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Addis Ababa University

College of Law and Governance Studies

Center for Human Rights

Employment Rights of Female Employees in the Construction

Industry: The Case of Bole Arabssa Condominium Housing Building

Project in Addis Ababa

By

Estifanos Balew Liyew

Advisor

Meron Zeleke (PhD)

June 2017

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I, the undersigned, declare that to the best of my knowledge this thesis is my original work and that other works quoted in this thesis are duly acknowledged. This thesis has never been submitted to this, or any other University for the award of a degree.

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Acronyms

AAHDPO	Addis Ababa Housing Development Project Office
ACHPR	Africa Charter on Human and Peoples' Rights
ACHPRW	Protocol to the African Charter on Human and Peoples Rights on the Rights of Women
ADLI	Agriculture Development Lead to Industrialization
ANRS-	Amhara National Regional State
AU	African Union
AUC	African Union Commission
AUGP	African Union Gender Policy
BPFA	Beijing Platform for Action
CA	Constitutive Act
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSA	Central Statistical Agency
CSO	Civil Society Organization
DPFA	Dakar Platform for Action
EEA	Ethiopian Economic Association
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focused Group Discussions
FWCW	Fourth World Conference on Women
GA	General Assembly
GAD	Gender and Development

GBV	Gender Based Violence
GDAW	Gender Discrimination against Women
GDP	Growth Domestic Product
GEWE	Gender Equality and Women Empowerment
GTP-I	First Growth and Transformation Plan
GTP-II	Second Growth and Transformation Plan
GTZ	German Technical Corporation
HDPBO	Housing Development Project Branch Office
HDPO	Housing Development Project Office
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHDP	Integrated Housing Development Project
ILO	International Labor Organization
LFPR	Labor Force Participation Rate
LSA	Labor and Social Affairs
MDGs	Millennium Development Goals
MoC	Minister of Construction Development
MoFED	Ministry of Finance and Economic Development
MoI	Ministry of Industry
MoLSA	Ministry of Labor and Social Affairs
MoUDH	Ministry of Urban Development and Housing
MoUDHC	Ministry of Urban Development, Housing and Construction
MoWCA	Ministry of Women and Children's Affairs

MoWCYA	Ministry of Women, Children and Youth Affairs
NGOs	Non- governmental Organizations
NLFS	National Labor Force Survey
NPC	National Plan Commission
NPEW	National Policy on Ethiopian Women
OAU	Organization of African Unity
OHCHR	Office of the High Commissioner for Human Rights
ONRS	Oromiya National Regional State
OSH	Occupational Safety and Health
PFA	Platform for Action
PASDEP	Plan for Accelerated and Sustained Development to Eradicate Poverty
RECs	Regional Economic Communities
SDGs	Sustainable Development Goals
SDGEA	Solemn Declaration on Gender Equality in Africa
SDPRP	Sustainable Development and Poverty Reduction Program
SHINTS	Shin Textile Solution
SNNP	Southern Nations Nationalities and People
SNNPRS	Southern Nations Nationalities and People Regional State
SWCW	Second World Conference on Women
TGE:	Transitional Government of Ethiopia
TWCW	Third World Conference on Women
UDHR	Universal Declaration of Human Rights
UN	United Nations

UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNEP	United Nations Environmental Program
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNPF	United Nations Population Fund
WAD	Women and Development
WDR	World Development Report
WID	Women in Development

Table of Contents

Declaration	i
Acknowledgements.....	ii
Acronyms	iii
Table of Contents.....	vii
List of Figures, Maps, Photographs and Tables.....	xii
Abstract.....	xiii
Chapter One	1
1. Introduction.....	1
1.1. Background of the Study.....	1
1.2. Statement of the Problem	3
1.3. Objectives of the Research.....	9
1.3.1. General Objective	9
1.3.2. Specific Objectives	9
1.4. Research Questions	10
1.5. Significance of the Study	10
1.6. Limitation of the Study	11
1.7. Research Design and Methodology	12

1.7.1. Research Methodology	12
1.7.2. Research Methods.....	13
1.7.2.1. Sources of Data	13
1.7.2.2. Data Collection Tools.....	14
1.7.2.3. Sampling Methods.....	19
1.7.2.4. Analysis of the Study	20
1.7.2.5. Ethical Considerations.....	20
1.8. Organization of the Research	22
Chapter Two.....	24
2. Conceptual Frameworks and Literature Review.....	24
2.1. Conceptual Frameworks	24
2.1.1. Discrimination.....	24
2.1.2. Gender Discrimination.....	25
2.1.2.1. Gender	25
2.1.2.2. Gender Discrimination against Women.....	28
2.1.3. Employment Rights	29
2.2 Review of Relevant Literature	30
2.2.1. Female Employment and Discrimination against Women in Employment.....	30
2.2.2. Brief Note on Construction Industry and Women in Construction Industry	32
2.2.3. Construction Industry in Ethiopia and Women’s Involvement	35

2.2.4. Analytical Approaches to Women’s Employment Rights	37
2.2.4.1. Economic Based Approach.....	38
2.2.4.2. Right Based Approach.....	39
Chapter Three.....	42
3. Review of Relevant Legal Instruments.....	42
3.1. Relevant International Legal Frameworks.....	43
3.1.1. United Nations Charter	43
3.1.2. Universal Declaration of Human Rights.....	44
3.1.3. International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.....	45
3.1.4. Convention on the Elimination of all forms of Discrimination against Women	46
3.1.5. The 1995 Beijing Platform for Action	47
3.1.6. Convention on the Rights of Child	48
3.1.7. Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs)	48
3.1.8. International Labor Organization (ILO)	49
3.1.8.1. Freedom of Association and Collective Bargaining	50
3.1.8.2. Abolition of Forced Labor	51
3.1.8.3. Abolition of Child Labor	51
3.1.8.4. Discrimination in Respect of Employment and Occupation.....	52

3.2. Relevant Regional Legal Frameworks.....	52
3.2.1. Constitutive Act of African Union.....	52
3.2.2. The African Charter on Human and Peoples Rights.....	53
3.2.3. The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.....	53
3.2.4. Solemn Declaration on Gender Equality in Africa.....	54
3.2.5. Africa Union Gender Policy.....	55
3.2.6. Dakar Platform for Action.....	55
3.3. Relevant National Legal Frameworks.....	56
3.3.1. FDRE Constitution.....	57
3.3.2. Labor Proclamation No. 377/2003.....	57
3.3.3. The National Policy on Ethiopian Women (NPEW).....	58
Chapter Four.....	60
4. Brief Background Introduction of the Study Area.....	60
4.1. Brief Note on the History of the Integrated Housing Development Program (IHDP).....	60
4.2. Description of Study Site: Bole Arabssa Site.....	62
Chapter Five.....	70
5. Female Employment Rights at Bole Arabssa Condominium Building Construction Industry	70
5.1. Status of Female Employment Rights at Bole Arabssa Condominium Building Construction Industry.....	70

5.1.1. Right of Female Employees' before Employment and during Recruitment Process .	72
5.1.2. Working Conditions of Female Employees; Rights of Female Employees after Starting Work	79
5.2. Challenges and Risks of female employees in their everyday working life	96
5.3. Conclusion and Recommendations.....	100
5.3.1. Conclusion	100
5.3.2. Recommendations.....	103
References.....	106
Appendix I	124

List of Figures, Maps, Photographs and Tables

Table: 1.1 Backgrounds of Informants	15
Table: 1. 2 Background of Male and Female Member FGD.....	17
Table: 1.3 Background Female Members FGD.....	18
Table: 1.4 Profiles of Key Informants.....	19
Figure 4.1 Partial View of Bole Arabssa before it Designated for Condominium Building Site.....	63
Figure 4.2 Bole Sub-city Map.....	65
Figure 4.3 Bole Arabssa Condominium Houses Building Project Site Map	65
Figure 4.4 Organizational Structures of Main Stakeholder at Bole Arabssa Condominium Houses Building Project	67
Figure 4.5 Completed Condominium Houses Building at Bole Arabssa Condominium Site.....	68
Figure 4.6 Partial View of Condominium Houses Buildings on Construction at Bole Arabssa Building Site.....	68
Table 4.7 Ratio of female employees at Bole Arabssa condominium Houses Building Site in Percentage.....	69

Abstract

This study evaluates and assesses the status of employment rights of female employees in construction industry based on a case study conducted in Bole Arabssa condominium houses building construction project site in Addis Ababa. There is no a research conducted on construction industry female employee's employment rights to study gender segregation. Therefore, the basic objective of the study is assessing the status of employment rights of female employees in the construction industry. The study analyses the existing different legal instruments and policy frameworks that safeguarded rights of female employees. It addresses the major challenges of female employees in the construction industry, the nature and root causes for the violation of employment rights of female employees in the area, and lived experiences of female employees at construction workplace.

The study used qualitative research method where different data collection tools were used during the research. Both primary and secondary sources of data were used. The study has explored, interpreted, and evaluated meanings, lived experiences of informants, collected through interview, Focus group discussion, observation and informal talks. The findings of the study point at the multifaceted violation of rights of female construction workers and the myriads of challenges they face.

This study found that the practice employment rights of female employees in the construction industry are far from what human rights documents supposed to. Violation of the right to work (discrimination from employment such as segregation during employment and protection from unemployment), violation of rights at work (violation of employment rights at workplace such as wage discrimination, absence of maternity protection, health and safety protections) and job insecurity and workload are violations of female employee's basic employment rights that faced them at workplace.

Key words: Employment rights, Construction industry, Female

Chapter One

1. Introduction

1.1. Background of the Study

Post 1991, Federal Democratic Republic of Ethiopia (FDRE) undertook various economic strategies and policies to accelerate the economic growth of the country. Among these the adoption of Agriculture Development Lead to Industrialization (ADLI), which is long-term economic development strategy, as a national development plan in the mid 1990s is mentionable.¹ The country's National Development Policy Framework is designed to eradicate poverty.² To meet this goal various medium and long-term plans and programs have been designed since then. Some of these are Sustainable Development and Poverty Reduction Program (SDPRP) (2002/03-2004/05), Plan for Accelerated and Sustained Development to Eradicate Poverty (PASDEP) (2005/06-2009/10), the First Growth and Transformation Plan (GTP-I) (2010/11-2014/15) and the Second Growth and Transformation Plan (GTP-II) (2015/16-2019/20).³

The Ethiopian economy has registered a healthy economic growth rate since 2003/04.⁴ The role of the industrial sector in the economy is significantly growing from time to time which implies

¹Arkebe Okubay. 2015. *Made in Africa: Industrial Policy in Ethiopia*. Oxford: Oxford University Press.P.63.

²Kassahun Berhanu and Colin Poulton. 2014. "The Political Economy of Agricultural Extension Policy in Ethiopia: Economic Growth and Political Control." *Development Policy Review* 32 (2): 130-210. P. 200.

³Arkebe Okubay, *supra* note 1, p.63.

⁴*Ibid*, p.63.

the process of realization of the philosophy of ADLI- agricultural development is expected to drive the process of industrialization.⁵

The construction subsector, which is one part of the industry sector, is leading in its contribution to the economic growth in Ethiopia not only compared to other industry subsectors but also in its contribution to the Growth Domestic Product (GDP) in general.⁶ Construction industry is often believed to make significant contribution to the socio-economic development of a country⁷ having multiplier effect on other sectors even in the international level.⁸ The construction industry is among the industries that are given top priority in the industrial development strategy of 2013-2025.⁹ This is because construction subsector is capital and labor intensive, and it is the base for other economic sectors.¹⁰ The disaffiliation of the Minister of Construction Development (MoC) from the previous Ministry of Urban Development, Housing and Construction (MoUDHC) - the current day Ministry of Urban Development and Housing (MoUDH) - since September 2015 as an independent minister office in the country shows the extent of the regard of the government towards the sector.

⁵MoFED. 2010. Growth and Transformation Plan:2010/11-2014/15. Vol. I. Addis Ababa. P.4; FDRE Ministry of Industry (MoI). September 2012. Ethiopian Industrial Development Strategic Plan (2013-2025). Addis Ababa. P.7; Ethiopian Economic Association (EEA). 2015. Report on Ethiopian economy: current status of construction industry. Addis Ababa: EEA. P.5.

⁶Ethiopian Economic Association (EEA). 2016. Report on Ethiopian Economy: Current Status of Construction Industry. Addis Ababa: EEA.p.6.

⁷Ethiopian Economic Association (EEA). 2007. Report on Ethiopian Economy: Current Status of Construction Industry. Addis Ababa: EEA. P.236; United Nations Environmental Program (UNEP). 1996. The construction industry and the environment. Industry and Environment, volume 19 no. 2, Paris. It is estimated that one-tenth of the global economy is bestowed to the construction sector. Construction industry has direct and indirect impact on the national economy. Directly it creates job, accelerate national economy and serve as source of revenue. Indirectly it facilitates other sectors and industries like cement factory, metal factories and corrugated iron (ceiling) factory etc.

⁸MoC. 2016. Capacity Building Program Package of Construction Industry. Addis Ababa: MoC. P.3.

⁹MoI, supra note 5, P.17. In the industry subsectors that gain top priority in the industrial development strategy are Textile and Garment Industry, Agro Processing Industries, Construction Industry and Meat, micro and small scale companies, Leather and Leather Products Industry.

¹⁰ Ibid.P.20.

The construction subsector plays a key role in creating employment opportunities in Ethiopia.¹¹ As MoC stated that the total labor force in the construction industry makes up 12 percent of the total labor force in the country.¹² According to Central Statistical Agency (CSA) report females' makeup 21.1 percent of the total labor force of construction industry.¹³ Given the fact that the construction industry employs many unskilled labor forces and the temporary contractual nature of the employment, female employees often face frequent challenges becoming imminent victims of violations of rights. Though the construction industry is expected to be the engine of economic transformation to meet the country's goal of joining middle-income countries by 2025 through huge employment opportunity creation, there is no research done addressing the rights of female employees of the construction industry which shows the gendered aspect of the sector. Hence, this paper is aimed at assessing employment rights of female employees and working environments in the construction industry of Addis Ababa city; and has explored the protection given for female employees in the construction sub-sector.

1.2. Statement of the Problem

Women's right to employment is one of the rights accorded to women under international, regional and national laws. The right to employment is guaranteed for women like their male counterparts without discrimination. The right to employment includes entitlements like equal wage, freedom to choose one's own profession, reasonable leave etc.¹⁴

¹¹EEA, supra note 7, P. 238.

¹²MoC, supra note 8, P. 5.

¹³CSA. 2014. National Labour Force Survey. Addis Ababa. P. 184.

¹⁴ UN General Assembly.1948. Universal Declaration of Human Rights. 10 December, 1948. According to UDHR article 32(1) everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. UDHR also proposes more specific employment rights such as rights to work, to form unions, to choose employment, to have safe and decent working conditions, to receive equal and fair pay, and even to receive an annual holiday; International Covenant on Economic, Social and Cultural Rights (1966), United Nations, Treaty Series, Vol. 993, p. 3. Entered into force on 3 January 1976. ICESCR on article 6 upholds

Likewise, according to CEDAW the right to employment is one of the basic women's human rights¹⁵ stating; *"the right to work is an inalienable right of all human beings."*¹⁶ Women have the rights to work as human beings and they must not be discriminated based on sex and women have the rights to choose their profession and means of engagement. Accordingly, it says women have *"The right to free choice of profession and employment...."*¹⁷ Equal payment right is also basic rights of women inscribing that they shall enjoy freely without discrimination based on their sex. This is clearly stated in CEDAW which proclaims that women have *"the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work."*¹⁸

The right to employment of women is also enshrined in Ethiopian national laws. The FDRE constitution states that *"Women shall have a right to equality in employment, promotion, pay, and the transfer of pension entitlements."*¹⁹ The labor proclamation No 42/93 which is amended as labor law 377/2003 clearly specifies that women shall not be discriminated from employment and equal payment based on sex and outlawed any discrimination against women.²⁰ The law also prohibited women's employment on certain types of work that are considered to be harmful

everyone has the rights to work which includes the opportunity to choose one's own profession including appropriate safeguard from the state; African Charter on Human and Peoples' Rights (1981). Entered into force on 21 October 1986. ACHPR every one has the right to work with favorable working environment and to receive equal remuneration for the same work; FDRE HPR. 1995. Proclamation of the Constitution of the Federal Democratic Republic of Ethiopia: Proclamation No. 1/1995. 1st Year No. 1. Addis Ababa-21st August 1995. The rights to employment also stated under the Ethiopian constitution and labor proclamation No. of 377/2003. Hence, FDRE constitution article 41(2) upholds as every citizen have the right to choose one's own profession and livelihoods. Labor proclamation No. 377/2007 elaborates detail employment rights of employee.

¹⁵ UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women. 1979. United Nations, Treaty Series, vol. 124, available at: <http://www.refworld.org/docid/3ae6b3970.html>. [Accessed 1 November 2016].

¹⁶ Ibid, Article 11(1) (a).

¹⁷ Ibid, Article 11(1)(c).

¹⁸ Ibid, Article 11(1)(d).

¹⁹ FDRE Constitution, Supra note 14, Article 35(1)(8).

²⁰ FDRE Labor Proclamation No. 377/ 2003. Addis Ababa. Article 87(1).

for their health.²¹ The National Policy on Ethiopian Women was formulated in 1993 in order to address problems related to discrimination against women.²² The Women, Youth and Children Affairs a Minister (MoWYCA) - the current Ministry of Women and Children's Affairs (MoWCA) is the leading agency working for the protection and realizations of equality rights for women and children.

Even though, women constitute 49.6% of the total 7.3 billion world population²³ and 50.08% of the total 99 million populations in Ethiopia,²⁴ they are not economically active as men, and are often assigned to perform unpaid domestic works.²⁵ This implies the persisting gender disparities (even in rich countries);²⁶ despite the fact that discriminations based on sex are outlawed in various international, regional and national human rights instruments.²⁷

In many developing countries, women face persistent discrimination in various forms enhancing the challenge to realize women's rights because the forms of discrimination are currently

²¹ Labor Proclamation, supra note 20, Article 87.

²² TGE. 1993. National Policy on Ethiopian Women. Addis Ababa, Ethiopia.

²³ United Nations, Department of Economic and Social Affairs, Population Division. 2015. World Population Prospects: The 2015 Revision, Key Findings and Advance Tables. Working Paper No. ESA/P/WP.241. Available at: www.esa.un.org.html [accessed on November 2, 2016]. P.1.

²⁴ Ibid, P.14.

²⁵ ILO. 2009. From Global Employment Trend for Women. available at: http://www.ilo.org/wcmsp5/group/public/@dgreports/@dcomm/documents/publication/wcms_103456.pdf.html. [Accessed on June 28, 2016]; United Nations. 2015. The World's Women 2015: Trends and Statistics. New York: United Nations, Department of Economic and Social Affairs, Statistics Division. Sales No.E.15.XVII.8. P. 99.

²⁶ World Development Report. 2012. Gender Equality and Development, the International Bank for Reconstruction and Development / The World Bank. Available at: <https://siteresources.worldbank.org/INTWDR2012/Resources/.../Complete-Report.pdf.html> [Accessed on October 27, 2016]. P.xxi.

²⁷ UN Charter, Article 1 of the Charter stipulates that one of the purposes of the United Nations Organization is to promote respect for human rights and fundamental freedoms "without distinction as to race, sex, language or religion"(UN Charter, 1945(Article1)); UDHR, The Universal Declaration of Human Rights proclaimed the equal entitlements of women and men to the rights enclosed in it, "without distinction of any kind, such as ... sex..."; The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights prohibit discrimination based on, inter alia, sex (ICCPR, 1966(Article 2); ICESCR, 1966 (Article 2)),

committed in a systematized manner.²⁸ Women are underrepresented in skilled labor workplace and they are over represented in an unskilled labor workplace and in the informal sector, which is characterized by poor wages, insecure working conditions that make-up a violation of their basic human rights of employment.²⁹ Women tend to have less employment both in formal and informal sectors of economy compared to men,³⁰ and they faced discrimination on both sectors.³¹ Women in developing countries are highly engaged in industry outwork - lower industry positions, house work and in unpaid family works.³²

The problem of employment discrimination based on gender is also prevalent in Ethiopia. According to the 2014 National Labor Force Survey (NLFS) the percentage of female employees was 46.02 percent out of the total employed population.³³ Female employees constitute 33.7 percent of formal employment sectors and 53.32 percent of the total labor force in the informal sector out of this employed labor force.³⁴ Though female employees constitute 53.32 percent of the total labor force in the informal sectors, they earn lower payment as compared with their male counterparts, they are highly concentrated at unskilled works, and they are victims of unfair dismissal which is a violation of their basic human rights.³⁵ This violation of basic employment rights of women is prevalent in sectors like agriculture, construction, service and tourism sectors

²⁸ Kinnear, Karen L. 2011. Women in Developing Countries: A Reference Hand book, ABC-CLIO. Available at: <http://gen.lib.rus.ec/book/index.php?md5=7437E752F2AFF57AC94EOEBEB8296425>. [Accessed on November 28, 2016]. P. 27-29.

