the exercise of the right of workers to organize	Strongly disagree	50.5
	Disagree	23.2
	Fairly	11.6
	Agree	9.5
	Strongly agree	5.3

In contrast, they resist the formation of associations. According to the response indicated in the table herein below, employers oppose the formation of association. 20.6%, 23.7% and 17.5% of the respondents replied that they strongly agree, agree, and somehow agree, respectively. This tells that 61.9% of the respondents confirmed the resistance of the employers against the movement of the workers towards association. Thus, the overall picture of the quantitative data strongly suggests that employers become an obstacle to the formation of associations, showing the interest to support or recognize their existence.

Concerning the evidence from the interview data, it shows that employers consider trade unions as entities that have been established to work against their interests.¹³² One should in fact note that this tendency

¹³² Interview with Experts from the Ethiopian Labour Unions Confederation, Bahir Dar Branch, and Leaders of Labour Union Leaders, 16th May 2024.

of employers is against the benefits of trade unions to both employees and employers. Unions, while assisting employees in realizing their labour rights, enable employers to increase productivity, develop positive relationships with employees, raise workers' sense of ownership of the enterprise, and conveniently reach out to all workers through their union whenever needed.

It is important to note that such adverse impacts of employers on unions is compounded by the lack of commitment on the part of pertinent institutions such as employers' office of Bahir Dar City, to discharge their institutional obligations. This office is not effective enough to convince or influence employers not to resist against workers' moves to form trade unions. As participants revealed, the employees and employers' office of Bahir Dar City doesn't closely inspect and take appropriate administrative and legal measures to ensure the implementation of national and international laws in relation to workers' right to organize in the industrial zone of Bahir Dar city.¹³³

Table 6: Employers' Resistance during Unionization

Question	Options	Responses (%)
Employers resist when workers move to organize	Strongly disagree	23.7
	Disagree	14.4
	Fairly	17.5
	Agree	23.7
	Strongly agree	20.6

In general, because of the set of problems highlighted in this section, many workers in the industrial zone of Bahir Dar City are not organized.

¹³³ Interview with unorganized workers, 10th May 2024.

The culture of forming a trade union is not well developed. Even if many workers are interested in forming labour associations, their employers do not want their workers to form a trade union in their undertaking. This is because employers fear that the union may instigate workers to claim their rights and to bargain strongly in respect to their working conditions. To the worst, employers even forbid the gathering of workers in the compound of the undertaking in the process of forming trade unions. Supporting stakeholders are not permitted to enter the compound of industries and to facilitate the formation of workers unions.¹³⁴ This protectionist moves of employers compelled workers to hold meetings in avenues outside of their places of undertaking.

2.2. Assessing Access to Trade Union Facilities

Trade unions shall have the necessary facilities in order to carry out their tasks properly. Such facilities may include, among others, becoming time off from work without losing payments, collection of members' fees, and access to relevant information, office, workplace, and meeting hall.¹³⁵ The 1971 ILO Convention Concerning Protection and Facilities to be accorded to Workers' Representatives in the Undertaking (No.135), under Article 2, requires employers to give necessary facilities to workers' representatives.¹³⁶ Of course, this convention doesn't provide the list of facilities to be given; rather, it states that such facilities shall be "appropriate in order to enable workers' representatives to carry out their functions promptly and efficiently."¹³⁷

¹³⁴ Interview with unorganized workers, 10th May 2024.

¹³⁵ Filip Dorsemont, *Facilities for Trade Union Officials and Members to Exercise their Rights- a Comparative Review*, (2020), p. 35.

¹³⁶ The ILO Convention concerning Protection and Facilities to be afforded to Workers' Representatives in the Undertaking, No. 135, (1971), Art. 2.

¹³⁷ *Ibid.*

Further, in determining appropriate facilities, the Convention requires considering the industrial relation system of the country and the needs, size, and capabilities of the undertaking concerned and its impact on the efficient operation of the undertaking.¹³⁸

Of course, Ethiopia has not yet signed this convention. However, many of the rights have significant implications for those stipulated under the ICCR and UDHR, to which Ethiopia is a member. As such, unions are a means to realize the fundamental rights enshrined in these documents. Providing access to necessary facilities to unions could be a minimum move to enable them to attain these ends.