²⁹Ibid. P. 29.

³⁰ Chen, Marty. 2008. Women and Employment in Africa: A Framework for Action: Background Document commissioned by the Danish Foreign Ministry for the Second Conference of the Africa Commission in November 2008, Harvard University, WIEGO Network. Available at: [http://wiego.org/sites/wiego.org/files/publications/.../Chen Women-Employment-Africa.pdf](http://wiego.org/sites/wiego.org/files/publications/.../Chen%20Women-Employment-Africa.pdf). [Accessed on November 29, 2016).

³¹ Ibid, P. 2.

³² Ibid, P. 6.

³³ CSA, supra note 13, P.182.

³⁴Ibid, P.262.

³⁵MoWCYA. 2013. Assessment of Conditions of Violence Against Women in Ethiopia. Addis Ababa: MoWCYA.

of the country.³⁶ In Ethiopia 18.5 million people live in urban area which is not huge number as compared with other African countries.³⁷ Addis Ababa alone shares around 30 percent of the total urban population of the country where most of the manufacturing industries are located in or in the round of the city.³⁸ However, there is shortage of house in the city to meet house needs of the people lived in the city.³⁹ Due to this there is high urbanization rate in Ethiopia which is an average urbanization rate of 4.2% per annum,⁴⁰ to meet the house needs of the people. Addis Ababa city is designing huge housing development project to address housing problem of the city since 2006.⁴¹ Hence, the Addis Ababa city administration is constructing houses in various direction of the city. Among those *Bole* sub-city, on the south-eastern part of Addis Ababa, is one that many government housing development program found there and target area for housing development.

Construction workplace, which is the main focus of the study, is highly gendered workplace and where employment discrimination against women is visible. Even though women constitute 21.1 percent of the total labor force in the construction sector at national level,⁴² 16.5 percent of urban construction sector,⁴³ and 16 percent in building construction,⁴⁴ a large number of women are involved in construction sites as laborers with huge loads with limited role as skilled worker in construction sites,⁴⁵ and faced discrimination.⁴⁶

³⁶ Ibid.

³⁷ MoUDH. 2015. Growth and Transformation Plan (2015/16-2019/20): Sustainable Development and Achievements Goals of Ethiopian Urbanization. Addis Ababa. P.18.

³⁸ Solomon Keffa. 2014. Integrated Housing Development as Instrument to Alleviate Urban Poverty: The case of Addis Ababa, (7359). Kuala Lumpur, Malaysia. FIG Congress. P.2.

³⁹ Ibid, P.2.

⁴⁰ Ibid, P.2.

⁴¹ Ibid, P.1.

⁴²CSA, supra note 13, P.182.

⁴³CSA. 2016. Report on the 2016 Urban Employment Unemployment Survey. Addis Ababa. P. 120.

⁴⁴Ibid, P. 148.

⁴⁵Ibid, P.149.

There are some pre-existing researches conducted on women's employment to show the discriminations of women and their segregation from mainstream economic activities. Abdi Yuya (2008) studied gender earning differentials in the Ethiopian public sector by highlighting women wage discrimination.⁴⁷ Likewise, Gemechu Shale's (2013) study addressed women's segregation from economic activities and how that hindered achieving the Millennium Development Goals.⁴⁸ Moreover, Esatu Gurmu (1994),⁴⁹ Sagazaab Bazabeh (1998)⁵⁰ and Sebehat Daneél (1986)⁵¹ studied about women employment with a focus on the role of employment to control fertility rate and family expansion. Salamawit Ababa (1994) dealt with the role of women in the economic growth, their participation in the informal sector and the challenges women face in the informal sector.⁵² Tsige Gebremichael (2016)⁵³ also studied the challenges women faced at workplaces of garment and textile factories. Tsige's thesis explored major challenges and opportunities to realizing the rights of female employees and employed a human right approach inquiry based on qualitative research methodology.⁵⁴

All the aforementioned works give little consideration to the rights of employment of female employees in general and no attention to the lived experiences of female employees of the

⁴⁶ Ibid, P. 201.

⁴⁷AbdiYuya. 2008. *“Gender Earnings Wage Differential in the Ethiopian Public Sector,”* M.Sc. thesis in Economics. Addis Ababa. Addis Ababa: Addis Ababa University. Unpublished.

⁴⁸ Gemechu Shale Ogato. 2013. *“The Quest for Gender Equality and Women's Empowerment in Least Developed Countries: Policy and Strategy Implications for Achieving Millennium Development Goals in Ethiopia.”*International Journal of Sociology and Anthropology 5(1): 358-372.

⁴⁹Esatu Gurmu.1994. *“Female Labour Force Status and Fertility in Akaki Sub-urban Industrial Town in Ethiopia,”* M.Sc. thesis in Geography. Addis Ababa: Addis Ababa University. Unpublished.

⁵⁰Sagazaab Bazabeh. 1998. *“Women Employment in the Informal Sector and Fertility in Urban Ethiopia: The case of AlemKetema Town,”* senior paper in Geography. Addis Ababa: Addis Ababa University. Unpublished.

⁵¹Sebehat Daneél. 1986. *“Women Employment and its Impact on the Family: A Case Study of Akaki Textile Factory,”* senior paper in Sociology. Addis Ababa: Addis Ababa University. Unpublished.

⁵² Salamawit Ababa. 1994. *“Women in Urban Informal Sector of Ethiopian Economy: A Case Study of Mercato in Addis Ababa,”* M.Sc. thesis in Economics. Addis Ababa: Addis Ababa University. Unpublished.

⁵³ Tsigie Gebremichael. 2016. *“Major Challenges and Opportunities of Realizing Rights of Employees: The Case of Female Employees of SHINTS Textile and Garment Factory at Bole Lemi Industrial Zone.”* M.A. thesis in Human Rights. Addis Ababa: Addis Ababa University. Unpublished.

⁵⁴ Babbie, Earl R. 2009. *The Practice of Social Science Research*, 12th ed. Wadsworth . P. 327-328.

construction sector. Drawing on the gaps identified in studies addressing the employment rights of female employees and challenges in construction industry, this study has investigated employment rights of female employees in the construction industry. Thus, the research examined the theme by drawing on a case study of female employees of construction industry at Bole Arabssa condominium housing building project at Addis Ababa.

1.3. Objectives of the Research

1.3.1. General Objective

The general objective of this research is to comprehend the employment rights of female construction workers through a detailed study of lived experiences of female employees of Bole Arabssa condominium housing building project at Addis Ababa.

1.3.2. Specific Objectives

This study has the following specific objectives;

- ✓ Mapping out the different legal instruments and policy frameworks protecting rights of female employees in the construction sector.
- ✓ Examining the major challenges female employees face in the construction industry, if any.
- ✓ Identifying the nature and root causes for the violation of employment rights of female workers in the industry
- ✓ Understanding the working environment and working conditions at the construction industry.
- ✓ Recommending possible solutions for the realization of employment rights of female employees at construction workplace.

1.4. Research Questions

This research has one strand research question in which the overall research theme revolves around; “What is the status of employment rights of female employees in the construction industry?”

Specific research questions addressed in this research include:

- ✓ What are the different existing international, regional and national legal instruments and policy frameworks protecting rights of female employees in the construction industry?
- ✓ What are the major challenges that female employees face in the construction industry?
- ✓ What are the major violations of rights of female construction workers?
- ✓ How are the working environments for female construction workers?
- ✓ What are the possible solutions for better protecting employment rights of female employees in the construction industry?

1.5. Significance of the Study

This study is important to understand the degree of implementations of employment rights of workers in the construction sector. The study is important to identify major challenges and factors that hindered the effective implementations of employment rights of female employees at construction industries. Assessing the practice of women employment rights has policy implication for the betterment of construction industry worker’s rights and to adopt a guiding principle for employers. The study contributes to the existing gap of academic research on the theme and hence can serve as a reference to understand the lived experience of female employees.

1.6. Limitation of the Study

The time and resource constraint have necessitated limiting the scope of the study. Accordingly, the study has a limited scope in the geographical areas covered by the study. The study was conducted exclusively based on a case study of Bole Arabssa condominium houses building construction project. Due to this, all findings of Bole Arabssa condominium building construction site may not be representative to all construction sites in Addis Ababa and beyond. However, the findings from the case study area show pattern, situation and status of female employees' employment rights in the construction industry.

The study is limited to Bole Arabssa condominium houses building construction project of Bole sub-city of Addis Ababa city administration. The basic rationale conducting this research at Addis Ababa city is the fastest growing of construction activities because of rapid urbanization process and demand for houses. In Ethiopia 18.5 million people live in urban area.⁵⁵ Addis Ababa alone shares around 30% of the total urban population of the country where most of the manufacturing industries are located in or in round of the city.⁵⁶ However, there is shortage of house in the city to meet house needs of the people lived in the city.⁵⁷ Due to this there is high urbanization rate in Ethiopia which is an average urbanization rate of 4.2% per annum,⁵⁸ to meet the house needs of the people. Addis Ababa city is designing huge housing development project to address housing problem of the city since 2006.⁵⁹ Hence, the Addis Ababa city administration is constructing houses in various direction of the city. Among those *Bole* sub-city, on the south-

⁵⁵ MoUDH. 2015. Growth and Transformation Plan (2015/16-2019/20): Sustainable Development and Achievements Goals of Ethiopian Urbanization. Addis Ababa. P.18.

⁵⁶ Solomon Keffa. 2014. Integrated Housing Development as Instrument to Alleviate Urban Poverty: The case of Addis Ababa, (7359). Kuala Lumpur, Malaysia. FIG Congress. P.2.

⁵⁷ Ibid, P.2.

⁵⁸ Ibid, P.2.

⁵⁹ Ibid, P.1.

eastern part of Addis Ababa, is one that many government housing development program found there and target area for housing development. Due to this reason Addis Ababa city, particularly Bole Arabssa condominium houses construction industry site of Bole sub-city in the south-east region of Addis Ababa, is best case study area to assess employment rights of women at construction industry because there is better access of female employees. The study solely explored the practice of employment rights of female employees- not the rights of male employees at Bole Arabssa condominium houses building construction industry that are more segregated and vulnerable group of workers for violation of employment rights. Hence, it has been focused on and limited to employment rights of Bole Arabssa condominium houses building construction site female employees.

1.7. Research Design and Methodology

1.7.1. Research Methodology

The paradigm of this research is constructivism or interpretive philosophy which is meaning based rather than statistical methods of data analysis.⁶⁰ In the investigation process the researcher has focused on studying the feelings, meanings and experiences of female employees concerning their employment rights in their social environment that is Bole Arabssa condominium housing building construction industry. The interpretative research paradigm is about understanding meanings and symbols the way they are understood by the research participants in their social

⁶⁰Elliott, Robert and Ladislav Timulak. 2005. "Descriptive and Interpretive Approaches to Qualitative Research." A Handbook of Research Methods for Clinical and Health Psychology, edited by Jeremy Miles and Paul Gilbert, 147 - 160. New York: Oxford University Press. P. 147.

context.⁶¹ It stems from the premises that reality is not something singular or objective but rather something that can be shaped by human experience in a social context.⁶²

This research has applied qualitative research approach. Qualitative research is about exploring behavior and attitude of individuals' lived experience through in-depth inquiry.⁶³ Qualitative research approach is about how people understand and experience their natural settings.⁶⁴ A qualitative inquiry helps in exploring a research theme.⁶⁵ As stated above, there is gap of study on the theme dealing with employment rights of female employees in the construction industry.

The qualitative research case study design is a suitable research design if the researchers' objective is in-depth understanding of the problem.⁶⁶ Hence, the case study design enabled the researcher to explore clearly the rights of female employees in the construction industry in a clearly designed study area (Bole Arabssa condominium houses building construction project) with the objective of understanding the status of female employee's employment rights.

1.7.2. Research Methods

1.7.2.1. Sources of Data

The types of data used in the investigation process were both primary and secondary sources of data. Primary source of data enabled the researcher to search out the real experiences of female

⁶¹ Smith, J.A. and Eatough, V. 2006. "Interpretative Phenomenological Analysis", in G. Breakwell, C. Fife-Schaw, S. Hammond and J.A. Smith (eds) *Research Methods in Psychology*, (3rd ed.). London: Sage. P. 53.

⁶² Babbie, supra note 54, P.103.

⁶³ Catherine, Dawson. 2009. *Introduction to Research Methods: A Practical Guide for anyone undertaking a Research Project*, 4th ed. Oxford: Howtobook. P.14.

⁶⁴ Smith, supra note 61, P. 53.

⁶⁵ Kalof, Linda and et al. 2008. *Essentials of Social Research*. New York: Open University Press. P.78-84.

⁶⁶ Creswell, J. W. 2002. *Qualitative Inquiry and Research Design: Choosing Among Five Inquiries*. London: Sage Publication. P. 29.

employees.⁶⁷ Primary data has been collected through in-depth interviews, key informant interviews, FGD, and observation.

Along with primary sources of data the researcher has acquired data from secondary sources to support and conceptualize the primary data that the researcher has found in the investigation process. This has enabled the researcher to find relevant data to the statement of the problem and to establish well developed scientific research methodology to this research.⁶⁸

1.7.2.2. Data Collection Tools

In-depth Interview: When a certain research is more of exploratory type, it is advisable to use in-depth interview as data collection mechanism as it enables researchers to dig out the detail experience of research participants.⁶⁹ Due to this comparative advantage of in-depth interview as a data collection tool, interviews were held with ten key informants, female employee's that were selected through purposive sampling by using skill, level of education, marital status and age as a criteria.

⁶⁷ Hox, Joop J. and Hannie R. Boeije. 2005. "Data Collection, Primary Versus Secondary." Encyclopedia of Social Measurement 1: 593- 599. P. 594.

⁶⁸ Ibid, P. 596.

⁶⁹ Creswell, John W. 2007. Qualitative Inquiry and Research Design: Choosing Among Five Inquiries. London: Sage Publication. 2nd ed. p.133.

Table: 1.1 Backgrounds of Informants

Informants	Age	Education Level	Skill	Religion	Place of Origin (region)	Marital status	No of Children
Informant 1	18	0	No	Protestant	SNNP	Single	-
Informant 2	17	4 th	No	Orthodox	SNNP	Single	-
Informant 3	16	7 th	No	Orthodox	Amhara	Single	-
Informant 4	24	0	No	Orthodox	Amhara	Married	-
Informant 5	22	10 complete	No	Orthodox	Amhara	Married	-
Informant 6	16	0	No	Orthodox	Oromiya	Single	-
Informant 7	20	6 th	Masonry	Orthodox	Oromiya	Single	-
Informant 8	19	3 th	No	Protestant	SNNP	Single	-
Informant 9	21	8 th	No	Protestant	SNNP	Single	-
Informant 10	25	5 th	No	Orthodox	Amhara	Married	1

Informants were from different socio-cultural back grounds which have different religious and educational background ranging from illiterate up to those who have completed high school. Accordingly, three of informants were illiterate and six of them were dropout from primary school at different grade level, while only one participant has completed grade ten. Of the ten informants, five of them have worked for more than two years at construction sector, while the remaining five work at construction workplace below one year. Of the ten informants, none of them gained skill training about their work and only one informant has masonry skill, while the

remaining nine has not especial skill. The age background of the key informants equally varies whereby two of the ten key informants were below the age of eighteen while the remaining eight were above eighteen the maximum age being 26 years.

Observation: - Observations were made at the working place to get the nuances of every day lived experiences of the informants. Observation enables researchers to notice the problem in the natural setting without any intermediaries.⁷⁰ Observation is a mechanism that helps for validation in qualitative research.⁷¹ As a result the researcher has used this tool of data collection method to observe those systemic and implicit segregations that female employees faced at workplace.

Focused Group Discussion: in the process of data collection, focused group discussions was used as a method to collect data from the research participants that were selected based on the under motioned criteria. FGD enables researchers to capture information about social norms and diversified opinion within the population.⁷² Hence two FGDs were conducted in the study area. The first FGD was with a group of six participant's male and female employees from different age level, education background, ethnic origin and religion.

⁷⁰Corbetta, Piergiorgio. 2003. Social Research: Theory, Methods and Techniques. Translated by Bernard Patrick. New Delhi: SAGE Publications Ltd. P. 234; Singh, Yogesh Kumar. 2006. Fundamental of Research Methodology and Statistics. New Delhi: New Age International Publishers.

⁷¹Babbie, supra note 54, P. 327-328.

⁷²Mack, Natasha and et al. 2005. Qualitative Research Methods: A Data C collector's Field Guide. North Carolina: Family Health International. P.52.

Table: 1. 2 Background of Male and Female Member FGD

Informants	Age	Sex	Education Level	Skill	Religion	Place of Origin (region)	Marital status	No of Children
Informant 1	26	Male	4 th	Carpenter	orthodox	Amhara	married	1
Informant 2	20	Male	0	Mason	Orthodox	Amhara	Single	-
Informant 3	25	Male	4 th	Welder	Orthodox	Amhara	Single	-
Informant 4	18	Female	6 th	No	Orthodox	SNNP	single	-
Informant 5	20	Female	3 th	No	Orthodox	SNNP	single	-
Informant 6	20	Female	0	No	Orthodox	Oromiya	Single	-

Four of the FGD participants (two males and females) have suspended their education from primary school at different grade level, while two of them are illiterate. Of the six FGD participants, one- male employee- is married and has got one child. This enables me to understand the status of female employees in their counter male employees and the causes of employment rights violation. The basic reason to have male and female composed FGD was to get balanced, un-romanticized and validated information from male employees which are scrutinized by the victims themselves that is female employees.

The second FGD was held exclusively with female employees that have different socio-economic backgrounds such as educational background, age, marital status, religion and ethnic background.

Table: 1.3 Background Female Members FGD

Informants	A g e	S e x	Educatio n Level	Skill	Religion	Place of Origin (region)	Marital status	No of Children
Informant 1	18	Female	0	No	Protestan t	SNNP	Single	1
Informant 2	17	female	4 th	No	Orthodox	SNNP	Single	-
Informant 3	21	female	8 th	No	Orthodox	SNNP	Single	-
Informant 4	22	Female	0	No	Orthodox	SNNP	single	-
Informant 5	16	Female	7 th	No	Orthodox	Amhara	single	-
Informant 6	20	Female	6 th	masonry	Orthodox	Oromiya	Single	-

Two of them were under eighteen and the remaining four were above eighteen up to twenty-six years old. Only one of the six FGD participants was a skilled labourer working in masonry, whereas the remaining five did not have any skill. Two of the FGD participants were illiterate, while the remaining four interrupted their education from different grade level.

Key Informants Interview: In addition to the in-depth interview conducted with the ten key informants, data was gathered through structured interview conducted with different relevant stakeholders including informants from Labor and Social affairs, Women and Children Affairs, Urban Development, and Construction Development Bureau, employers (contractors) and managers at the construction sites.

Table: 1. 4 Profiles of Key Informants

Informants	Sex	Work position
Informant 1	Male	Managers
Informant 2	Male	Employers/Contractors
Informant 3	Male	Bole sub-city labor and social affairs bureau, worker safety and health protection officer
Informant 4	Male	Bole sub-city, construction bureau head
Informant 5	Female	Bole sub-city, women and children affairs bureau head

Informal discussion: I have used also informal discussion to collect data from employees of Bole Arabssa condominium building construction project female employees and employers themselves.

Document Analysis and Literature review: - the research further benefited from reviewing existing documents such as academic writing and policy documents as a tool to collect data which are relevant for the study.

1.7.2.3. Sampling Methods

Purposive sampling and snowball sampling has used in this research. Through Snowball sampling, it is possible to collect data from female employees that faced employment rights violations which are real experience for them. Because snowball sampling enables the researcher to find and recruit

those hidden individuals that faced employment rights violation.⁷³ Purposive sampling is good to select productive samples that can give necessary information for questions forwarded to them.⁷⁴

1.7.2.4. Analysis of the Study

Data gathered through interviews focused group discussions and document analysis have been transcribed and translated from Amharic to English. These were analyzed in light of human rights norms and principles in order to explore the effective implementations of employment rights of women that are listed in various human rights documents. The objective of analysis of this study is constructing facts about the status of women employment rights by using human rights instruments as a standard and norm to evaluate the realizations of human rights. Hence, a data analysis method of this study is exploratory type which evaluates the real experience of participants in their social reality in lights of human rights standards.⁷⁵

1.7.2.5. Ethical Considerations

Individuals who engage in a research shall be directed by research code of ethics.⁷⁶ Research ethics is norm, value and conduct that are acceptable or unacceptable by researchers throughout their inquiry in the research process. Research ethics is there in every research, though it is quit necessary for social science research, especially qualitative research because in qualitative research, researchers probe individuals to disclose about their personality, workplace profile and individual lived experience which might be un known to their friends and work colleagues.⁷⁷ As

⁷³ Mack, supra note 72, P. 5 - 6. In snowballing sampling – also known as chain referral sampling - participants or informants with whom contact has already been made use their social networks to refer the researcher to other people who could potentially participate in or contribute to the study.

⁷⁴ Marshall, MN. 1996. “Sampling for Qualitative Research.” Family Practice. 13(6): 522-525. P. 523.

⁷⁵ Smith, supra note 61, P. 53.

⁷⁶ Tayie, Samy. 2005. Research Methods and Writing Research Proposals. Cairo: Center for Advancement of Postgraduate Studies and Research in Engineering Sciences, Faculty of Engineering- Cairo University (CAPSCU).P.121.

⁷⁷ Babbie, supra note 54, P. 64

a consequence, *“individuals engaged in social science research shall be informed about what are acceptable and unacceptable norms in the course of scientific inquiry.”*⁷⁸ Part of the key ethical code followed in the study includes:⁷⁹

Avoiding Harm to Participants

While conducting the study and the write up process due care has been taken to avoiding any potential harm that can be inflicted on research participants as a result of the research undertaking.⁸⁰ Researchers should take care of imminent harm on research participants’ dignity, body harm and material wellbeing especially if the research focused on vulnerable groups.⁸¹ The researcher has taken great care to protect the research participants from any potential violation of their rights both by their employers and the government for instance by interviewing them outside the working place.

Voluntary Participation

In research, securing the informed consent of informant is very essential.⁸² The researcher has first sought gaining the willingness of participants.⁸³ Failure to inform the participants about the research objective implies both methodological and moral irresponsibility.⁸⁴ The researcher was very clear for his research participants about the research objective and tried to have discussions with only those informants that bestowed their interest.

⁷⁸ Ibid, P. 64

⁷⁹ American Anthropological Association. 2012. Statement on Ethics: Principles of Professional Responsibilities. Arlington, VA: American Anthropological Association. Available at: <http://www.aaanet.org/profdev/ethics/upload/Statement-on-Ethics-Principles-of-ProfessionalResponsibility.pdf>

⁸⁰ Creswell, supra note 70, P.141.

⁸¹ AAA, supra note 79, P. 4.

⁸² Marczyk, Geoffrey and et al. 2005. Essentials of Research Design and Methodology. New Jersey:John Wiley & Sons, Inc. P. 245.

⁸³ Mack, supra note 64, P.9.

⁸⁴ Banister, Peter.1994.Qualitative Methods in Psychology: A Research Guide. Philadelphia: Open University press. P.5.

Keeping Anonymity and Confidentiality

Researchers shall preserve and protect records and information they accessed from informants.⁸⁵

Keeping anonymity of individuals and preserve their opinion is the responsibility of researcher.⁸⁶

In the course of this inquiry, the researcher has provided rigor discretion for the informants to protect them from any imminent damage that results from the researcher recklessness about their privacy.

Being honest and open about the Research

Researchers shall be honest in their exploration process concerning the research methods, purpose, outcome, about their research sponsors, with their research participants (either informants or other concerned stakeholders), evidence interpretation and in case of others' work citation.⁸⁷ Researchers ought to identify what is formal and informal of conduct and be honest for their activity.⁸⁸ Hence, the researcher is trusted to honesty principle of research code of conduct.

1.8. Organization of the Research

This study is organized into five chapters. The first chapter of this study presents general introduction to the study; its objectives, scope and methods. The second chapter of this research is presents the review of literature and conceptual framework presenting the conceptualization of key concepts in the study. The third chapter of this study deals with review of relevant international, regional and national- legal frameworks related to employment rights of female

⁸⁵ AAA, supra note 79, P.3.

⁸⁶ Berg, Bruce L. 2001. *Qualitative Research Methods for the Social Sciences*. Boston: Allyn & Bacon A Pearson Education Company. 4th ed. P. 57. Confidentiality is an active attempt to remove from the research records any elements that might indicate the subjects' identities, whereas anonymity means that the subjects remain nameless.

⁸⁷ AAA, Supra note 79, P.5.

⁸⁸ Bhatacherjee, Anol. 2012. *Social Science Research: Principles, Methods, and Practices*. USF Open Access Textbooks Collection. Book3. Available at: http://scholarcommons.usf.edu/oa_textbooks/3. P.140.

employees. The fourth chapter presents brief introduction to the study area. The fifth chapter of this study deals with presenting empirical data and analysis of the major findings pertaining to Female Employment Rights at Bole Arabssa Condominium houses Building Construction Industry. This chapter further presents the concluding remark and the recommendations.

Chapter Two

2. Conceptual Frameworks and Literature Review

2.1. Conceptual Frameworks

2.1.1. Discrimination

Discrimination has been defined and stated in different ways by various scholars. *“Discrimination happens when criteria that are not relevant to the issue what we have to do something are considered as relevant, or when vital criteria for the issue are ignored from contemplation.”*⁸⁹ Failure to apply necessary standards or to avoid useless standards in various activities to attack and target one specific group from benefits which might be any kind constitutes discrimination. *“Discrimination is failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored.”*⁹⁰ Hence, discrimination is including or excluding a person or a group of person based on irrelevant criteria in a way that disfavor⁹¹ and inappropriate uses of the relevant group characteristics, either by omission or commission.⁹² *“The most common contemporary examples of criteria used to differentiate or to make difference are race, religion and sex - characteristics which are indeed*

⁸⁹ McLean, Sheila A. M. 1988. “The Legal Relevance of Gender: Some Aspects of Sex-Based Discrimination.” in *The Legal Relevance of Gender: Some Aspects of Sex-Based Discrimination*, edited by Sheila Mclean and Noreen Burrows, 1-15. London: the Macmillan Press Ltd. P.1

⁹⁰ Black, Henry Campbell. 1990. *Black’s law Dictionary*. 6th eds. Boston: West publishing co. P.467.

⁹¹ Campbell, Tom. 1988. “Sex Discrimination: Mistaking the Relevance of Gender.” in *The Legal Relevance of Gender: Some Aspects of Sex-Based Discrimination*, edited by Sheila Mclean, 15-39. London: the Macmillan Press Ltd. P. 15.

⁹²Ibid, P. 15.

central to a person's sense of self."⁹³ The collective effect and generalization of the above mentioned attributes for a group to include or exclude leads for the rise of discrimination.⁹⁴

Discrimination against an individual because of being a member of certain group or as a group in general on the basis of different criteria is plain and deeply rooted in the life of human society. There is no community which is completely free from discrimination.⁹⁵ Discrimination based on gender is the leading type of the disfavor that pervades all manifestations of discrimination.⁹⁶ Gender discrimination is not limited solely to overt or systemic segregation of one sexual group from various significant advantages and assigning inferior position, but it also involves persistent deprecation of their distinctive human capacities and contributions.⁹⁷ Gender discrimination occurs when gender specific criteria is used to segregate individuals or group of individuals. Gender discriminatory treatment can be exercised to a group of males', females' or any other groups like transgender. Discrimination against women is the most common form of gender discrimination which has long history and deeply rooted in the life of the society.⁹⁸

2.1.2. Gender Discrimination

2.1.2.1. Gender

The notion of discrimination used in this thesis mainly focuses on gender based discrimination. Gender is a basic concept that determines the role of men and women in a society and deserved fervent regard. Hence, before undertaking further illustration of gender discrimination against women in political, social, economic and administrative spheres, it is better to understand the

⁹³ Ibid, P. 19.

⁹⁴ McLean, supra note 89, p.5.

⁹⁵ Ibid, P.1

⁹⁶ Campbell, supra note 91, P.23.

⁹⁷ Ibid, P.23.

⁹⁸ Ibid, P. 21-22.

concept of gender which is the foundation for discrimination against women and is the basic concept to be aware of its' role on women's status.⁹⁹

*Societies has various cultural practices, customs, rules and norms and used them to translate biological differences between males and females in to culturally and socially constructed differences between men and women. These socially and culturally constructed attitudes of the society determine the roles, duties and rights, and “appropriate” activities of men and women. This practice results in the development of attitude to categorize men and women as different and makes women subordinate and inferior to men.*¹⁰⁰

Hence, gender role is learnt behavior of certain community about the role of women and men which can be affected by age, class, ethnicity, race, religion, and ideology, geographical, political and economic environments,¹⁰¹ and has an impact on the role of men and women in domestic duties, employment opportunities and wages, treatment at work, social freedom, sexual freedom, legal rights, educational opportunities etc.¹⁰²

World Development Report (WDR) of 2012 describes gender as socially created and constructed values, norms and ideologies which determine the behavior and actions of men and women.¹⁰³

⁹⁹ Kangas, A., Haider, H., and Fraser, E. 2014. Gender: Topic Guide. Revised edition with E. Browne. Birmingham: GSDRC, University of Birmingham. P.4.

¹⁰⁰ UN Department of Economic and Social Affairs, Statistics Division. 2006. The World's Women 2005: Progress in Statistics, UN: UNDP, 2000, “Women's Political Participation and Good Governance: 21st Century Challenges.”

¹⁰¹ UN Office of the High Commissioner for Human Rights (OHCHR), Women's Rights are Human Rights, 2014, HR/PUB/14/2, available at: <http://www.refworld.org/docid/5566cfd14.html>. [accessed 30 October 2016]. P. 36; Kinnear, supra note 28, P. 2-5.

¹⁰² UN High Commissioner for Refugees (UNHCR). 2002. UNHCR Gender Training Kit on Refugee Protection and Resource Training Materials. Available at: <http://www.refworld.org/docid/3f4cdf792.html>. [Accessed 1 December 2016]. P.2.

¹⁰³ World Bank. 2012. World Development Report 2012: Gender Equality and Development. The International Bank for Reconstruction and Development, Washington DC. P.4.

Gender is socially constructed identity, attribute and role of women and men.¹⁰⁴ This society's understanding and meaning for biological difference results in unbalanced, and hierarchical relation, subjugate women and exposed them for unbalanced power relations.¹⁰⁵

According to UNHCR definition for gender, first, gender is socially constructed difference that determines what “appropriate” role is for women and men in a given society. Second, Gender is not something a universal value and varies across culture and society even within one culture and society. Women’s “appropriate” role varies in different culture. Gender is a “*social relations that are not fixed and immutable but are inherently unstable, it’s meaning shifting as gender is influenced by race, cultural, and class difference as well as material relations.*”¹⁰⁶ Hence, it is relative to cultures. Third, gender evolves gradually from time to time. Fourth, gender affects both women and men, because gender does not mean women.¹⁰⁷ Thus, Gender relations and gender differences are historically, geographically and culturally specific – what it meant to be a woman or a man may vary over time and place and may be affected by other factors such as race, age, class and marital status.¹⁰⁸

On the other hand, sex is biological, natural, physiological and innate behaviors, roles and activities of women and men like Breast feeding, lactation, pregnancy, child-bearing, breast engorgement, menstruation, ejaculation etc.¹⁰⁹ sex refers to physiologically determined

¹⁰⁴ OHCHR, supra note 101, P. 35-36.

¹⁰⁵ Ibid, P. 35-36.

¹⁰⁶ Meade, Teresa A. and Merry E. Wiesner-Hanks (ed.) 2004. A companion to Gender History. Oxford: Blackwell Publishing Ltd. P. 27.

¹⁰⁷ OHCHR, supra note 101, P. 35-36.

¹⁰⁸ Australia: Refugee Review Tribunal. 2012. Gender Guidelines, available at: <http://www.refworld.org/docid/54fd73cc4.html> [accessed 1 December 2016]. P.1.

¹⁰⁹ Kinnear, supra note 28, P. 2-5.

differences between men and women that are universal.¹¹⁰ Hence, sex role is determined by anatomical and biological difference that exists between men and women.¹¹¹

2.1.2.2. Gender Discrimination against Women

Gender inequality or discrimination refers denial of equal opportunities, rights and responsibilities for women and men, girls and boys. Treating men and women depending on whether they are male or female constitutes gender inequality or discrimination.¹¹² Gender discrimination against women refers to stereotype and pervasive bias underpinning it's substance on attitudes, beliefs and practices deeply entrenched, and in many instances closely associated with cultural, social and religious norms that serve to exclude and kept women and girls socially and economically disadvantaged.¹¹³ According to CEDAW gender discrimination against women refers a restriction and imposition on women's role and opportunities from accessing and entitlement.¹¹⁴

*As compared with men, women control fewer political and economic resources, including land, employment and traditional positions of authority, though, acknowledging and incorporating these gender inequalities into programs and analyses is important, both from a human rights perspective and to maximize impact and socioeconomic development.*¹¹⁵

¹¹⁰ UNHCR, supra note 102, P.2.

¹¹¹ Kinnear, supra note 28, P. 2-5.

¹¹² UN Department of Economic and Social Affairs, Statistics Division, supra note 98.

¹¹³ The United Nations Children's Fund (UNICEF). 2006. The State of the World's Children 2007: Women and Children the Double Dividend of Gender Equality. New York: UNICEF.P.8.

¹¹⁴ CEDAW, supra note 15, Article 1. It defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."

¹¹⁵ Kangas, supra note 94, P.4

Gender Discrimination against Women (GDAW) is “*hierarchical and unequal relations and roles between and among males and females, the unequal value given to women’s work, and women’s unequal access to power and decision-making as well as property and resources.*”¹¹⁶

Gender discrimination has various forms like political participation and universal suffrage segregation, segregation from social and cultural participation and discrimination from various economic activities like employment.

Hence, discrimination against women is still prevalent in various fields like in political participation, in administrative participation, in social participation, economic participation and religious participation even though human rights documents - which give protection for women - has been adopted over the past half century.¹¹⁷ Though improvements has been witnessed regarding women’s rights since the fourth conference of 1995 Beijing platform for action in which twelve issues has been listed for priority to realization of women rights, gender gap in employment is still remaining in the forms of occupation segregation, underemployment, wage gap, sexual violence, unemployment, unfair and unequal distribution of unpaid and domestic house work between women and men.¹¹⁸

2.1.3. Employment Rights

Defining labor rights is essential before moving to the concept of discrimination against women in employment. “*Labor rights are entitlements that relate specifically to the role of being a worker.*”¹¹⁹ The right to have Labor rights began when individual become employee, and being

¹¹⁶ OHCHR, supra note 101, P. 36.

¹¹⁷ United Nations, supra note 25, P. 98-100.

¹¹⁸ ILO. 2016. Women at Work: Trends 2016, 8 March 2016, available at: <http://www.refworld.org/docid/56de89c24.html> [Accessed 30 October 2016]. P.8.

¹¹⁹ Mantouvalou, Virginia. 2012. Are Labour Rights Human Rights? UCL Labour Rights Institute On-Line Working Papers – LRI WP X/2012. Available at: [http:// https://www.ucl.ac.uk/human-rights/research/working-papers/docs/are-labour-rights-human-rights-mantouvalou](http://https://www.ucl.ac.uk/human-rights/research/working-papers/docs/are-labour-rights-human-rights-mantouvalou). [Accessed on 03 May, 2017]. P.3.

employee of certain institution, organization or company originate immediately after employee accept the offer made by the employers.¹²⁰ After the contract made between the employer and employee, employee has a labor rights that he/she can claim. Because of this fact labor rights are entitlements for workers at workplace. Labor rights includes “*a right to work in a job freely chosen, a right to fair working conditions, which may cover rights like a fair wage or protection of privacy; a right to be protected from arbitrary and unjustified dismissal; a right to belong to and be represented by a trade union; a right to strike.*”¹²¹ These rights might be individual rights like the right to have equal remuneration and be protected from unjustified dismissal, and collective rights like the right to strike.¹²² Moreover labor rights refer the rights to employment in a job freely chosen, protection from unemployment and to have equal access in employment-called the right to work.¹²³ Hence, in this study employment rights of female employees refer the right to work and rights at work.

2.2 Review of Relevant Literature

2.2.1. Female Employment and Discrimination against Women in Employment

Women are disadvantaged groups of society in socio-economic activities as compared with their counter part - men.¹²⁴ They faced discrimination in various fields like employment yet despite the existence of equality principle which declares substantive equality of women. They involve at unpaid work and domestic work, and lower work positions if they get into paid works unlike

¹²⁰ FDRE Civil Code, Article 1683(2).

¹²¹ IESCPR, supra note 14, Article 7(a) (i).

¹²² Mantouvalou, supra note 119, P.3.

¹²³ UDHR, supra note 14, Article 23(1).

¹²⁴ Klugman, Jeni. 2015. Gender at Work in Africa: Legal Constraints and Opportunities for Reform, Working Paper No. 3. Oxford Human Rights Hub, A Global Perspective on Human Rights. P.5.

men. Due to this fact, discrimination against women in employment is a common problem that is facing female employees across countries despite employment rights have endorsed in various human rights documents and against the point that gender equality is crucial for the realization of human rights.¹²⁵ Women employees have basic labor rights like the right to work and rights at work which are their basic human rights.¹²⁶ Depriving these basic labor rights of female employees unlike male employees makes up discrimination against women in employment. Women employees face multiple challenges and various forms of discrimination in employment. Many women work in unpaid work which is not recognized as it has economic values. However, “when women, especially rural women, participate in wage labor, they are often vulnerable to discrimination, primarily in the form of lower wages.”¹²⁷ Because employers find women employees less likely to complain challenges like working environment, low wage and other maltreatment at workplace. Hence, low payment remains persistent and job insecurity continues to be the problem of female employees at workplace. Women employees paid less than men in many workplaces and often concentrate at lower position jobs.¹²⁸

*Many women find that employment frees them from oppressive social and cultural traditions. Women have increased their participation in industry in recent years; however, this has tended to reinforce sexual stratification in the labor market. Unless training and other incentives are provided to women, they will continue to remain in low paying, dead-end, and often hazardous jobs.*¹²⁹

¹²⁵ UN Entity for Gender Equality and the Empowerment of Women (UNWOMEN), Progress of the World's Women 2015-2016: Transforming Economies, Realizing Rights, 2015, available at: <http://www.refworld.org/docid/558bb7974.html>. [Accessed 30 October 2016]. P.10-11.

¹²⁶ CEDAW, Article 11(1)(a).

¹²⁷ Kinnear, supra note 28, P .27-29.

¹²⁸ Ibid, P. 28.

¹²⁹ Ibid, P.28.

Women living standard and level of education affects their ability to find job, and lack of skill exposed female employees to remain at lower level, unsecured and less remunerated jobs though employment liberates women from dependency and enables them to have agency to do what they needed to do. Thus, women empowerment must be done to meet gender equality in employment. Because, women's equality rights in employment is basic human right of women that deserves better protection. Employment discrimination against women is persistent in various forms in public and private sectors, in agriculture, service and industry spheres.¹³⁰

2.2.2. Brief Note on Construction Industry and Women in Construction

Industry

Construction activity is as old as human being history itself and one aspect of human life. Geore Ofari argues "*construction projects have been planned and executed since antiquity in all parts of the world, using resources and adopting layouts and designs in keeping with the people's culture, their material circumstances and their technical knowledge at the time.*"¹³¹ Though, construction industry dates back to ancient human society and has similarity with today's, it was at lower scale and level of complexity because of technological advancement.¹³² Society's experience of construction in the contexts of their culture makes the concept construction difficult to have one universal agreeable definition. Among the definition given for construction industry, definition given by Australian Bureau of Statistics to its construction industry is widely applicable. Accordingly construction industry is

¹³⁰ILO, supra note 118, P.12.

¹³¹Ofari, Geore. 1980. The Construction Industries of Developing Countries: The Applicability of Existing Theories and Strategies for their improvement and lessons for the future: the case of Ghana. A thesis presented to the University of London as part of the requirements for the award of the degree of Ph.D. Bartlett School of Architecture and Planning University College London. Unpublished. P.72.