The 1971 ILO Recommendation on the Convention Concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (No.143), however, provides some recommended facilities to be given to the trade union leaders or representatives. These are time off from work, without loss of pay or social and fringe benefits, for carrying out their functions and attending trade union meetings, training courses, seminars, congresses, and conferences; access to all workplaces; access to the management of the undertaking; collection of workers contributions regularly on the premises of the undertaking; posting trade union notices on the premises of the undertaking; and distributing news sheets, pamphlets, publications, and other documents of the union among the workers of the undertaking.¹³⁹

In the Ethiopian labour law regime, one may not find a comprehensive regulation about access to necessary facilities by trade unions or their leaders. There are only a few scattered rules under the Ethiopian Labour Proclamation No.1156/2019. The proclamation allows leaders of trade

¹³⁸ *Ibid.*

¹³⁹ *Id.*, Arts. 10-16.

unions to leave with pay for the purpose of presenting cases in labour disputes and negotiating collective agreements in seminars or training courses.¹⁴⁰ In addition, the proclamation imposes an obligation on employers to deduct union contributions from the worker's regular wage and deposit them into the trade union's account whenever the worker requests such a deduction.¹⁴¹ These are the only issues of labour facilities that are directly and clearly regulated by the Ethiopian labour law regime.

2.2.1. Access to Office and Other Necessary Office Materials

One of the targets of investigation in the study was unions' access to office and relevant materials. The results of key informant interviews on this subject reveal that all trade unions in Bahir Dar Industrial Zone practically lack the necessary facilities to carry out their activities. They do not have an office for leaders to carry out their tasks within the undertaking.¹⁴² They carry out their duties using the office that has been assigned to them for other regular organizational purposes. Trade union representatives do not have reasonable access to telephone, fax, internet, computing, and photocopying facilities. Similarly, in the survey data, the majority of respondents (45.3%) respond that trade union leaders in this same industrial zone don't get reasonable free use of telephone, fax, and email facilities, computing, and photocopying facilities from employers. Nonetheless, the trade union could carry out their functions properly, suggesting their level of commitment to attain their collective ends in the absence of offices or the necessary office equipment.

¹⁴⁰ Labour Proc. No.1156/2019, Art. 82.

¹⁴¹ *Id.*, Art. 12(3).

¹⁴² Interview with workers and labour union leaders, 10th May 2024.

Table 7: Access to Necessary Office Materials

Question	Options	Responses (%)
Union leaders get free use of telephone, fax, internet, computing, and photocopying facilities	Strongly disagree	45.3
	Disagree	16.8
	Fairly	7.4
	Agree	13.7
	Strongly agree	16.8

2.2.2. Trade Union Leaves

Trade union leaders take on and carry out leadership obligations in addition to their usual job duties. Without privileged leaves, trade union officials may be unable to carry out the union's obligations and protect its members' rights and interests. According to the survey results, the majority of trade union leaders do not take time off from their daily duties to carry out the organization's activities. While 26.8% of respondents agree that union leaders are given time off from work, the majority (43.3%) say that employers do not provide time for union leaders to do union duties.

This conclusion is reinforced by key informant interviews. Employers, according to key informant interviewees, do not allow trade union leaders to take time off to attend meetings, seminars, conferences, or other labour-related events. Union leaders, for example, were unable to attend several meetings organized by the Ethiopian Trade Unions Confederation because their employers refused to grant union leave.¹⁴³ In general, data show that union leaders are not granted union leaves,

¹⁴³ Interview with Labour Union Leaders, 10th May 2024 (names of the respondents are not mentioned here as they preferred to be anonymous respondents).

despite the fact that the law obligates it, and it is extremely unlikely that union leadership will be successful in achieving the union's goals unless leaders are given time off from work to carry out union functions.