¹³² Hatipkarasulu, Yilmaz and Shelley E. Roff. 2011. Women in Construction: An Early Historical Perspective. 47th ASC Annual International Conference Proceedings. The University of Texas at San Antonio, TX. the Associated Schools of Construction. Unpublished

*All units mainly engaged in constructing buildings (including the on-site assembly and erection of prefabricated buildings), roads, railroads, aerodromes, irrigation projects, harbor or river works, gas, sewerage or storm water drains or mains, electricity or other transmission lines or towers, pipelines, oil refineries or other specified civil engineering projects. In general, units mainly engaged in the repair of buildings or other structures are also included.... as are those engaged in the alteration or renovation of buildings, preparation of mine sites, demolition or excavation.*¹³³

From the above definition of construction industry, three sub-sector of construction industry can be extracted. These are construction of buildings - which is about constructing houses and offices; road, highway, and other “infrastructure” construction - which is about infrastructure development; and specialty trades - is about engineering activities.¹³⁴ Building construction industry is case study area of this research.

The first construction activities were huts and shelters built manually by simple tools, however gradual changes in human needs forced human being to demand construction industry to develop and adopt in various ways.¹³⁵ Human beings started to build buildings for religious, civil military and monumental motivation, and gradually buildings constructed for pure secular commercial values which is a recent development in construction industry historical development.¹³⁶ Cultural changes, the transition from agrarian to industrial economy and raise of democracy, results in intensification in construction practices which has a positive impact on

¹³³ Justice and Legal System Research Institute. 2009. Construction Law. Ethiopia. Addis Ababa: Unpublished. p.5.

¹³⁴ Michael Behm.2008. “Construction Sector.” Journal of Safety Research 1 (39): 175–178. P.175.

¹³⁵ Ofari, supra note 131, P.72.

¹³⁶ Diekmann, James E. nd. “Past Perfect: Historical Antecedents of Modernv Construction Practices.” Journal of Construction Engineering and Management 133(9): 652-660. P. 654.

employment creation and the growing of workers autonomy,¹³⁷ because construction's contribution to employment opportunities creation is naturally backed by improvement in itself.¹³⁸

Women workers were not considered as capable of working construction works, because *“construction work is historically described as a non-traditional occupation for women.”*¹³⁹ Although construction industry was as old as human history itself and major economic activity in Europe in medieval and early modern period, women's role in the industry was limited.¹⁴⁰

Women have been ignored from construction industry for centuries though the history of the industry is traced back to the history of humanity itself and has been the main economic activity in the medieval and early modern period.¹⁴¹ *“When reading the literature on the history of architecture, construction, and the related trades, one has the impression that women made virtually no contribution.”*¹⁴² Different scholars in their studies shows that as construction industry is male dominated; blue-collar, traditional and skill based which has hindered women from recruitment, participation and career progression.¹⁴³ Because women were considered as

¹³⁷ Ibid, P. 654.

¹³⁸ Moavenzadeh, Fred. 1976. *The Construction Industry in Developing Countries*. Amsterdam: Massachusetts Institute of Technology.P.2.

¹³⁹ Hatipkarasulu, supra note 127.

¹⁴⁰ Ibid; Fielden, S.L. et al. 2001. “Women, Equality and Construction.” *Journal of Management Development* 20(4): 293-304.

¹⁴¹ Roff, Shelley E. 2010. “Appropriate to Her Sex?: Women's Participation on the Construction Site in Late Medieval and Early Modern Europe.” In *Women and Wealth in Late Medieval Europe*, edited by Theresa Earenfight, 109-134. Palgrave Macmillan, P. 109-134.

¹⁴² Roff, Shelley E. 2010. “Appropriate to Her Sex?: Women's Participation on the Construction Site in Late Medieval and Early Modern Europe.” cited in Hatipkarasulu, Yilmaz and Shelley E. Roff. 2011. *Women in Construction: An Early Historical Perspective*. 47th ASC Annual International Conference Proceedings. The University of Texas at San Antonio San Antonio, TX. the Associated Schools of Construction. Unpublished.

¹⁴³ Aulin, R. and Jingmond, M. 2011. “Issues confronting women participation in the construction industry.” In [Host publication title missing], edited by J. Mwakali, and H. Alinaitwe, 312-318). Makere University, Uganda. p.315.

incapable for heavy work, domestic worker and career for her family, and working at salary work was immoral since her husband was the source of income.¹⁴⁴

Women involvement in the construction industry began in the 13th century in Spain.¹⁴⁵ Women workers were working as laborers in stone and wood work. These workers employed in construction workplace to perform unskilled tasks like digging ditches for foundation walls, mixing mortar and carrying water with low payment were either single or very poor married women.¹⁴⁶ Though, in the construction of cathedral in Toledo in the 15th century women began to get half of male workers' salary, still the industry is paying low payment for those women employees employed at the industry which accounts less than 10 percent of workforce and engaged at unskilled tasks.¹⁴⁷ Women workers are working as unskilled laborer in construction industry when they involve.¹⁴⁸ Slow career progress, difficulty of the work which increase the workload of women in addition to family work, male dominance culture and explicit masculine culture that consists of conflict and aggression are factors that contribute for low participation of women at construction industry and less protection.¹⁴⁹

2.2.3. Construction Industry in Ethiopia and Women's Involvement

Ethiopian construction industry development has a similar pattern with the world construction industry development.¹⁵⁰ In the past periods, construction industry was not seen as an

¹⁴⁴ Hatipkarasulu, supra note 135.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Aulin, supra note 143, P.312.

¹⁴⁸ Devi, Kalpana and Kiran, U.V. 2013. "Status of Female Workers in Construction Industry in India: A Review." IOSR Journal Of Humanities And Social Science (IOSR-JHSS).14(4): 27-30. P. 27.

¹⁴⁹ Menches, C. L. and Abraham, D. M. 2007. "Women in Construction: Tapping the Untapped Resource to Meet Future Demands." Journal of Construction Engineering and Management, of American Society of Civil Engineers 133 (9) : 701-707.P. 703; Rajkumar, K. and et al. 2016. "Barriers for Women Workers in Construction Industry." International Journal of Innovative Research in Science and Engineering 2(1): 262-268. P. 265.

¹⁵⁰ Justice and Legal system research institute, supra note 131, P.6.

independent sector which has vital role on the national economy.¹⁵¹ Modern industry began in the 1950s in Ethiopia.¹⁵² In 1970s, “*Italian investors were working in building, construction and agricultural industries.*”¹⁵³ However, the new economic policy design in 1992 to reduce poverty and to boost the stagnant economic growth through an Agricultural Development Led-Industrialization (ADLI) strategy in which ADLI itself realized through changes in education, transport and other infrastructure development pave the way for the growth of construction industry.¹⁵⁴ Since 2002 there have been a number of initiatives geared towards fostering the local construction industry.¹⁵⁵ Among those 2012 construction industry policy is mentionable.¹⁵⁶ “*The construction industry is capital-intensive as well as labor intensive sector. It is also the basis for the development of other economic sectors. As a result of this the sector is one of the industry groups that are given top priority by the government.*”¹⁵⁷ Since the vision of construction industry is “*having a dynamic, efficient and competitive local construction industry that fosters economic growth [.....], affords for the improvement of the quality of life for all citizens, while creating sustainable employment [.....],*”¹⁵⁸ it has vital contribution in reduction of poverty, in increasing employment expansion through small and medium enterprise development and job creation.¹⁵⁹

¹⁵¹ Ibid, P.6.

¹⁵² MoI, supra note 5, P.8.

¹⁵³ Ibid, P.8.

¹⁵⁴ Mulu Gebreeyesus. 2013. Industrial Policy and Development in Ethiopia: Evolution and Present Experimentation. WIDER Working Paper 2013/125, Available at: <https://www.econstor.eu/handle/10419/93684>. [Accessed on 04 May, 2017].

¹⁵⁵ MoI. 2002. Industry Development strategy of Ethiopian. Ethiopia. Addis Ababa. P.20-22.

¹⁵⁶ MoI, supra note 5, P.8.

¹⁵⁷ MoI, supra note 155, P.20.

¹⁵⁸ MoUDC. 2012. Construction Industry Policy. Addis Ababa.P.6.

¹⁵⁹ Ibid, P.6.

Female employee's participation is continuously increasing from time to time with the growth of construction industry. Female employees constitute 21.1 percent¹⁶⁰ of out of the 12 percent total labor force engaged in the construction sector.¹⁶¹ However, it is difficult to say women are beneficiary from construction industry though employment creation is the mission of construction industry policy, and it is playing key role in creating employment opportunities in Ethiopia.¹⁶² One major factor for low participation rate of women in the construction sector is discrimination against female employees during employment.

Female employees in the construction sector faced frequent challenges in their daily life. They are victims of GBV, wage discrimination, less safety and health protection which constitute a violation of their basic labor rights. Hence, there is little done to realize labor rights of female employees in the construction sector though construction sector is considered to be the engine of economic growth and transformation to achieve the goal of joining middle-income country by 2025.¹⁶³

2.2.4. Analytical Approaches to Women's Employment Rights

Allowing women participation in political, social, economical, development and poverty reduction activities is a phenomenon since 1950s feminism movement. This integration of women in the development process is continuously supported by formulation of international, regional, sub regional and national policies. As a result, women participation rate in the development process in general and in the employment sector in particular is increasing.

¹⁶⁰ CSA, supra note 13, P.184.

¹⁶¹ MoC, supra note 8, P.5.

¹⁶² EEA, supra note 7, P.238.

¹⁶³ MoC, supra note 8, MoC. P.5.

However, the desire to integrate women in employment sector can be seen from two approaches: economic based approach and right based approach.

2.2.4.1. Economic Based Approach

Women's empowerment and the realization of women's equality in achieving sustainable development have been increasingly recognized in recent decades.¹⁶⁴ Achieving gender equality and capabilities of diverse groups of women is a central requirement of a just and sustainable world.¹⁶⁵ According to Joshua Eastin and Aseem Prakash gender equality is an instrument and vital for development.¹⁶⁶ Gender equality enhances economic efficiency and improves other development outcomes by removing barriers that prevent women from having the same access as men to education, economic opportunities, and productivity, by improving women's abilities to bring other development outcomes like children rights protections and by letting equal access for women and men which enables women and men to have equal chances for social and political activities, decision makings, and policy making process and thus to a better development direction.¹⁶⁷

Gender equality in economic opportunities and in the ability to make choices affects the desired outcomes in the development process and goals.¹⁶⁸ Amartya Sen, claims recognition of political, Economic and social participation and leadership of women is an important factor in the political economy of development, and argues women's wellbeing and agency is a crucial aspect of

¹⁶⁴ WDR, supra note 26, P. 12.

¹⁶⁵ Ibid, P.13.

¹⁶⁶ Eastin, Joshua and Aseem Prakash. 2013. Economic Development and Gender Equality: Is There a Gender Kuznets Curve? *World Politics*, 65, Available at: <http://faculty.washington.edu/aseem/gkc.pdf.html> [Accessed on October 29,2016]. P.166.

¹⁶⁷ WDR, supra note 26, P.13.

¹⁶⁸ Ibid, P. 13; World Development Report (WDR) argues there must be gender equality and this is because of the following two reasons. First, gender equality matters intrinsically, because the ability to live the life of one's own choosing and be spared from absolute deprivation is a basic human right and should be equal for everyone, independent of whether one is male or female. Second, gender equality matters instrumentally, because greater gender equality contributes to economic efficiency and the achievement of other key development outcomes.

development.¹⁶⁹ As women's labor is dislocated or under used because of discrimination and social institutions that prevents women from entering certain occupations and earning the same income as men, economic lose will result in.¹⁷⁰

Economic based approach focuses on underlining how much integrating women in the development process via various activities like access to employment opportunity is based on the calculation of women's role on the economic growth.

2.2.4.2. Right Based Approach

ILO reaffirms that “*the best way to avoid a life of poverty is to find decent work,*”¹⁷¹ and “*Access to decent employment is a basic human right.*”¹⁷² All works may not positively contribute for human development. Only decent work- a work which respects human rights and dignity of workers- can improve human development and empower women.¹⁷³ Decent work which is a human right based approach for employment can improve women employment rights because achieving productive and decent work including women and young people is described under the goal of MDGs and the then SDGs.¹⁷⁴ ILO describes four dimension of decent work: creating jobs, guaranteeing rights at work, social protection, and social dialogue.¹⁷⁵

¹⁶⁹ Sen, Amartya K. 1999. Development as Freedom. New York: Alfred A. Knopf, Inc. P.203.

¹⁷⁰ Ibid, P. 3.

¹⁷¹ ILO . 2001. Poverty Reduction and Decent Work in a Globalizing World (GB.280/WP/SDG/1). Retrieved from http://www.ilo.org/wcmsp5/groups/public/—ed_norm/—relconf/relconf/documents/meetingdocument/wcms_078848.pdf. Paragraph 2.

¹⁷² UN Entity for Gender Equality and the Empowerment of Women (UNWOMEN), Progress of the World's Women 2015-2016: Transforming Economies, Realizing Rights, 2015, Available at: <http://www.refworld.org/docid/558bb7974.html>. [Accessed 30 October 2016]. P.70.

¹⁷³ Ibid, P.1.

¹⁷⁴ Millennium Declaration Resolution adopted by the general Assembly, 18 September 2000, A/RES/55/2. Available at: <http://www.un.org/millennium/declaration/ares552e.html>[Accessed on 27 marches 2017].

¹⁷⁵ ILO. 2013. Decent Work Indicators: Guidelines for Producers and Users of Statistical and Legal Framework Indicators: ILO manual: second version / International Labor Office: Geneva.

Rights at work principle of decent work includes the 1998 ILO declaration on fundamental principles of work rights - freedom of association and the right to collective bargaining, the elimination of forced or compulsory labor, the abolition of child labor, and the elimination of discrimination in employment; and these principles of labor rights found at Article 8, Article 6(1), Article 10(3), Article 2 and 7(a)(i) of ICESCR as Union rights, Freely chosen work, Protection of children and young people, and Non-discrimination rights of workers respectively.¹⁷⁶ Fostering employment - achieving full employment and equal pay for equal work- is found under Article 6(2) and 7(a)(i)-(ii) of ICESCR as Full employment and a decent living rights respectively. Social protection- privation of workplace illness and injury- is described at ICESCR article 7(b) and (d) as Workplace safety and Reasonable working hours respectively, and Article 9 as Social security rights. Social dialogue- a discussion between employees, employers and government- described as Union rights on Article 8 of ICESCR.

Decent working condition can improve the life of female employees. Employing women simply to integrate in the development activities will challenges the rights of women employees. Because, though gender equality in employment and productive activities can result in economic growth, but economic growth may not necessarily bring gender equality.¹⁷⁷ This was what happened in the 1970s WID and WAD approaches of integrating women in the development agenda. WID approach focused on the productive role of women's which they contribute for the economic growth being participant in economic activities and employments, and ignores their reproductive role. While WAD approach consider their reproductive role but still it failed to

¹⁷⁶ IESCR, supra note 14.

¹⁷⁷ Bradshaw, Sarah and et al. 2013. Women's Role in Economic Development: Overcoming the Constraints: Background paper for the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. Unpublished. Available at: <http://unsdsn.org/wp-content/uploads/2014/02/130520-Women-Economic-Development-Paper-for-HLP.pdf>. [Accessed on April 23, 2017]. P.6.

challenges the existing gendered and patriarchal institutions which challenges women equality rights realization.¹⁷⁸

However, increasing women participation in employment in general and construction subsector in particular without fulfilling necessary protection and labor rights will expose them for violation of their basic human rights of labor. Hence, linking employment equality rights of female employees with ILO standards and human rights principle can bring changes on employment equality rights of female employees in particular and the realization of women human rights and human development at wide.

¹⁷⁸ Rathgeber, Eva M. 1989. WID, WAD, GAD: Trends in Research and Practice, International Development Research Centre Ottawa. Available at: <https://idl-bnc.idrc.ca/dspace/bitstream/10625/5225/1/34345.pdf>. html. [Accessed on October 27, 2016]. P. 1-3.

Chapter Three

3. Review of Relevant Legal Instruments

Over the past three decades, employment discrimination against women has been considered and understood as a discrimination against women's human rights. Various legal documents have been adopted regarding employment rights of workers in general and that of female employees in particular. These employment norms stipulate what women employees deserve as employees, and the duties to be protected by their employers - which might be individuals, organizations or state. Legal documents of employment rights of women are guiding, prescriptive and informative documents about women employees' rights at workplace. These documents of women employment rights can be categorized as international documents - that are adopted by the international community, regional documents - that are adopted by various regional organizations such as the African Union, European Union, and national documents - which are adopted and ratified by various "sovereign states"¹⁷⁹ to discharge their obligation and commitments promised under various legal instruments to realize women's employment rights and to abolish discriminatory practices. The review of relevant legal documents made under this chapter mainly focuses on two major themes: those pertaining to equal rights of women and the

¹⁷⁹ Clunan, Anne B. 2009. "Redefining Sovereignty: Humanitarianism's Challenge to Sovereign Immunity." In *Negotiating Sovereignty and Human Rights : Actors and Issues in Contemporary Human Rights Politics*, edited by Noha Shawki and Michaelene Cox, 7- 26. Farnham: Ashgate Publishing Limited. P.7-10. The notion of state sovereignty has two components. These are internal and external sovereignty. External sovereignty refers the rights of states to have international legal personality which enables them to act in the system of international relation. Internal sovereignty refers the exclusive power of states over its domestic affairs and freedom from intervention. This norm prevailed for more than three hundred year since 1648 Westphalia Treaty. Internal sovereignty was one component of United Nation Charter. However this traditional conception of sovereignty has been changed. This is due to the emergence of the idea of human rights and international criminal law. Increasingly, sovereignty becomes less justification to be immune from intervention on domestic affairs. Hence, the classical conception of sovereignty is changed and state has no absolute sovereignty.

legal instruments related to employment rights of women. Let us describe these legal frameworks in details.

3.1. Relevant International Legal Frameworks

International legal frameworks are those human rights instruments in international human rights law. International human rights law, which is the result of world war II state of affairs, has been started to recognize rights of human being since then, even though it lacks effective implementation mechanisms to avert and rectify discrimination, injustices and disadvantages experienced by women.¹⁸⁰ Among these human rights instruments in the international human rights law history which began to reaffirm the dignity and equality of “man” are United Nation Charter, Universal Declarations of Human Rights, International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), though they are not explicitly uphold the issue of gender equality. However, International conventions like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform of Action (BPFA), the Convention on the Rights of the Child (CRC) and the Millennium Development Goals (MDGs) are international conventions and agreement that seek to achieve gender equality with special emphasis on women empowerment.

3.1.1. United Nations Charter

Women’s rights are human rights.¹⁸¹ Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United

¹⁸⁰ Rebecca G. Cook (ed). 1994. Human Rights of Women: National and International perspectives. Pennsylvania: Pennsylvania University press. P.1.

¹⁸¹ Boyle , K. 1995. “Stock-taking on Human Rights: the World Conference on Human Rights, Vienna 1993.” Poitical Studies 43(4): 79–95. P. 91.

Nations' values.¹⁸² Since the early inception of United Nations, equality between women and men was the among the core guarantees of human rights.¹⁸³ As it is stated in the preamble “*to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, (and) in the equal rights of men and women*” is one of the major goal and basic anchor of the United Nations Charter.¹⁸⁴ Likewise, to promote and respect human rights and fundamental freedoms “*without distinction as to race, sex, language or religion*” is one of the purposes of the United Nations Charter as it is mentioned under article 1 of the Charter.¹⁸⁵ These basic pillar principles make UN Charter the pioneer of equality of human beings by outlawing pointless criteria including sex which were used as a ground to create groups and to level individuals that has a consequence of marginalizing certain group from advantages and benefits.

3.1.2. Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR), which is non-binding and adopted in 1948, asserted to the equal entitlement of rights “*without discrimination based on any grounds, such as ... sex ...*” as it is enshrined under article two of the declaration.¹⁸⁶ Article 23 of UDHR states that everyone has the right to work in a job freely chosen under just and favorable conditions of work and to protection against unemployment; that everyone should receive equal pay for equal work without any kinds of discrimination; that everyone should get decent remuneration for work performed, which should guarantee a dignified life for herself and her family; and that everyone has a right to form and join trade unions; article 24, in turn,

¹⁸² OHCHR, supra note 96, P.1.

¹⁸³ Ibid, P.2.

¹⁸⁴ United Nations Organization Charter. 1945. available at: www.refworld.org/pdfid/3ae6b3930.pdf.html. [Accessed on November 06,2016].

¹⁸⁵ Ibid, Article 1.