Table 8: Trade Union Leave

Question	Options	Responses (%)
Union leaders are granted time off to carryout functions of the union	Strongly disagree	43.3
	Disagree	6.2
	Fairly	12.4
	Agree	11.3
	Strongly agree	26.8

2.2.3. Deduction of Members Contribution from Wage

Normally, trade unions must raise funds to cover their expenses while fulfilling their union's functions. Contributions from members are the primary source of funding for trade unions. To ensure efficient collection of member payments, the Ethiopian Labour Proclamation requires employers to deduct union contributions from the worker's normal wage and deposit them into the trade union's account.¹⁴⁴ In practice, however, the survey data, which is stated in the table below, reveals that employers do not deduct union payments from employees' regular wages and deposit them into the trade union's account. More than half of respondents (53.6%) said employers are not willing to withhold workers' monthly payments from their wages, though workers give their written consent. This demonstrates that companies do not cooperate in the process of funding and administering Trade unions.

¹⁴⁴ Labour Proc. No.1156/2019, Art. 12/3.

Table 9: Deduction of Members' Contribution from their Wage

Question	Options	Responses (%)
Employer deducts contributions of Trade union members from their regular wage	Strongly disagree	53.6
	Disagree	9.3
	Fairly	10.3
	Agree	11.3
	Strongly agree	15.5

2.3. Performance of Trade Unions towards the Protection of Labour Rights

2.3.1. Collaboration between Leaders of Trade Unions and Employers

As it is mentioned under the Labour Proclamation of Ethiopia, the primary function of a trade union is to observe the implementation of working conditions set under the proclamation, protect the rights and interests of their members, and, in particular, represent members in collective bargaining and labour disputes before the competent organ.¹⁴⁵ The trade union shall struggle for the actual implementation of the minimum working conditions that the Ethiopian labour law provides. It shall observe the enforcement of minimum conditions in respect to working hours, rest days, different leaves, rules of occupational safety and health, and other labour issues. Even if it is very encouraged, trade unions persuade employers to introduce a working condition that is

¹⁴⁵ *Id.*, Art.115(1).

more favorable to the member workers compared with what the law provides.

To perform this function, trade unions must collaborate closely with the employers or managers. The survey data collected from Bahir Dar Industrial Zone workers demonstrates that, while leaders of some trade unions attempt to collaborate with employers and supervisors to promote workers' rights, some unions do not work closely with employers or managers. As indicated in the table below, whereas 43.8% and 29.2% of respondents strongly and fairly agree, 15.6% say that trade union leaders do not work together with employers or managers. These divided viewpoints of the respondents imply that there is a limitation on the part of trade union leaders to work closely with employers or management of the undertaking.

The interview data also supports this finding. The interview participants confirmed that trade union leaders barely collaborate with employers or managers while executing the function of the union.¹⁴⁶ Employers are, rather than collaborating with them, using numerous pretexts to fire union leaders from work, unjustifiably taking disciplinary actions, and applying pressure on them.¹⁴⁷ For example, in one scenario, an employer has terminated the employment contract of a worker following his active participation as a chairperson in the workers' association. Fearing such a consequence, there are even no workers willing to be a leader of the union. Even employers are not willing to deduct the employees' union

¹⁴⁶ Interview with unionized workers and managers of undertakings, 14th May 2024.

¹⁴⁷ Interview with Labour Union Leaders, 14th May 2024.

contribution from the salary of the workers, though the law obligates employers to do so.¹⁴⁸

Table 10: Collaboration between Trade Union Leaders and Employers

Question	Options	Responses (%)
The leaders of the union works in harmony with the employer and the supervisors to protect the rights of the workers	Strongly disagree	15.6
	Disagree	5.2
	Fairly	29.2
	Agree	6.3
	Strongly agree	43.8

2.3.2. Collaboration between Leaders of Trade Unions and Member Workers

Trade union leaders must not only collaborate with employers or managers of the endeavor but also work closely with member workers. However, there is no apparent trend of collaboration between union leaders and member workers. To this effect, 41.2% and 21.6% of respondents on this subject agree fairly or strongly, respectively, and 16.5% of them say that trade union leaders and member workers do not collaborate. Even though the majority of respondents say there is fair collaboration, sizable proportions believe there is no collaboration between trade union officials and members. Thus, it is very difficult to achieve the objective of the trade union unless leaders of the union and member workers work together.

¹⁴⁸ Interview with Experts from the Ethiopian Labour Unions Confederation, Bahir Dar Branch, and Leaders of Labour Union Leaders, 16th May 2024.

Table 11: Collaboration between Trade Union Leaders and Member Workers

Question	Options	Responses (%)
The leaders of the association works closely with the member workers	Strongly disagree	16.5
	Disagree	8.2
	Fairly	41.2
	Agree	12.4
	Strongly agree	21.6

2.3.3. Achievement of Trade Unions

As stated before, the ultimate objective of trade unions is to protect the rights and interests of their member workers and thereby create industrial peace. Trade unions are expected to struggle to secure the best benefits for member workers, including payment of adequate salary, bonuses, and payment for overtime work. They shall also work to convince the employer to create conducive working environment for workers to carry out their duties. In this regard, the survey data reveals that the achievement of trade unions in protecting the rights and interests of member workers is not as such successful. The survey data shows that while 34.0% strongly agree that trade unions properly struggle for the protection of rights and interests of member workers, 27.8% of respondents believe that trade unions do not properly struggle for the protection of rights and interests of member workers.

Based on this data, though a relative majority of trade unions properly struggle for the protection of rights and interests of member workers, there are still extensive trade unions that are not actually working towards the protection of rights and interests of member workers. The

interview data similarly shows that even though a trade union is established to protect the interests of the union members, they do not work as expected. The struggles of the union do not bring a tangible positive result for unionized workers.¹⁴⁹ Mostly, the role of unions is limited to submitting complaints to the employer. Instead of bridging the gap between workers and employers to create a harmonious sector, unions file complaints with government agencies. According to the interview data, employers frequently violate national labour laws and collective agreements because of the poor performance of trade unions. Employers assign workers without safety materials, require workers to work overtime for no additional pay, unjustly terminate workers' employment contracts, and refuse to issue leaves when workers request them.¹⁵⁰

Table 12: Union's Struggle for the Protection of Rights and Interests of Member Workers

Question	Options	Responses (%)
The union struggle for the protection of the rights and interests of member workers	Strongly disagree	27.8
	Disagree	9.3
	Fairly	20.6
	Agree	8.2
	Strongly agree	34.0

¹⁴⁹ Interview with unionized workers, 16th May 2024.

¹⁵⁰ Interview with Experts from the Ethiopian Labour Unions Confederation, Bahir Dar Branch, 16th May 2024.

2.3.4. Conclusion and Enforcement of Collective Agreements

Most trade unions at Bahir Dar Industrial Zone have concluded a collective agreement with employers to govern their relationship.¹⁵¹ Though employers hesitate to conclude collective agreements with trade unions, through time, under the influence of government bodies, almost all trade unions concluded collective agreements with their employers. The mere conclusion of a collective agreement is not, however, an end by itself. Collective agreements should be enforced both by employers and workers to achieve the ultimate objective of unionization as well as collective bargaining.

The practice, however, shows that employers do not abide by the collective agreements concluded with trade unions.¹⁵² The problem is not limited only to the employers' side. Workers do not also know the content of collective agreements. The survey data collected from workers of Bahir Dar Industrial Zone demonstrates that the majority of respondents (36%) don't know the content of collective agreements concluded between trade unions and employers, whereas 28.9 % of them fairly know the content of collective agreements and only 15.5% properly knows the content of these documents. The existence of low awareness about the content of collective agreements on the workers' side and the absence of interest to abide by the collective agreement on the part of employers exacerbate the problem of non-enforcement of the terms of the agreement.

¹⁵¹ Interview with experts from the Ethiopian Labour Unions Confederation, Bahir Dar Branch, 16th May 2024.

¹⁵² Interview with Experts from the Ethiopian Labour Unions Confederation, Bahir Dar Branch, and Leaders of Labour Union Leaders, 16th May 2024.