¹⁸⁶ UDHR, supra note 14.

guarantees a right to rest and leisure, including reasonable limitations of working hours, as well as holidays with pay.¹⁸⁷

3.1.3. International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights

International Covenant on Civil and Political Rights recognizes rights such as the right to form and join a trade union and the right to privacy as basic entitlements of human;¹⁸⁸ and International Covenant on Economic, social and Cultural rights affirm right to work, the right to decent working conditions or the right to strike as basic freedom of individuals.¹⁸⁹ Hence, the two covenants reaffirms as all individuals has basic rights to employment though they did not explicitly say women's have these rights.

However, the rights to gender equality, as a means to realize women human rights, has not been a priority¹⁹⁰ and has not been explicitly codified in the UDHR, though it lay the foundation for the normative frameworks on the protection, promotion, respecting, fulfillment and enforcement of human rights by considering human rights as necessary in “public sphere”¹⁹¹ moreover in “private sphere.”¹⁹² Likewise, gender equality gets hold of little regard in the two covenants - International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, social and Cultural rights (ICESCR).

¹⁸⁷ Ibid, Article 23 and 24.

¹⁸⁸ International Covenant on Civil and Political Rights. 1966. United Nations, Treaty Series, Vol. 999, p. 171. Entered into force on 23 March 1976. Article 23(2) and (3).

¹⁸⁹ IESCR, supra note 14, Article 7(a)(i) The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular remuneration which provides all workers, as a minimum, with Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

¹⁹⁰ Ibid.

¹⁹¹ OHCHR, supra note 101, P.26.

¹⁹² Ibid, P.26.

3.1.4. Convention on the Elimination of all forms of Discrimination against Women

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) adopted in 1979 marked an important step towards explicit prohibition of discrimination against women.¹⁹³ As it is stipulated in its preamble, CEDAW proclaimed despite the existence of other human rights instruments, women are not still entitled equal rights with men. Discrimination based on sex in political, economic, social and cultural activities is outlawed and clearly defined under CEDAW. It affirmed an employment equality right is human rights of women among other basic entitlements of women's. Accordingly CEDAW endorses the right to work which is inalienable rights of all human being; the right to be subjected to the same employment opportunities and being treated by the same criteria in employment selection; the right to choose profession and employment freely, promotion, gaining vocational training and job security including all benefits and services; equal remuneration and treatment for jobs of equal values; the right to social security in case of sickness, retirement, pregnancy...and paid leave; and the right to health and safety in working conditions as basic human rights of women.¹⁹⁴ To ensure its full realization, the right to equality requires commitment from the international community and organization for the universal realization of the rights to equality and for the protection of vulnerable women. CEDAW, in this regard, clearly states member states' obligation to avoid sex-based discrimination and to realize "substantive equality"¹⁹⁵ in addition to defining the

¹⁹³ Hazel, Reeves and Sally Baden. 2000. Gender and Development: Concepts and Definitions, Prepared for the Department for International Development (DFID) for its gender mainstreaming intranet resource, Brighton: Institute of Development Studies. p. 38, available at: www.bridge.ids.ac.uk/reports/re55.pdf.html [accessed on October 27, 2016].

¹⁹⁴ CEDAW, supra note 15, Article 11(1) (a-f).

¹⁹⁵ United Nations. 2014. World Survey on the Role of Women in Development: Gender Equality and Sustainable Development, A Report on the Secretary General (A/69/156). Available at: www.unwomen.org/~media/.../2014/unwomen_surveyreport_advance_16oct.pdf html. [Accessed on October 27,

nature and meanings of sex - based discrimination.¹⁹⁶ The convention accentuates states' obligation is not only to avoid discriminatory laws but also to fight all forms of customs, traditions and values of the community which impose discrimination by private actors in order to achieve gender equality.¹⁹⁷

3.1.5. The 1995 Beijing Platform for Action

During the 1993 World Conference on Human Rights in Vienna, women's groups mobilized under the slogan "women's rights are human rights" to show the indivisibility of women's rights from universal human rights.¹⁹⁸ The slogan also continued during the Fourth conference on women which was held in Beijing in 1995 in which fundamental transformation took place by recognizing the need to shift the focus from "Women in Development"¹⁹⁹ to the concept of "Gender and Development"²⁰⁰, recognizing that the entire structure of society, and all relations between men and women within it, had to be reevaluated. In these international human rights instruments women's rights are not only recognized as rights but also as a means for the

2016/. P.26. "Substantive or de facto equality therefore entails women's equal enjoyment of their rights, especially in regard to results and outcomes. To ensure this, States must not only eliminate all forms of discrimination against women, including structural and historic discrimination, by building on the foundations of formal or legal equality, but ensure the realization of their rights."

¹⁹⁶ CEDAW, supra note, Article 2.

¹⁹⁷ Ibid, Article 2.

¹⁹⁸ OHCHR, supra note 102, P.91.

¹⁹⁹ Rathgeber, Eva M. 1989. WID, WAD, GAD: Trends in Research and Practice. Ottawa: International Development Research Centre Ottawa. Available at: <https://idl-bnc.idrc.ca/dspace/bitstream/10625/5225/1/34345.pdf.html>. [Accessed on October 27,2016]. P.1-3. WID was systematically organized and developed in 1970s by Easter Boserup in which its' main idea was to integrate women in the development process and to increase women's role in the development activities. However, this approach was criticized by Women and Development (WAD) advocates, even WAD also have its own weakness in the eyes of Gender and Development (GAD), on the ground that WID failed to challenge the gender based structure of many societies and development programs that have the effect to exclude women, it failed to consider women reproductive and informal work in to consideration, it failed to consider intersectional discriminations that face women because of race, color, disability etc and it failed to transform the life of women in general.

²⁰⁰ Ibid, P. 12-14. GAD developed in the 1980s as a response for the failure of WID approach development. It give emphasis for socially and culturally constructed, attitude, beliefs and values that affects the role' of women and men.

realization of sustainable development which is a base for the better progress of countries' overall development.²⁰¹

3.1.6. Convention on the Rights of Child

Convention on the Rights of Child insists employment conditions of children which has direct application on women because of “intersectionality.”²⁰² As it is endorsed under CRC, state parties shall provide for a minimum age for admission to employment; and proper regulation of the hours and conditions of employment to realize human rights of child.²⁰³ Women may be exposed for double harm like child labor among others. In this regard CRC obliges member states to sit minimum age for employment, working hours and conditions of employment.²⁰⁴

3.1.7. Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs)

The Millennium Development Goals (MDGs) were adopted on September 2000 when the world leader met during the Millennium meeting at the United Nations.²⁰⁵ The Millennium Declaration establishes the values which are essential for the international relation in the twenty-first century - freedom, equality, solidarity, tolerance, respect for nature and shared responsibility and promises to make globalization a positive force for the entire community of the world.²⁰⁶ By October 2000, after one month of the Millennium Declaration meeting, 189 nations adopted

²⁰¹ UN Human Rights Council. 2014. Women in development: Resolution adopted by the Human Rights Council, 29 January 2014, A/RES/68/227, available at: <http://www.refworld.org/docid/55ed407c4.html>. [Accessed 31 October 2016]. P.2.

²⁰²Crenshaw, Kimberle. 1991. “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color.” *Sanford Law Review* 43(1241): 1241-1299. P. 1246. Intersectionality refers when women became victims of discrimination which is resulted from different factors like gender, race, age and class domination.

²⁰³ CRC. 1990. United Nations, Treaty Series, Vol. 993. Entered into force on 2 September 1990. Article 32(2) (a-b). P. 181.

²⁰⁴ Ibid. article 32(2) (a-b).

²⁰⁵ MDGs, supra note 174.

²⁰⁶ Ibid Paragraph 5 and 6.

women's empowerment and gender equality as one goal of the eight Millennium Development Goals.²⁰⁷ Under the Declaration leaders promised to *“promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.”*²⁰⁸ *“Men and women have the right to live their lives and raise their children in dignity, free from hunger and from fear of violence, oppression or injustice...; and that the equal rights and opportunities of women and men must be assured”* are among the fundamental values of the Declaration.²⁰⁹ The share of women in wage employment in non agricultural sector is one of the indicators for the realization of MDGs three-gender equality. Women are working in sex segregated job with lower wage and job insecurity though their involvement is increasing in non agricultural wage employment as a result of moving of industries from developed to developing world because of globalization.²¹⁰ However, the United Nations General Assembly, on September 25, 2015, adopt Sustainable Development Goals (SDGs) as agenda of global partnership for peace, development, and human rights for the period 2016 to 2030 for the international community since MDGs agenda timeframe work was from the period 2001 to 2015. However, SDGs plan follows on the issues of MGDs in which gender equality and employment opportunity for women is one.

3.1.8. International Labor Organization (ILO)

International labor organization (ILO), which has been established in 1919, made labor issues the concern of international community before the inception of human rights, and precedes all human rights treaties, instruments, institutions and organization. Though, ILO was not view

²⁰⁷ UNIFEM. 2002. Progress of the World's Women 2002: Gender Equality and The Millennium Development Goals. UNIFEM Biennial Report Volume 2. New York: UNIFEM. P. 1-2.

²⁰⁸ MDGs, supra note 169.

²⁰⁹ UNIFEM, supra note 207, P. 1-2.

²¹⁰ Ibid, P. 30.

labor issues as human rights during its inception, now it is an expert branch of the UN in the field of labor rights.²¹¹ It adopts lists of labor standards as human rights for individuals. The Declaration of Fundamental Principles and Rights at Work adopted in 1998 is an instance in this regard.²¹² The declaration is binding for all ILO member states irrespective of their ratification of those basic core labor convention though it lefts many other ILO convention outside of the scope of the declaration.²¹³ It has four core rights: freedom of association and the right to collective bargaining, the elimination of forced or compulsory labor, the abolition of child labour and the elimination of discrimination in employment as fundamental human rights.²¹⁴

3.1.8.1. Freedom of Association and Collective Bargaining

Employees have basic rights to freedom of association and collective bargaining. Employees has a right to join workers association; formulate their own rule for their association, elect their representative and organize the administration of their association; be free from any interference of public authority which restricts their rights to exercise and enforce them to dissolve their association; and set up and join federation and confederation with other organizations and federations.²¹⁵ Workers shall enjoy adequate protection from discrimination in employment; dismissal because of being a member of union, and gain assistance from the state to improve their bargaining power during employment.²¹⁶

²¹¹ Symonides, Janusz (ed). 2003. Human Rights: International Protection, Monitoring, Enforcement. Unesco/Ashgate. P. 91.

²¹² Kellerson, H. 1998. "The ILO Declaration of 1998 on Fundamental Principles and Rights: A Challenge for the Future." International Labor Review 1(3):1-33. Available at: http://staging.ilo.org/public/libdoc/ilo/2003/103B09_669_engl.pdf. [Accessed on 03 May, 2017]. P. 7

²¹³ Mantouvalou, supra note 119, P. 4-6.

²¹⁴ Ibid.

²¹⁵ ILO Convention. 1948. Convention concerning Freedom of Association and Protection of the Right to Organize, adopted on July 09, 1948. (Entered into force on July 04, 1950).

²¹⁶ ILO Convention. 1949. Convention concerning the Application of the Principles of the Right to Organize and to Bargain collectively, adopted on July 01, 1949. (Entered into force on July 18, 1951).

3.1.8.2. Abolition of Forced Labor

Forced labor is violation of basic labor rights because *“it is an imposed work or service from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”*²¹⁷ Member states of the ILO shall eradicate forced labor in its all form,²¹⁸ and individuals shall not be forced to do without their consent unless it is prescribed on the law in special circumstance.²¹⁹ ILO member states shall not use forced or compulsory labor as a means of punishment for holding different political attitude; method of labor discipline; means of economic development; means of racial, social, national or religious discrimination; and punishment for having participated in strike.²²⁰

3.1.8.3. Abolition of Child Labor

ILO minimum age convention remind member states to make minimum age for young workers not less than fifteen up to the completion of compulsory education.²²¹ *“The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young person’s shall not be less than 18 years.”*²²² And member states have a responsibility to eradicate child labor of any kind.²²³

²¹⁷ ILO Convention. 1930. Convention concerning Forced or Compulsory Labor, adopted on June 28, 1930. (Entered into force on May 01, 1932). Article 2(1).

²¹⁸ Ibid, Article 1.

²¹⁹ Ibid, Article 2(2)(a-e).

²²⁰ ILO Convention. 1957. Convention concerning the Abolition of Forced Labor, adopted on June 25, 1957. (Entered into force on January 17, 1959). Article 1(a-e).

²²¹ ILO Convention. 1973. Convention concerning Minimum Age for Admission to Employment, adopted on June 26, 1973. (Entered into force on June 19, 1976). Article 2(3).

²²² Ibid, Article 3(1).

²²³ ILO Convention. 1999. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted on June 17, 1999. (Entered into force on November 11, 2000). Article 1.

3.1.8.4. Discrimination in Respect of Employment and Occupation

Any segregation or exclusion based on race, sex, religion or political opinions which nullify and deprive equal opportunity and treatment in employment is discrimination and violation against individuals.²²⁴ Women employees shall not be discriminated from equal access and opportunity at employment based on their sex. Member states shall eradicate gender discrimination by formulating policies; adopt legislation which realize women equality rights at employment; repeal discriminatory law and customs; and give training for women²²⁵ Hence, women employees shall remunerated equally with men for work of equal value without discrimination based on sex.²²⁶

3.2. Relevant Regional Legal Frameworks

Under the auspices of African Union, there are regional human rights instruments declared gender equality and specifically adopted to realize women's rights in which labor right is one. The Constitutive Act of African Union, The African Charter on Human and Peoples Rights (ACHPR), The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa, the African Gender Policy and Dakar platform for Action are among regional instruments in Africa.

3.2.1. Constitutive Act of African Union

Less regard has been given for human rights by the Charter of the Organization of African Unity, though it says controlling their own destiny is the inalienable right of all people who pronounce

²²⁴ ILO Convention. 1958. Convention concerning Discrimination in Respect of Employment and Occupation, adopted on June 25, 1958. (Entered into force on June 15, 1960). Article 1.

²²⁵ Ibid. Article 3 (a-f).

²²⁶ ILO Convention. 1951. Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, adopted on June 29, 1958. (Entered into force on May 23, 1953). Article 1(b).

self-determination and freedom from colonialism,²²⁷ and it was the main reason for the adoption of Constitutive Act of African Union, an act which replaces the Charter of the Organization of African Unity and established African Union.²²⁸ Unlike to the Charter of the Organization of African Unity, which did not say about gender on itself, Gender equality is one basic principle of Constitutive Act of African Union.²²⁹ The Constitutive Act of African Union under article 4(L) enshrined gender equality principle which has an implication of the rights of women is something that shall deserve concert actions. Hence, AU has strong political commitment and will to realize gender equality in all fields.

3.2.2. The African Charter on Human and Peoples Rights

The African Charter on Human and Peoples Rights (ACHPR), which has been adopted on June 27, 1981 in Nairobi and entered in to force on October 21, 1986, holds a list of labor rights as basic human rights i.e. the to work under fair and satisfactory conditions, and the right to receive equal pay for equal work.²³⁰

3.2.3. The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

The Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, have been endorsed a resolution AHG/Res.240 (XXXI) called the Protocol to the African Charter on Human and

²²⁷ OAU General Assembly. 1963. The Charter of Organization of African Unity. Addis Ababa, Ethiopia. Charter's preamble.

²²⁸ Murray, Rachel. 2004. Human Rights in Africa: From the OAU to the African Union, 1st ed. New York: Cambridge University Press. P.7.

²²⁹ AU General Assembly. 2000. Constitutive Act of African Union. Lomé, Togo. Article 4(L).

²³⁰ African Charter on Human and Peoples Rights (ACHPR), Adopted in Nairobi June 25, 1981, entered in to force October 21, 1986. Article 15 "Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work."

People's Rights on the Rights of Women in Africa. Considering the fact that women's rights and their indispensable role in development have not been reaffirmed in different UN plans of action like on Human Rights in 1993, on Population and Development in 1994, on Environment and Development in 1992, and on Social Development in 1995; and despite the existence of the African Charter on Human and Peoples Rights and ratification of other international human rights documents by African states to eradicate discrimination against women and other harmful traditional practices, Assembly of Heads of State and Government of the Organization of African Unity believe African women still continues victims of discriminations and adopt the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. This protocol's article 13 urges member states to adopt and enforce legislation that ensure women's equal opportunity in work and career.²³¹ Accordingly, equality of access in employment for men and women; equal remuneration for a job of equal value for both sex; realizing transparency and equality in recruitment, promotion and dismissal and combating sexual harassment at workplace; guaranteeing women freedom to choose their own occupation; guaranteeing maternity rights; and eradicating child labor are among basic rights enshrined under this protocol.²³²

3.2.4. Solemn Declaration on Gender Equality in Africa

General Assembly of Head of states and government of member states of African Union in its third ordinary meeting at Addis Ababa, Ethiopia from July 6-8 2004 adopt a declaration called "Solemn Declaration on Gender Equality in Africa" because of the fact of little achievement in gender equality despite the existence of commitments, goals, principles and actions set out in various international, continental and regional instruments on human and women's rights. Hence,

²³¹ AU General Assembly. 1995. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Addis Ababa: Ethiopia. Article 13.

²³² ACHPR protocol, supra note 231, Article 13 (a-m).

the declaration reaffirms the realization of gender equality in various fields, protection and promotion of human rights of women and mainstreaming gender equality in different policies.²³³

3.2.5. Africa Union Gender Policy

Africa Union Gender policy was adopted in 2009 to realize gender equality because of the fact that men and women are equally important for AU struggle to realize socio-economic and political developments, which is the theme of AU vision “*an integrated prosperous and peaceful Africa ... driven and managed by its own citizens... and representing a dynamic force in the international arena,*”²³⁴ driven by Human dignity, development and prosperity in Africa. Gender policy in Africa upholds women shall equally take part and benefited in the development process. African Union Gender Policy reaffirms “*the quest for gender equality and women’s empowerment should be mainstreamed into all the institutional arrangements at policy and programming levels in all AU Organs, RECs and Member States to Elimination of gender stereotypes, sexism and all forms of discrimination.*”²³⁵ The AU Gender Policy declaration is being adopted to eliminate barriers and challenges to gender equality in the continent, as a guide for gender equality to implement global and continental commitments on gender including MDG3.

3.2.6. Dakar Platform for Action

Dakar platform for Action is African Union framework of action for the formulation of policies and implementation of concrete and sustainable programs for the advancement of women.²³⁶ The

²³³ AU General Assembly. 2004. Solemn Declaration on Gender Equality in Africa. Addis Ababa: Ethiopia. Article 2.

²³⁴ AU General Assembly. 2000. Constitutive Act of African Union. Lomé, Togo.

²³⁵ AU General Assembly. 2009. African Union Gender Policy. P.17.

²³⁶ OAU General Assembly. 1994. African Platform for Action: Adopted by the Fifth Regional Conference on Women, held at Dakar, Senegal, from 16 to 23 November 1994. P.3.

document affirms sustainable development based on equal participation of men and women at international, regional, sub regional, community, and family level. Women's equal participation for sustainable development do not makes up only avoiding discriminatory practices, but also giving equal opportunities for them in all fields including employment opportunities.²³⁷

3.3. Relevant National Legal Frameworks

Ratification or accession of agreements requires member states to be responsible for the duties they entered.²³⁸ Among other conventions, CEDAW, which is entirely upholds the rights of women, urges member states to take appropriate measures to eliminate discrimination against women and realize equality without discrimination in all fields by condemning discriminatory cultures and practices, repealing discriminatory law, incorporating the principle of equality between men and women in their national constitution and other legislations and giving appropriate institutional safeguards.²³⁹ Accordingly, member states have adopted specific legislation prohibiting discrimination and promoting equality in employment, and their national constitutions contain clauses specifying such equality.²⁴⁰ Ethiopia, as a member state to CEDAW, has expressed its commitment for employment equality of men and women in various national documents. FDRE constitution, labor proclamation No 377/2003 and National Policy on Ethiopian Women are the basic document in this regard.

²³⁷ Ibid, Article 61.

²³⁸ Law of Treaty. 1969. Vienna Convention on the Law of Treaties. Adopted in Vienna, Austria on 23 May 1969. [http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf]. article 13-16.

²³⁹ CEDAW, supra note 15, Article 2.

²⁴⁰ ILO. 2007. ABC of Women Workers' Rights and Gender Equality, 2nd ed. Geneva: International Labour Office. P. 20.