Table 13: Members know the Content of Collective Agreements

Question	Options	Responses (%)
Members know the content of collective agreements	Strongly disagree	36.1
	Disagree	10.3
	Fairly	28.9
	Agree	9.3
	Strongly agree	15.5

Though there is a trend of resisting the process of unionization and implementation of collective agreements on the part of employers, trade unions in Bahir Dar Industrial Zone do not initiate any industrial action so far. In order to convince the employer to accept certain labour conditions or to comply with existing labour conditions, it is common that trade unions initiate an industrial action known as a job strike, which may involve a slowdown of work by any member of workers in reducing their normal output on their normal rate of work or a temporary cessation of work by any number of workers acting as a move to persuade their employer to accept certain labour conditions in connection with a labour dispute or to influence the outcome of the dispute. Yet, union leaders in Bahir Dar Industrial Zone, instead of initiating strikes, devise strategies for discussions over issues of negotiation and spaces of bargaining. There were repeated attempts on the part of leaders to hold discussions with employers over these issues.

Despite such repeated attempts, the employers refused to seat and discuss with union leaders.¹⁵³ Even within this situation, trade unions in Bahir Dar Industrial Zone do not call any job strike so far despite the

¹⁵³ Interview with union leaders and member workers, 16th May 2024.

continuous resistance and rejections of questions of workers by employers. This shows that the overall performance of trade unions in the study area is characterized by too much tolerance, discipline, and patience, giving undue upper hand to employers.

Conclusion

This study is dedicated to exploring the trend of workers' unionization in the Bahir Dar Industrial Zone. Through the use of quantitative and qualitative data generation tools, the study revealed that workers of many undertakings in Bahir Dar city industrial zone have not formed trade unions. This is largely due to a lack of awareness on the part of workers and deliberate unwillingness on the part of employers.

Though some workers have awareness and interest to form a trade union, they could not afford to form such an association due to employers' influence. Even the existing associations are not well organized, active, and efficient in supporting member workers to realize their labour rights. Employers are reluctant and unwilling for the establishment of workers' association; they strongly oppose and resist freedom of association in different ways. The existing trade unions in the study lack the required facilities to carry out their functions and protect the rights and interests of member workers. Moreover, trade union leaders do not take time away from their regular responsibilities to perform the organization's activities as employers prohibit them from taking time off to attend meetings, seminars, conferences, or other labour-related events. They do this clearly contrary to the Ethiopian Labour law stipulations that require employers to offer union leaders leave to conduct union-related responsibilities.

Apart from such indigents, employers refuse to deduct union contributions from the worker's regular wage and transfer them into the trade union's account. Employers resist withholding contributions from workers' wages, despite the fact that the law requires it and workers consent to do so. All of these demonstrate that trade unions lack access to suitable union facilities, limiting their ability to achieve the association's goals.

Furthermore, the research revealed that trade unions are ineffective in protecting the interests and rights of their members. Particularly, trade union officials do not appropriately advocate for the rights and interests of their members. They could not persuade employers to adopt working conditions that are fairly suitable to member workers. They fail to influence employers to abide by the working conditions stated in the law. Though many trade unions in the Bahir Dar Industrial Zone have signed collective agreements, employers do not follow the terms of the agreement. Employers disregard the rules of the agreement regardless of the interest of workers. Union officials do not put pressure on employers to follow the terms of collective agreements. They have not taken any industrial action to persuade employers to follow the terms of collective agreements. Also, employees do not know the content of such agreements.

Hence, to ensure workers' right to form associations in the Bahir Dar Industrial Zone, both workers and employers should be trained to raise awareness about the freedom of association enshrined in various legal instruments. The employees and employers' office of Bahir Dar City should closely supervise and inspect the status of unions and working conditions of works. This should be followed by administrative and legal measures to ensure the implementation of national and

international laws in relation to workers' right to organize in the industrial zones.

Finally, to have a healthy industrial working environment and disciplined, fairly protected trade unions, employers must strive to provide the essential facilities to trade unions in their undertaking. They should also cooperate with unions by collecting membership fees from employees' monthly salaries, allowing union officials to take union leaves, and providing reasonable access to telephone, fax, and email facilities, as well as computing and photocopying facilities.

Trade unions must also endeavor to achieve the goals that they have set. They shall work vigorously to bridge the gap between workers and employers, thus defending workers' rights and interests. Union leaders must be committed to countering influence on the part of employers to the effect of making them implement the rules of the minimum working conditions stipulated under the law and collective agreements. They shall adopt various techniques, including strikes, to influence employer