3.3.1. FDRE Constitution

FDRE constitution declares equality of all persons without any discrimination based any grounds such as sex.²⁴¹ Article 25 of the constitution is a mainstay principle to talk about equality. It guarantees women the rights to equality as basic human right without any preconditions and entitled freedoms like men.²⁴² Women have equality rights in employment, equal payment right and the rights to have promotion like men including transfer of pension.²⁴³ Women have maternity leave with full payment.²⁴⁴ The constitution, under article 42 (1) (D), has entitled women the right to have equal pay for equal work.²⁴⁵ The constitution also, under its Economic Objective provision, states the responsibility of the government to give equal opportunity for women like men to take part in all economic and social development activities.²⁴⁶

3.3.2. Labor Proclamation No. 377/2003

Labor proclamation No. 377/2003 have detail list of employees rights and duties at work. Women employee rights have wide coverage in the proclamation in addition to those rights listed as entitlements for all employees. Labor proclamation lists the right to be respected as a human being,²⁴⁷ the right to paid the expressed wage on the contract form and other benefits even at a time employees interrupt their work because of row material supply interruption while they are ready to work,²⁴⁸ the right to work normal work hours (eight hours per day) however, if it exceeds employees have the right to ask overtime payment,²⁴⁹ the right to have weekly rest (one

²⁴¹ FDRE Constitution, supra note 14, Article 25.

²⁴² Ibid, Article 35.

²⁴³ Ibid, Article 35(8).

²⁴⁴ Ibid, article 35(5)(a).

²⁴⁵ Ibid, article 42(1)(d).

²⁴⁶ Ibid, article 89(7).

²⁴⁷ Labor proclamation, supra note 20, Article 12(3).

²⁴⁸ Ibid, Article 53-59.

²⁴⁹ Ibid, article 61-68.

day or 24 hours per week mostly it may be Sunday),²⁵⁰ the right to have annual leave and special leave like union leave, marriage leave and grief leave with full payment,²⁵¹ the right to have sick leave,²⁵² the rights to gain protective instruments, clothes and materials,²⁵³ the right to form and establish trade union and actively participate therein,²⁵⁴ and the right to strike to protect their interest according to the law²⁵⁵ as basic employment rights for all employees, which includes women employees, at work. However, the labor proclamation also has a clause deals exclusively about women employees rights. Accordingly, the labor proclamation proclaim women employees have the right to be free from discrimination at work and from discrimination in matters of remuneration on the ground of sex,²⁵⁶ the right to be protected from harmful work to their health²⁵⁷ and the right to have maternity leave and protection.²⁵⁸ Thus, women employees shall have this minimum employment rights at work place and employers shall not reduce all these minimum labor rights.²⁵⁹

3.3.3. The National Policy on Ethiopian Women (NPEW)

In addition to the constitution and labor proclamation, the National Policy on Ethiopian Women (NPEW) is a policy direction to realize Ethiopian women rights since 1993. Recognizing the fact that women lag far behind from men in all fields of self advancement because of deprivation of equal opportunities, noting their role in economic development is not recognized and knowing development without women participation is unrealizable, understanding the deprivation of

²⁵⁰ Ibid, article 69-72.

²⁵¹ Ibid, article 76-84.

²⁵² Ibid, article 85-86.

²⁵³ Ibid, article 92.

²⁵⁴ Ibid, article 113.

²⁵⁵ Ibid, article 157.

²⁵⁶ Ibid, article 14(1) (b), 14(1) (e) and 87(1).

²⁵⁷ Ibid, article 87(2).

²⁵⁸ Ibid, article 87 - 88.

²⁵⁹ Ibid, article 12.

women's equal benefits right from country's wealth, reaffirming the denial of advantages for women from the fruits of their struggle and un-institutionalizing of their struggle, Transitional Government of Ethiopia (TGE) adopt National Policy on Ethiopian to make beneficiary of fruits of their labor, to promote women interest, to improve level of income and health of women.²⁶⁰ Accordingly, NPEW endorses facilitating situations to foster up the equality of women and men and make women participant in economic, political and social developments, ensuring human rights of women and enabling women to be beneficiary of their fruits of labor as the objectives of the policy.²⁶¹ Hence, the policy recognizing labor rights as a human rights of women, which deserve protection, respect and fulfillment.

²⁶⁰ NPEW, *supra* note 22, P. 1-4.

²⁶¹ *Ibid*, P.12.

Chapter Four

4. Brief Background Introduction of the Study Area

4.1. Brief Note on the History of the Integrated Housing Development Program (IHDP)

Ethiopia is among countries that have lowest urban population accounting only to 20 percent of the total population which is below African countries average that is 40 percent. Despite this, Ethiopia has the lately growing rapid urbanization rate which is stated to be an annual growth rate of 5.3 percent.²⁶² In Ethiopia 18.7 million population lives in urban area,²⁶³ and of it 80 percent lives in slum area.²⁶⁴ Ethiopian urban population is facing major problems such as homelessness, environmental degradation and shortage of infrastructure.²⁶⁵

Nationwide Integrated Housing Development Program (IHDP) has been launched in 2004 to alleviate the problem of housing shortage and build low-cost houses in Addis Ababa as a way of addressing the major challenge pertaining to housing.²⁶⁶ To achieve the goal of IHDP, the government established the Addis Ababa Housing Development Project Office (HDPO) in 2005, under the recommendation of German Technical Corporation (GTZ).²⁶⁷ The IHDP endorsed increasing housing supply for the low-income population, recognizing existing urban slum areas and mitigating their expansion in the future. Furthermore, the intention was to increase job

²⁶² MoUHD, supra note 50, P.16.

²⁶³ Ibid, P.17.

²⁶⁴ UN-HABITAT. 2011. Ethiopia Urban Profile. UN-HABITAT: Nairobi, p.1.

²⁶⁵ Ibid, p.1.

²⁶⁶ MoHUD. 2016. Housing Development in Ethiopia. Addis Ababa, Ethiopia.

²⁶⁷ UN-HABITAT, supra note 264, P.13.

opportunities for micro and small enterprises and unskilled laborers, which in turn is believed to offer income for families to afford their own housing, and improving wealth creation and distribution for the nation as basic objectives of the program.²⁶⁸ Pursuant to article 11 (1) of the ICESCR, State parties shall “*recognize the right of everyone to an adequate standard of living for himself and his family including adequate food, clothing and housing, and to the continuous improvement of living conditions.*”²⁶⁹

According to ICESCR general comment on the right to adequate shelter, it shall be interpreted as, “*adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost to all person irrespective of their income or economic resource access.*”²⁷⁰

Because of this fact “*Strengthening the ongoing housing development program to reduce the imbalance between demand and supply of urban houses...*” is continued to be one of the strategic directions of Urban Development and Housing programs.²⁷¹ Increasing demand for houses is the basic reason for the adoption of IHDP which in return results in the development of construction industry. Hence, Minister of Construction Development (MoC) has been separated from the previous Ministry of Urban Development, Housing and Construction (MoUDHC) - the current Ministry of Urban Development and Housing (MoUDH) - since September 2015 as an independent minister office the country and creates employment opportunity for 12 percent of the total labor force in at national level.²⁷² To realize this strategic direction of Urban

²⁶⁸Ibid, P.10.

²⁶⁹ICESCR, Article 11.

²⁷⁰ ICESCR committee recommendation. 1991. General Comment No. 4 on The right to adequate housing (art. 11 (1) of the Covenant), on Sixth session.

²⁷¹ FDRE. 2015. The Second Growth and Transformation Plan (GTP II): (2015/16-2019/20) (Draft). Addis Ababa, Ethiopia. National Planning Commission. P. 38.

²⁷² MoC. 2016. Capacity Building Program Package of Construction Industry. Addis Ababa: MoC. P.5.

Development and Housing sector, increasing urban population to 25 percent by the end of GTP-II is endorsed as Ethiopian Sustainable Housing Development plan goal of GTP-II.²⁷³

The IHDP program was envisioned as it would be a national housing plan to address the problem of housing demand during its inception in 2004. Due to this envisage, in 2006, it was decided to implement the plan in nine regions and two administrative cities of Ethiopia to reduce rural urban migration and to strengthen secondary cities in each region.²⁷⁴ Though the IHDP plan was initiated and condominium houses were built in all regions accordingly, it has been suspended for various reasons such as individuals' purchasing power and interest rates except for Addis Ababa city administration.

Bole Gerji condominium houses site is the first project in the country which was launched in 2002.²⁷⁵ Since then the construction of condominium houses, which is one of the objectives of IHDP i.e. increasing housing supply for the low-income population and mitigating slum expansion, is increasingly expanding and condominium houses being constructed in different sites in Addis Ababa city. Bole Arabssa condominium building site is among the current undergoing condominium sites.²⁷⁶

4.2. Description of Study Site: Bole Arabssa Site

The site - where Bole Arabssa condominium houses building project is located as in the case of some construction sites around Addis Ababa city - was farm land settled by scarcely populated farmers. It was demarcated as condominium houses project site in 2010. The area has a type of

²⁷³ MoUHD. 2015. The Second Growth and Transformation Plan (GTP II): (2015/16-2019/20): Ethiopian Sustainable Urban development Goals. Addis Ababa. p.17.

²⁷⁴UN-HABITAT, supra note 259, P.19.

²⁷⁵UN-HABITAT, supra note 264, P.31.

²⁷⁶ Addis Ababa Houses Building Project office. 2016. Draft Document by Addis Ababa Houses Building Project Office on Condominium Houses. Addis Ababa. P.9.

soil called loam soil composed mostly of sand, silt, and a smaller amount of clay which is suitable for *teff* cultivation. The total area covers 600 hectare of land.²⁷⁷ Before the inception of the project there were more than fifty households.²⁷⁸ The local residents of the area were resettled at Bole-sub city around Ayat since 2010 after the area was designated for condominium houses building site. Dwellers have gained compensation (money and land for house building) for their dispossessed land for the condominium project purpose.²⁷⁹ The compensation was based on the number of family households have.²⁸⁰



Figure 4.1 Partial view of Bole Arabssa before it designated for condominium building site

Source: Bole Sub-city Land Management and City Renewal Office Documentation

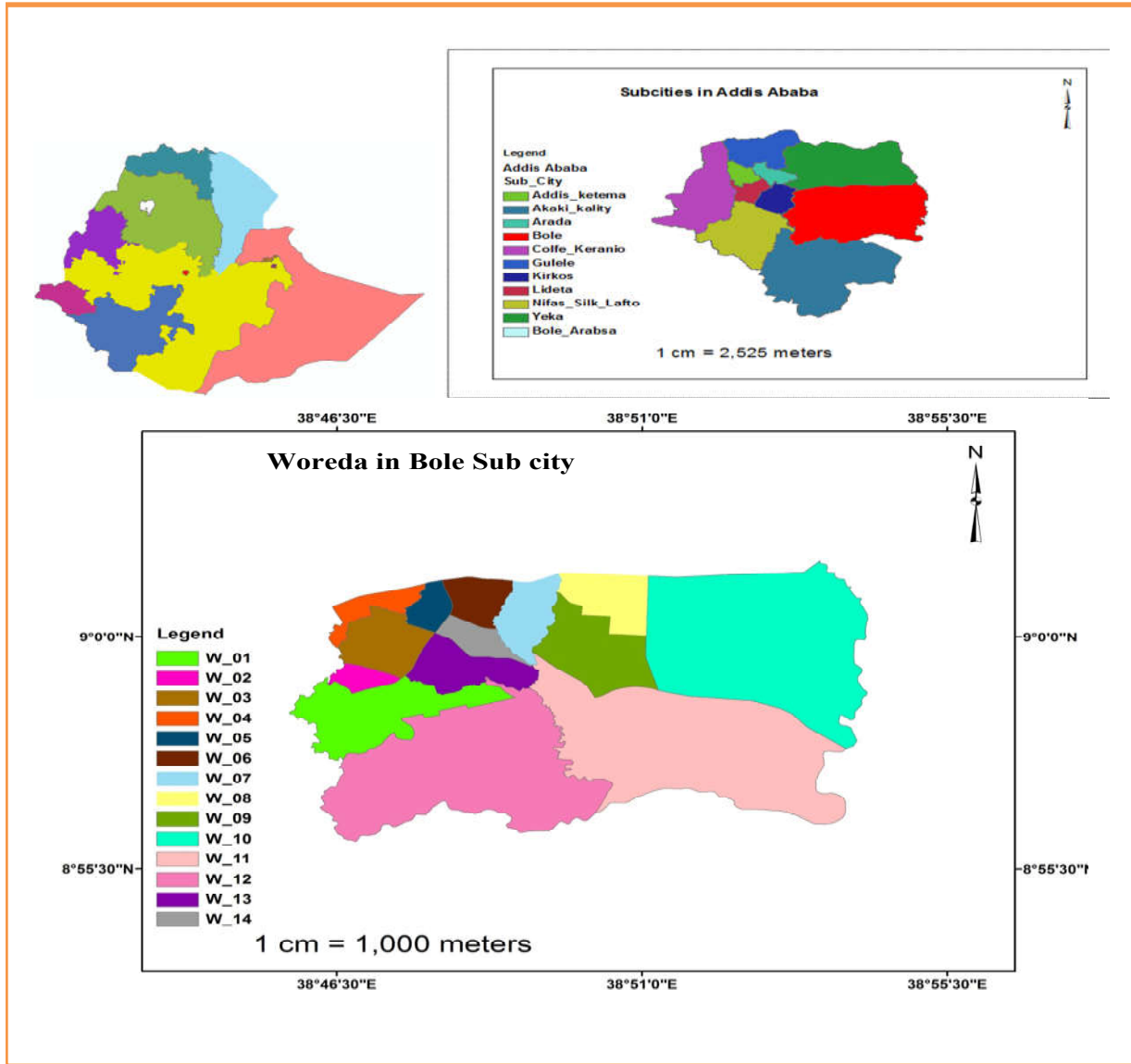
²⁷⁷ Interview with Compensation Valuation and Alternate Officer at Bole Sub-city Land Management and City Renewal Office, March 27, 2017.

²⁷⁸ Interview with Compensation Valuation and Alternate Officer at Bole Sub-city Land Management and City Renewal Office, March 27, 2017.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

Bole Arabssa condominium houses building construction project is found in *woreda* (district) ten (10) of bBole sub-city on south-east direction of Addis Ababa.



Note: ‘W’: Woreda/District

Source: Bole Sub city Land Management and Development office, 2017

Figure 4.2 Bole Sub-city Map

It is the only ongoing condominium house building project at Bole sub-city though numbers of condominium houses buildings were accomplished in other seventeen sites. It is located between 8°57'30" and 9°0'0" north; and 38°52'30" and 38°55'0" east. It has been started in 2010 as one of the condominium houses building project. The project lies on 600 hectare of land and it is among the huge housing projects launched at Addis Ababa city.²⁸¹ It is the second largest condominium site with 44, 447 houses next to Koye-fechie which is the largest ongoing condominium houses building project site that has a total number of 59,974 houses(units).²⁸²

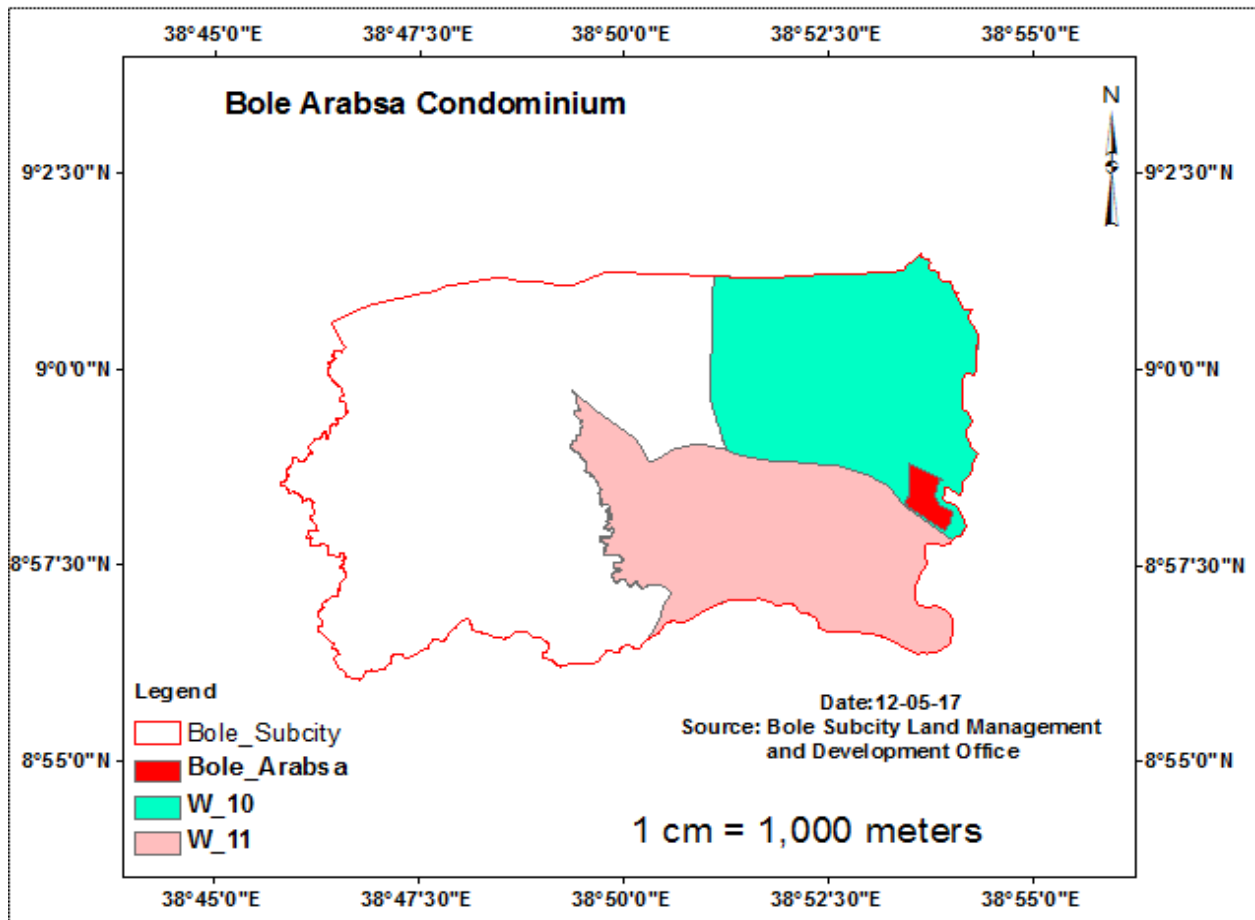


Figure 4.3 Bole Arabssa Condominium Houses Building Project Site Map

²⁸¹ Interview with Addis Ababa Houses Building Project, Communication Office, January 25, 2017; Interview with Addis Ababa Houses Building Project, Construction Inspection and Contract Management Officer, March 20, 2017.

²⁸² Addis Ababa Houses Building Project Office, supra note 281, P.9.

The project aims to build 44,477 condominium houses,²⁸³ under a total of 1026 blocks, which have vital contribution for the GTP-II plan of building 750,000 houses by 2020/21 in country.²⁸⁴ There are six branch offices of houses building project which are supervised by Addis Ababa Housing Development Project Office (AAHDPO) at Bole Arabssa condominium houses building site. These are Lideta, Kerikos, project 15, Bole, Yeka and Project 13 houses building project branch office. This construction project is being built by 450 contractors under the guidance of twelve (12) consultants.²⁸⁵ Each sub office of housing building project has two consultants. Lideta, Kerikos, project 15, Bole, Yeka and Project 13 houses building project branch offices have eighty-seven (87), ninety (90), one hundred-two (102), sixty-three (63), sixty-two (62) and forty-six (46) contractors respectively and 2935 employees.

²⁸³ Ibid, P.9; Interview with Addis Ababa Houses Building Project, Building Facilitation Vice Manager Office, January 25, 2017.

²⁸⁴ MoUDH, supra note 273.

²⁸⁵ Interview with Addis Ababa Houses Building Project, Construction Inspection and Contract Management Senior Officer, March 20, 2017.

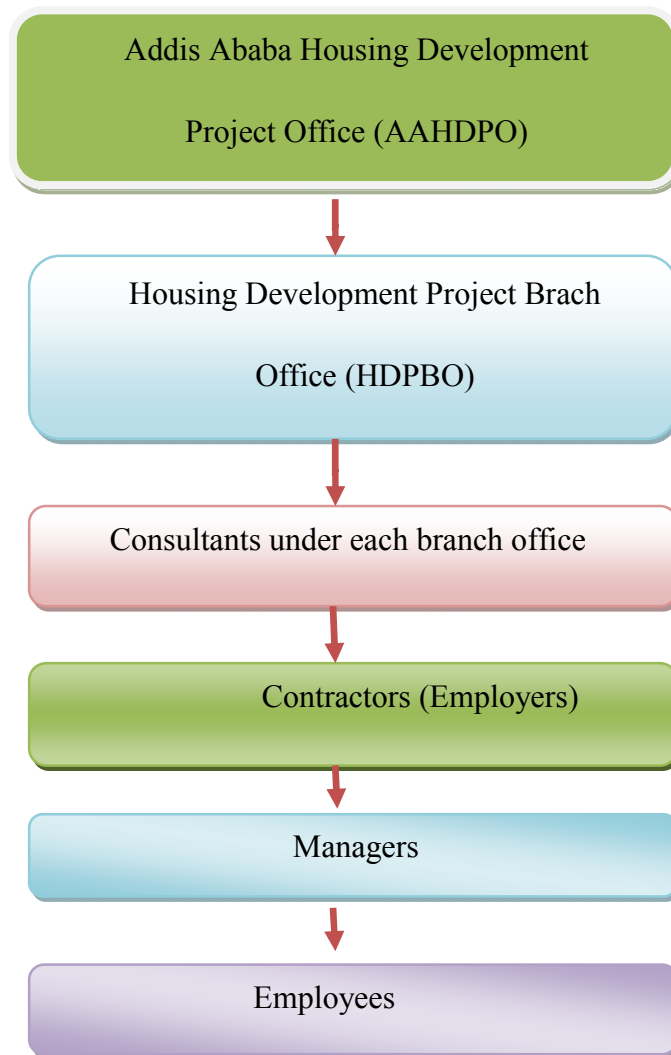


Figure 4.4 Organizational Structures of Main Stakeholder at Bole Arabssa Condominium Houses Building Project

By January 2017, Sixty four percent (64 %) of the project has been accomplished.²⁸⁶ Among the planned 44, 477 condominium houses 20, 227, which were facilitated by Lideta, Kerikos and project 15 houses building project branch office, units have been given for owners by the year 2016. Whereas 24, 250 condominium houses are on the process of construction, and Bole, Yeka and Project 13 houses building project branch offices are facilitating the construction activities.

²⁸⁶ Ibid.



Figure 4.5 Completed Condominium Houses Building at Bole Arabssa Condominium Site; Source: Addis Ababa Houses Building project Communication Office



Figure 4.6 Partial view of Condominium Houses Buildings on Construction at Bole Arabssa Building Site; Source: Photo by the Researcher

Bole Arabssa houses construction project has created massive employment opportunities which is one of the basic objective of Urban Development and Housing i.e. creating job opportunities for individuals to improve their livelihood and food security problem.²⁸⁷ Bole Arabssa condominium houses project has produced employment opportunities (permanent and temporary) for 2935 individuals. Out of this, 21.78 percent of the employees are female.²⁸⁸ These 21.78 percent female employees work in different tasks at Bole Arabssa condominium houses building site and their share in each division of tasks is as follows:

No.	Tasks at construction site	Number of employees at bole at Bole Arabssa condominium houses building project			
		Female	Male	Total	Share %
1	Sanitary installation	31	212	243	12.75
2	Electric installation	178	905	1083	16.43
3	Finishing works	237	959	1196	19.81
4	Agro - stone work	15	54	69	21.73
5	PBC operation	18	77	95	18.94
6	Metal and wood work	46	203	249	18.47
	Total	525	2410	2935	21.78 %

Table 4.7 Ratio of Female Employees at Bole Arabssa Condominium Houses Building Site in Percentage

²⁸⁷ FDRE. The Second Growth and Transformation Plan (GTP II) (2015/16-2019/20). Addis Ababa. P.38.

²⁸⁸ Addis Ababa Houses Building Project Office Micro and Small Scale Industry Development Sub-process December 2016 Report on Job Creation on Houses Building Projects.

Chapter Five

5. Female Employment Rights at Bole Arabssa Condominium Building Construction Industry

5.1. Status of Female Employment Rights at Bole Arabssa Condominium Building Construction Industry

Employment right is basic human rights, recognized in various legal instruments. The beginning of employment rights idea can be traced back to the 1919 unemployment Convention of ILO which says member states shall establish public institutions which can create employment opportunity for employees.²⁸⁹ However, employment rights have been increasingly and more broadly endorsed in human rights document since the inception of human rights activism i.e. since the adoption of UN Charter in 1945.²⁹⁰ Employment right was integrated under UDHR as “everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.”²⁹¹ This is because of the fact that the right to work is fundamental human rights and inseparable from inherent human dignity.²⁹² Further most, ICESCR enclosed the right to work, as it is stated in article 6, more comprehensively than any other human rights documents. Accordingly, the right to work is defined as “the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and

²⁸⁹ ILO. 1919. Unemployment Convention. Adopted at Washington at the 1st session on October 28, 1919. Article 1.

²⁹⁰ Griffin, James. 2008. On Human Rights. New York: Oxford University press Inc. P. 14.

²⁹¹ UDHR, supra note 14, Article 23(1).

²⁹² Ibid, Article 23.

*will take appropriate steps to safeguard this right.*²⁹³ This definition conveys that individuals have basic freedom to choose their own work. International Labor Organization Convention No. 122 on Employment Policy (1964) also stated that granting “*full, productive and freely chosen employment*” opportunity shall be major objectives of States parties’ employment policy design.²⁹⁴ However the right to work under article 6 is not described exhaustively.

The committee on ICESCR under its recommendation No E/C.12/GC/18 describes the rights to work and in its all form refers:

*The availability service which enables individuals to find job; acceptability and quality of work (the existence of just and favorable working conditions and environment); and accessibility of open labor market to everyone without discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status(including HIV/AIDS), sexual orientation, or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality.*²⁹⁵

ICESCR article 3 reaffirms that States parties shall undertake to “*ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights.*”²⁹⁶ The committee also describes the importance of establishing comprehensive system to combat gender discrimination at work and granting women the right to equal pay for equal work. However, this study that draws on a fieldwork conducted at Bole Arabssa condominium houses building construction site reveals that the implementation of employment rights of female employees’ employment rights

²⁹³ ICESCR, supra note 14, Article 6(1).

²⁹⁴ ILO. 1964. Employment Policy Convention. Adopted at Geneva at the 48st session on July 09, 1964. Article 1.

²⁹⁵ UN Committee on Economic, Social and Cultural Rights, General Comment No. 18, the right to work UN ESCOR, CESCR. 35th Session. U.N. Doc. E/C.12/GC/18. 6 February 2006

²⁹⁶ ICESCR, supra note 14, Article 3.

in the construction industry is far from the aforementioned points. As a way of analyzing the employment rights of female employees in the construction industry, this paper addresses the theme into two phases:

5.1.1. Right of Female Employees' before Employment and during Recruitment Process

As it is clearly stated in different legislations, employers' methods of employment should not be in any way discriminatory even in those circumstances employers do not advertise their vacancy due to lack of obligatory norm for employers to advertise their vacancy.²⁹⁷ Employers' recruitment procedure should not discriminate female employee on the ground of sex.²⁹⁸ But as this study found out, at Bole Arabssa building construction site female workers faces serious "indirect discrimination"²⁹⁹ during the recruitment process. All informants of this study confirmed that there is subtle discrimination against female employees. Contractors are said to be not keen to hire females as they are willing to employ males. One informant elaborates her experience as follows:

Construction place employers do not post vacancy announcement. Employees may hire employees based on acquaintance whereby relatives or friends working in the company drop names of people they know. For instance, I joined this workplace through my husband. Most of employees' ways of employment may not differ from this. Or employer might employ those who appear in their workplace. Absence of vacancy announcement enables employers to hire as they wish which is dangerous for female employees and

²⁹⁷Alison Clarke. 2001. Women's Rights at Work: A Handbook of Employment Law. London: Pluto press. P.5.

²⁹⁸Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

²⁹⁹ILO. 2007. ABC of women workers' rights and gender equality. Geneva: International Labour Office. P.52. "The concept of indirect discrimination shows that the application of the same treatment or requirement to everyone can, in practice, lead to very unequal results."

*makes them often victims of discrimination. Because mostly in those circumstances employers are not interested in employing female employees, they respond by saying that they have full stuff.*³⁰⁰

As it is revealed from the above narration, employers discriminate female employees from equal engagement at Bole Arabssa condominium houses building construction site which constitutes violation against the right to protection from occupational segregation.³⁰¹ Employers admit as they did not post vacancy announcement to employ workers, and simply employ any employees based on need because of the nature of the work.³⁰² Even though posting vacancy announcement is not obligatory, employers' recruitment procedure shall not be gender based and discriminatory.³⁰³ Bole sub-city office of Labor and Social Affairs (LSA) occupational safety and healthy treating officer stated that they are giving awareness creation training on gender equality in employment for employers though it is difficult to make all employers participant on the training because of the nature of the work.³⁰⁴ Hence, Bole Arabssa condominium houses building construction site female employees' right to be protected from occupational segregation is not respected which is a violation of their basic human rights.³⁰⁵

Agreement of employment between an employee and employer shall be expressed on their contract of employment.³⁰⁶ Contract of employment commences when an employee has accepted the offer made by employer.³⁰⁷ Employees have the rights to receive the detail list of their contract of employment. Contract of employment, according to Labor Proclamation 377/2003 of

³⁰⁰ Interview with informant 5, female employee, on January 24, 2017.

³⁰¹ CEDAW, supra note 15, Article 11(1) (b).

³⁰² Interview with Employers at Bole Arabssa Condominium Houses Building Project Site, on March 22, 2017.

³⁰³ Alison Clarke, supra note 302, P.5.

³⁰⁴ Interview with Bole Sub-city Office of LSA, Occupational Safety and Healthy Treating Officer, on March 24, 2017.

³⁰⁵ CEDAW, supra note 15, Article 11(1) (a).

³⁰⁶ Labor Proclamation, supra note 20, Article 6.

³⁰⁷ FDRE Civil Code, Article 1683(2).

FDRE, shall include name of the employee, name of the employer, starting date, date that continuous employment began, job description/ title, remuneration and intervals at which it is paid, hours of work, holiday entitlement and pay, sickness entitlement and pay, pensions and pension scheme, period of employment or date of fixed term if not permanent, place of work or locations if more than one and the employer's address, details of collective agreements applicable to the employment and details of disciplinary and grievance procedures.³⁰⁸ Contract of employment shall be written or oral and both have similar effect,³⁰⁹ though written contract has fewer burdens of proof for employees.³¹⁰

Female employees at Bole Arabssa condominium houses building construction industry have unwritten employment contracts - since employers are unwilling to employ female employees - which tend to be flexible often exposing them for various employment rights violations, whereas male employees are said to have either written or strong oral contract with their employers despite engaging in the same task.³¹¹ Participants said absence of written employment contract pave the way for employers to exploit rights of employees as they wish. One informant expounds this fact as follows:

*It is hard to say that we get leave, because we do not get payments unless we attend work. That is the worst part of employment in the construction business. We are exposed to such problem because we don't have clear and strong contract of agreement upon our employment.*³¹²

³⁰⁸Labor proclamation, supra note 20, Article 4(3) and Article 7(1-4).

³⁰⁹ Ibid, Article 8.

³¹⁰ Belachew Mekuria. 2012. Basic Principles of Ethiopian Labour Proclamation, Second Edition. Addis Ababa. P.48.

³¹¹ Discussion with FGD-1 Members, Male and Female Employees, on February 17, 2017.

³¹² Interview with Informant 6, Female Employee, on January 24, 2017.

As it revealed above, employers did not respect the rights of employees to be informed the details of their contract of agreement. The existence of this problem begets other complicated problems on employees which is more rigors on female employees. Female employees' contract ceased when they get pregnant, sick or when contractors wish to reduce employees.³¹³ On the other hand, employers claim they are giving minimum employment protection for employees.³¹⁴ However, this study proved that the practice is far from what employers said and employees faced unfair cancellation of their agreement of work. Thus, according to this study Bole Arabssa condominium houses building construction site female employees' the rights to have contract of agreement is less stringent and causes other serious violations of employment rights.

This study found that female participation rate in the Bole Arabssa condominium houses construction industry is low compared with male employees due to violation of the right to work of female employees despite the fact that various national policies are supporting the empowerment of women and their right to work. Female participation rate at Bole Arabssa condominium houses building construction industry is crawling far behind from what ought to be, though addressing discriminatory practices against women, and facilitating equality between men and women in political, social and economic fields for betterment of their human rights and making them beneficiary of their fruits of labor is the objective of different national policies, like National Policy of Ethiopian Women, in Ethiopia.³¹⁵ Female employees share only 21.78 percent from the total labor force engaged at Bole Arabssa condominium houses building

³¹³ Interview with Informant 1, Female Employee, on January 22, 2017.

³¹⁴ Interview with Employers, Bole Arabssa Condominium Houses Building Project Site Contractors, on March 22, 2017.

³¹⁵ NPEW, supra note 22; Ethiopia. 2002. Sustainable Development and Poverty Reduction Program (SDPRP). 2002/03 - 2004/04.p.123. facilitating equality between men and women in social, economic and political spheres to made women beneficiary from their fruits of labor and to realize their human rights was one of the goal of SDPRP; FDRE. 2015. Growth and Transformation Plan GTP II) 2015/16- 2019/20.p. 85-86. Gender equality in employment is one of the specific objectives of GTP II.

construction industry.³¹⁶ 45.14 percent of female employees from 21.78 percent are highly concentrated at lower working positions like mixing cement, fetching and carrying bricks (divisions of task called Finishing works) which make the life of female employees' unhappy, because of the fact that most of the female employees have not especial skill like bricklayer, masonry and carpenter.

Multiple factors attribute for low participation rate of female employees at Bole Arabssa condominium houses building construction industry, though commitments have been promised through various series of policies and strategies by reaffirming the role of women in the economic development due to the greater proportion in the labor force and protections they deserve as a human being.³¹⁷ Accordingly this study discerns causes for low participation rate of female employees at Bole Arabssa condominium houses building construction industry as follows:

Unwillingness of Contractors to Employ Female Employees:

Contractors are reluctant to employ female employees at Bole Arabssa condominium building construction industry. As all participants of this study reiterate contractors are highly disinclined to hire female employees because of their negative attitude about female's ability to do blue-collar work and fearing to fulfill protection for female employees, like maternity protection which is considered as paying money for "unproductive labor" and exposed for economic loss by contractors . One informant said that:

³¹⁶ Addis Ababa Houses Building Project Office Micro and Small Scale Industry Development Sub-process, supra note 293.

³¹⁷ NPEW, supra note 22.

*In this condominium building construction site I do not think employers has good attitude about females' ability to do construction works as males'. I believe employer consider female workers as they did not fit for blue collar work like what the majority the people suppose. In fact they do not explicitly reject female workers rather they responded for them as they have not opening. They hire when male job seekers appear.*³¹⁸

As the cause for low participation rate of female employees is conveyed in the above citation by informants, contractors are not open to employ female workers at Bole Arabssa condominium houses building construction site by undermining female workers abilities to do construction industry activities. Because of this fact contractors systematically discriminate female employees from the sector. The other informant ascertains this fact by saying “*mostly, when female job seekers appear and ask for job they reject them. I have never seen when they reject a male job seeker unless there is no opening or they do not agree with payments.*”³¹⁹ From the above enunciation of informant’s it is easy to validate hesitation of contractors to employ female employees in the sector is one of the causes of low participation rate of female employees at Bole Arabssa condominium houses building construction site, though revising socio-cultural attitude of individuals to eliminate discriminatory customs and prejudice which result in superiority or inferiority of either sex or stereotyped role of either sex is the responsibility of the government.³²⁰ However, Bole sub-city office of LSA occupational safety and health core process is giving training for employers to eliminate their negative attitude about female employees and open their job opportunity equally without discrimination even though it is not as

³¹⁸ Interview with Informant 2, Female Employee, on January 22, 2017.

³¹⁹ Interview with Informant 7, Female Employee, on February 17, 2017.

³²⁰ CEDAW, Article 5(a).

the office is expecting.³²¹ Hence, the problem here is employer's reluctance to treat female employees from any discriminatory behavior, and failure of the government to follow up the implementation of policies after they give training for employers.

Culture:

The image of construction industry in the dominant local culture is one of the major barriers that hinder female workers. Members of the society do not consider construction industry as a place of work for female workers. It is rather considered as reserved occupation only for males, because they consider construction industry as a male dominated occupation which requires strength and tolerance for unique construction workplace conditions.³²² Communities' attitude discourages female employees from involvement at construction industry. This attitude is common as Bole Arabssa condominium houses building construction site employees. One respondent of this study expressed it as follows:

The communities have not good attitude for female employees to be a construction industry worker. Let me tell you mine experience. I was working at a certain private house around Ayat at Bole sub-city as daily help worker. However I have been fade up with that job because of prolonged work and with the behavior of my employer. Finally, I decided to leave that job and to join construction work. However, my husband, who is worker at Bole Arabssa condominium building construction site, really offended when I told my decision, and he said no, it is not female workplace, it is full of harassment, male

³²¹ Interview with Bole sub-city Office of LSA, Occupational Safety and Healthy Treating Officer, On March 24, 2017.

³²² Agapiou, A. 2002. "Perceptions of Gender Roles and Attitudes toward Work among Male and Female Operatives in the Scottish Construction Industry, Construction Management and Economics." In Construction and Women: Promoting Construction Careers for Women in the North West, edited by Dilanthi Amaratunga, 997-705. P. 20; Gale, A.W. 1994a. "Women in Non-traditional Occupations: The Construction Industry." Women in Management Review 9(2): 3-14.

*employees disturb you and a lot. In fact I thought like him and others also thought like this, but I did not have any option other than joining construction workplace by the time. However, finally we agreed to work at construction workplace until I get better job and he searched a job for me at his workplace i.e. Bole Arabssa condominium building construction site. Thus, what we understand from this the communities' attitude discourages females from involvement at construction industry.*³²³

Hence, culture is the other factor for low engagement of female employees at Bole Arabssa condominium houses building construction site, because the belief that female employees are unfitted for blue-collar works and discouragement of female employees from participation at construction industry is common at Bole Arabssa condominium houses building construction site.

5.1.2. Working Conditions of Female Employees; Rights of Female Employees after Starting Work

Employees, once they accept the offer made by the employer, have several rights. This part deals with presenting the rights and working conditions of female workers' at Bole Arabssa condominium houses building construction site by drawing on some key variables;

Wage and Equal Remuneration Rights:

Equal remuneration is basic right at work that must be respected for all employees without discrimination on the grounds of discriminatory criteria such as sex.³²⁴ Women workers have the

³²³ Interview with Informant 5, Female Employee, on January 24, 2017.

³²⁴ ILO Convention. 1951. Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, adopted on June 29, 1958. (Entered into force on May 23, 1953). Article 1(b).

right to equal pay for the same work without discrimination.³²⁵ FDRE labor proclamation also stated as women employees shall paid equal payment like men for the same task they did without discrimination.³²⁶ However, this study revealed, an equal remuneration right of female employees at Bole Arabssa condominium houses building construction site is not observed. All informants of this study mention that female employees are less paid. Accordingly, it is common to see a minimum of fifteen birr difference in their daily payment between female employees and male employees. Skilled male and female employees are paid one hundred seventy (170) birr per day, and unskilled female employees paid sixty-five (65) birr per day while male employees are paid eighty (80) birr. As one participant of FGD stated *“female employees received less amount of money unlike to male employees though they are doing the same task.”*³²⁷ Female employees of Bole Arabssa condominium houses building construction site confirmed that gender pay gap is one of the serious problem they faced at their workplace.³²⁸ However, they fear to ask this and said that: *“We didn’t ask the reason for such different payment method because we afraid because they may dismiss us from our job.”*³²⁹ The problem of discrimination in wage is prevalent on unskilled female employees. Skilled female employees paid the same amount of remuneration with male employees though their number is very limited. Employers have no convincing justification for gendered wage gap and their response is:

“It is common across any construction industry to pay less wages to female employees as compared to male employees, and we are paying what most construction workplace

³²⁵ FDRE Constitution, supra note 14, Article 42(1)(d).

³²⁶ Labour Proclamation, supra note 20, Article 87(1).

³²⁷ Discussion with FGD-1 Members, Male and Female Employees, on February 17, 2017.

³²⁸ Discussion with FGD-2 Members, Female Employees, on February 17, 2017.

³²⁹ Interview with informant 2, Female Employee, on January 22, 2017.

employers are paying for female employees. Thus, gendered wage discrimination is not a unique practice for us.”³³⁰

This study found out that there is gender wage gap at Bole Arabssa condominium houses building construction workplace which is a violation of employment rights of female employees though the labor proclamation says there must not be discrimination on remuneration,³³¹ and Bole sub-city MoLSA occupational safety and healthy treating office is doing to eradicate gendered wage as the officer said.³³²

The Right to get Payment for Overtime Work:

Employees are expected to do eight hours per-day.³³³ When limit of working hour was sited to eight hours per-day,³³⁴ the aim was to create good working environment for workers like enough leisure and time for social life and recreation. According to the ILO “*the regulation of working time impacts on the protection of the physical and mental health of workers; the reconciliation of work and personal life, which is of growing importance and has a direct impact on employment opportunities for men and women; and wages, including overtime.*”³³⁵ Due to this fact workers have a right to gain payment for a work they engaged over eight hours per-day called over time work payment.³³⁶

³³⁰ Interview with Employers, Bole Arabssa Condominium Houses Building Project Site Contractors, on March 22, 2017.

³³¹ Labor Proclamation, supra note 20, Article 87(1).

³³² Interview with Bole Sub-city Office of LSA, Occupational Safety and Healthy Treating Officer, On March 24, 2017.

³³³ Labor proclamation, supra note 20, Article 61.

³³⁴ ILO. 1919. Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week. Adoption: Washington, 1st ILC session (28 Nov 1919) (Entry into force: 13 Jun 1921). Article 2.

³³⁵ ILO, 2013, Working Conditions Report, a Global Review, Geneva, Switzerland. P.4.

³³⁶ Labor Proclamation, supra note 20, Article 66.

Overtime work is common at Bole Arabssa condominium houses building construction project site and employees engage on overtime work and having payment for overtime work is a right of employees.³³⁷ However, this study revealed that employees are not gaining appropriate payment for their overtime work and employers confirm that they are not paying according to the law though they are paying certain amount of money for overtime work.³³⁸ One informant said that *“we do overtime work after 5:00 pm and on Sunday, but we do not get what we deserve and we are simply paid based on normal wage payment procedure i.e. 8.125 birr per hour for all type of overtime works we do. Sometimes they may not give totally and consider it as our obligation.”*³³⁹

Bole Arabssa Condominium houses building construction site female employees’ payment per day is 65 birr which is 8.125 birr per hour. However, According to article 68 of the labor proclamation, female employees deserve overtime payment of 10.15 birr per hour for overtime work between 6:00 a.m. and 4:00 p.m., 16.25 birr per hour for a work done on weekly rest day and 20.31 birr per hour for a work done on public holidays. But, the payment procedure for overtime did not keep what is stated above and sometimes employees may not gain payment for their overtime work at all. As it is inferred from this, Bole Arabssa condominium houses building construction site did not respects the rights to get payment for overtime work of female employees. Even though, overtime work is not solely a problem of female employees; it is mostly concerns female employees because of the fact that female employees are mostly participant on overtime work. Female employees work activities such as watering the building on festive days and holidays. Due to this, mostly, violation of the right to have payment for overtime work is apparently committed on female employees.

³³⁷Labor Proclamation, supra note 20, Article 68.

³³⁸ Interview with Employers, Bole Arabssa Condominium Houses Building Project Site Contractors, March 22, 2017.

³³⁹ Interview with Informant 3, Female Employee, on January 24, 2017.

Protection for Young Workers:

FDRE labor proclamation gives especial protection for young employees. According to this proclamation young employee should not work over seven hour per day, overtime work, on their weekly rest day and public holidays.³⁴⁰ However, young female employees are working on the above occasions without any preconditions and protections. Three informants from ten informants were young worker (of the three two of them are sixteen and one seventeen years) who has not got any protection what the proclamation supposed to. Moreover, it is prohibited to employ young workers at elevated construction project on scaffolding, according to MoLSA directive on prohibited employment of underage workers.³⁴¹ But, young employees are working there without any protection. Employers said they have no awareness about especial protections of young employees.³⁴² However, Bole sub-city bureau of Labor and Social Affairs stated as employers have gained trainings.³⁴³ What can be understood from this is that there is lack of commitment to implement polices from employers themselves and also lack of commitment from the government authorities to follow-up. Hence, young female employees are exposed for double employment rights violations at Bole Arabssa condominium houses building construction site.

³⁴⁰Labor Proclamation, supra note 20, Article 89-91.

³⁴¹ FDRE MoLSA. 2013. Directive on Prohibited Works of Young Worker. Addis Ababa. Article 1 (f).

³⁴² Interview with Employers, Bole Arabssa Condominium Houses Building Project Site Contractors, on March 22, 2017.

³⁴³ Interview with Bole Sub-city Office of LSA, Occupational Safety and Healthy Treating Officer, On March 24 2017.

The Right to have Hygiene Facilities at Workplace:

“The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction”³⁴⁴ is basic rights of workers that shall be fulfilled at workplace especially for women since it is necessary due to nature like ministration. According to ILO convention No. 155 on occupational safety and health, health at work shall include “not only the absence of disease and infirmity but also physical and mental element affecting health which is directly related to safety and hygiene at work.”³⁴⁵ Hence, sanitary and washing facilities at workplace are basic entitlements that must be fulfilled to safeguard safety and health of employees. However, this study revealed that Bole Arabssa condominium houses building construction site does not have the minimum hygiene facilities. Informants point out that there is no clean water, toilet, room for rest, etc. One informant uttered the problem of water at workplace as follows:

*Even if we are working under the sun light there is no running water. It is very hard. We use dirty and green like water for washing. This water is brought by water tanker. We don't know where the water is fetched from. The purpose of this water is for mixing mortar. It spoiled after it gets here because of staying for long period at underground tanker. Therefore, the water has created medical problem on our hand.*³⁴⁶

Employers believe that hygiene facilities must be available at workplace to protect the health of employees which is more necessary for female employees. However, they said the government shall have responsibility of fulfilling hygiene facilities by installing water pipeline and by

³⁴⁴ CEDAW, supra note 15, Article 13(1) (f).

³⁴⁵ ILO Convention No. 155 on Safety and Health at Occupation. Article 3(e).

³⁴⁶ Interview with informant 2, Female Employee, on January 22, 2017.

preparing temporary toilet service.³⁴⁷ Addis Ababa city houses building project office, the immediate representative of the government on the process of condominium houses building, reaffirm that the office is not addressing the issue because of the nature of the project which tends to be temporary and their major objective is following up the process of the condominium building project.³⁴⁸ This problem resulted from the failure of both employers and government to carry out their respective responsibilities. Government has a responsibility to supply construction materials like cement and water. As a result, employers used this as a justification as they are not responsible to supply water for employees. However, according to MoLSA directive on “Occupational Safety and health Directives” employers shall provide adequate clean water, toilet and facilities for personal washing.³⁴⁹ Hence, supplying water for employees is the responsibility of employers because employers themselves have entered into agreement with employees not the government. However, the government has a duty to fulfill basic infrastructures like water access beyond protecting employees from imminent human rights violations.³⁵⁰ Hence, the employers and government are both failing to discharge their responsibility at Bole Arabssa condominium houses building construction site.

The Right to Leave:

A) Maternity Leave and Protection:

As this study find out, Bole Arabssa building construction site is less protective for maternity rights. It is difficult for women to get maternity protection and leave. One of the informants said *“Last year, one of our friends used to work here. But when she gave birth she didn’t receive*

³⁴⁷ Interview with Employers, Bole Arabssa Condominium Houses Building Project Site Contractors, March 22, 2017.

³⁴⁸ Interview with Addis Ababa Houses Building Project, Building Facilitation Vice Manager Office, January 25, 2017.

³⁴⁹ FDRE MoLSA. 2008. Occupational Safety and Health Directives. Addis Ababa. Article 20(1)(a-b).

³⁵⁰ FDRE Constitution, supra note 14, Article 41(4).

payment and they hired another person in her place. Our employer immediately ceased her payment.”³⁵¹ Another participant of this study said that “I wish to have a child, but it is impossible as long as I am here because they did not give permission. This is alarming issue for me because I should to have a child by this time.”³⁵² Thus, it is hard to say maternity protection and leave rights is respected at Bole Arabssa condominium houses building construction site though FDRE labor proclamation states “an employer shall not terminate the contract of employment of women during her pregnancy and until four months of her confinement.”³⁵³ Employers tolerate female employees while they are productive and hire another when female employees get pregnant because they said it is business and faced risk if they paid “unproductive female employees” i.e. pregnant female employees.³⁵⁴ However, Bole sub-city of labor affairs office reiterate as they give training for employers to respect female maternity rights when they get pregnant.³⁵⁵

B) Sick Leave:

Employees have the rights to get sick leave if they completed their probation period and the cause for their sickness is other than resulted from employment injury.³⁵⁶ Accordingly employees have the right to get sick leave for the first one month with full of their salary, the second consecutive two month with half of their salary and the next three month without salary.³⁵⁷ Nevertheless, employees at Bole Arabssa condominium houses building construction site do not have sick leave unlike to male employees which has sick leave and employers are

³⁵¹ Interview with Informant 1, Female Employee, on January 22, 2017.

³⁵² Interview with Informant 4, Female Employee, on January 24, 2017.

³⁵³ Labor Proclamation, supra note 14, Article 87(5).

³⁵⁴ Interview with Employers, Bole Arabssa Condominium Houses Building Project Site, Contractors on March 22, 2017.

³⁵⁵ Interview with Addis Ababa Houses Building Project, Building Facilitation vice Manager Office, January 25, 2017.

³⁵⁶ Labor Proclamation, supra note 14, Article 85.

³⁵⁷ Ibid, Article 87.

voluntary to give it for them since they have skill though it is not base on the law. They have expressed this problem as follows:

*“It is difficult to get sick leave at Bole Arabssa condominium building construction site. Employers may tolerate us for a maximum of three days without payment if they are generous. But, after three-days they might hire another employee.”*³⁵⁸

As it can be understand from the above expression, one, employers give three days for employees without payment which is against the principle of sick leave; two, employers will terminate contract of employee after three-day if an employee on sick leave do not come back within three days which is again a violation of employment rights of employees. Thus, employees have not the entitlement of sick leave. In fact sick leave is a problem for both female and male employees. However, it is easy to understand that absence of sick leave will be more problematic for female employees because construction place female employees are unskilled workers that may face difficulties to lead their life if they fired from construction workplace and this is what forced them to work at construction workplace which has hostile working environment.

C) Weekly Rest Day:

*“A person shall be entitled to a weekly rest period consisting of not less than twenty-four non-interrupted hours in the course of each period of seven days.”*³⁵⁹ For that reason Employees at Bole Arabssa condominium houses building construction site have one day per a week rest day mostly on Sunday, however, it is without payment.³⁶⁰ Female employees are more victims for absence of weekly rest day, because female employees work on Sunday and water buildings, and

³⁵⁸ Discussion with FGD-1 Members, Male and Female Employees, on February 17, 2017.

³⁵⁹ Labor Proclamation, supra note 20, Article 69(1).

³⁶⁰ Discussion with FGD-1 Members, Male and Female Employees, on February 17, 2017.

employers promised payment for overtime work. However, female employees do not get overtime payment for the work they did on their rest day.³⁶¹

D) Annual Leave:

Employees have the right to get annual leave and any agreement of employees to waive this entitlement shall not have effect.³⁶² Annual leave of employees is with payment that is equal with payment what employees would have received if they had continued to work.³⁶³ It is prohibited to pay money in exchange of annual leave.³⁶⁴ However, *“a worker whose contract of employment is terminated under this proclamation is entitled to his pay for the leave he has not taken.”*³⁶⁵ Employees of Bole Arabssa condominium building construction site do not exercise their annual leave entitlement despite the existence of this right that is granted on the proclamation. One informant said that *“I am working at this construction site with this contractor for more than two years, and I was also with him at another project before I started working here. But still I do not take annual leave.”*³⁶⁶ As a matter of fact annual leave is not a problem for female employees only, it is for male employees also too. However, employers give few days for male employees if they want to visit their family and for other purpose - though it is not based on the principle of annual leave - because of fearing of losing experienced male employees.³⁶⁷

³⁶¹ Discussion with FGD-1 Members, Male and Female Employees, on February 17, 2017.

³⁶² Labor Proclamation, supra note 20, Article 76(1).

³⁶³ Ibid, 77(3).

³⁶⁴ Ibid, 76(2).

³⁶⁵ Ibid, 77(5).

³⁶⁶ Interview with Informant 1, Female Employee, on January 22, 2017.

³⁶⁷ Discussion with FGD-1 Members, Male and Female Employees, on February 17, 2017.

E) Festive and Holiday Leave:

A worker shall not be deprived payment because of having not worked on holidays.³⁶⁸ There is no payment for holiday leave for employees at Bole Arabssa condominium houses building project site. Employees have Festive and holiday leave without payment. One participant of this study said that *“there is sick, holiday and festive leaves without pay. Therefore, I don’t believe it is a leave. It is something like to reserve your place until you return back.”*³⁶⁹ As it can be understood from this it is difficult to argue festive and holiday leave rights of employees is protected at Bole Arabssa condominium houses building construction site though FDRE labor proclamation proclaim holiday leave is basic employment rights of employees that must be respected at work.³⁷⁰

Occupational Safety, Health and Working Environment:

Prevention and reduction of occupational accident, disease, injuries and damage is basic foundations of ILO. Reducing occupational accident and disease, enhancing social, physical and mental wellbeing of workers and adopting favorable working condition and equipment are the goals of ILO. However, this study revealed that occupational safety and health was less respected at Bole Arabssa condominium houses building project site. There is no toilet, and working environment is not safe. One of the informant said that *“the required things are not in place here. Employers don’t care for workers; they just worry about their building.”*³⁷¹ One participant of this study explain unsafe ladder at their workplace by saying that *“the ladder is made of wood. It was placed here when the construction started. It is exposed to rain and sun. It is very scary to*

³⁶⁸Labor Proclamation, supra note 20, Article 74(1).

³⁶⁹ Interview with Informant 9, Female Employee, on February 19, 2017.

³⁷⁰Labor Proclamation, supra note 20, Article 74.

³⁷¹ Interview with Informant 8, Female Employee, on February 19, 2017.

go up and down on the ladder while loaded with heavy items”³⁷² However, employer believe as the ladder is safe at workplace even though this study proof the safety of the ladder is not as employer said so. MoLSA Occupational Safety and Health Directives proclaim “*where portable wooden ladders are constructed on the job site, they shall be of sound construction and maintained to withstand the stresses in their use.*”³⁷³ But the practice is far from this Occupational Safety and Health Directive principle on scaffolding safety.

“*An employer shall provide and maintain, separately, for the use of men and women workers adequate and suitable toilet and facilities for personal washing.*”³⁷⁴ However, toilet is the problem at Bole Arabssa condominium houses building construction site yet. One participant of this study explicates the problem of toilet and its consequence as follows:

*There is no toilet. We should go to bush. Even we always quarrel with our employer when we ask permission to go toilet (to the nearer bush) since we would like to go together. Last year I fell sick and went to hospital and I was told that I am having urinary tract infection. The reason was to hold urine for long period of time and lifting heavy objects. Even if I was told that the solution is drinking lots of water I am not doing it at current time because the work place where I am working has no toilet.*³⁷⁵

As it inferred from the above interview there is no respect for occupational safety and health rights, even though providing toilet and other facilities is the responsibility of employers.³⁷⁶ Even the failure to give respect for occupational safety and health give birth for other problem. For instance as it is expressed above by one participant of this study absence of toilet leads female

³⁷² Interview with Informant 3, Female Employee, on January 24, 2017.

³⁷³ FDRE MoLSA, supra note 349, Article 122(2).

³⁷⁴ Ibid, Article 20(1) (a).

³⁷⁵ Interview with Informant 9, Female Employee, on February 19, 2017.

³⁷⁶ FDRE MoLSA, supra note 349, Article 20(1)(a).

employees to quarrel with their employer since they request their employer for toilet to go together to escape from fear and imminent danger like harassment at toilet i.e. at their nearer bush.³⁷⁷

The Rights to Protection from Occupational Segregation:

Any segregation or exclusion based on sex, race, age or other ground which deprives equal opportunities to participate at employment constitutes discrimination or occupational segregation.³⁷⁸ Bole Arabssa condominium houses building construction site is gendered workplace. There are activities specifically designated for female employees only. Activities like fetching water, watering buildings, cleaning activity, carrying etc. are considered women's work at Bole Arabssa condominium houses building construction workplace. However, they are also equally participating with men in other activities like mixing mortar and bricklaying which exposed female employees for more workload at Bole Arabssa condominium houses building construction workplace. But female employees paid less amount of money despite they engaged in the above activity like men. Employers claim that they do not commit any forms of discrimination.³⁷⁹ But this study revealed that employer discriminated female employees from equal engagement at their workplace in the name of protection, though impairing equality of opportunity or treatment based on sex is discrimination.³⁸⁰ Hence, gender based division of work is one feature of Bole Arabssa condominium houses building construction site which is a

³⁷⁷ Discussion with FGD-2 Members, Female Employees, on February 17, 2017.

³⁷⁸ ILO convention No. 111 (Convention concerning Discrimination in Respect of Employment and Occupation). Article 1(a).

³⁷⁹ Interview with Addis Ababa Houses Building Project, Building Facilitation Vice Manager Office, January 25, 2017.

³⁸⁰ ILO convention No. 111 (Convention concerning Discrimination in Respect of Employment and Occupation). Article 1(a).

violations of basic employment rights of female employees. This is based on accounts of informants and my own observation during the fieldwork.

The Rights to have Workers Association:

“Workers and employers shall have the right to establish and form trade unions and employers associations, respectively and actively participate therein.”³⁸¹ However, this study find out Bole Arabssa condominium houses building construction site employees have not worker association, though it is described under various human rights document as basic employment rights of employees.³⁸² Even employees do not have awareness about workers association. One informant of this study said:

*We do not have workers association. And, I think it is very hard to establish it, because we have no knowledge or courage to establish workers association. The second reason is the nature of the job doesn't allow us to do so. The third reason is employers may not allow establishing this. Nevertheless, I would be happy if such association is established through support of the concerned organ since it may benefit us.*³⁸³

As it can be understood employees do not have prior information about the legal right of employees to set up workers association and it is one challenge to form workers association at their workplace though the state has the responsibility to protect citizens' rights from imminent violations. Absence of workers association has more impact on female employees, because they are the most vulnerable sections of employees that faced various challenges which may not exist if workers association were established.

³⁸¹Labor Proclamation, supra note 20, Article 113(1).

³⁸² UDHR, supra note 14, article 23(4); ICESCR, supra note 14, Article 8(1); FDRE constitution, supra note 14, Article 42(1); Labor proclamation supra note 20, Article 113.

³⁸³ Interview with Informant 7, Female Employee, on February 17, 2017.

The Rights to get Health Insurance:

*“In addition to the first aid services contained in these directives, the competent authority may order the establishment of other occupational health services that are considered necessary to ensure the safety of and health of the workers.”*³⁸⁴ However, this study found out sickness insurance was not offered for employees at Bole Arabssa condominium houses building construction site, though it is one basic right of employees i.e. *“where an employment injury is sustained by a worker during or in connection with performance of work, employers shall have the duty to provide the injured worker with first aid in time and to carry injured worker by appropriate means of transport to the nearest medical center.”*³⁸⁵ Participants of this study confirmed as there is no emergency toolkit.

*We have no emergency health care unit. To your surprise we don't have alcohol to clean wounds. I am very sad that no concern is given to such problems at construction sites. As far as I know, many accidents at construction sites occur due to lack of safety and precaution measures, but I haven't seen one who goes to clinic with the support of our employer organization. Employees themselves cover their medication cost if the case happens.*³⁸⁶

As it can be inferred from the above interview with participant of this study it is difficult to say that Bole Arabssa condominium houses building Construction site employees have the right to get sick insurance is protected. This problem is more severe on female employees since they may have not equal property management right in their home especially if they are married which has an impact on their need to get medical treatment. As one informant said, she fears her husband to

³⁸⁴ FDRE MoLSA, supra note 343, Article 62(1).

³⁸⁵ Labor Proclamation, supra note 20, Article 91(1) and 104(1) a-b.

³⁸⁶ Interview with Informant 10, Female Employee, on February 19, 2017.

ask him as she wants to go to clinic for medical treatment in fearing of her husband negative response. Because of this she said that, she keeps the damage until it recovers without medical treatment.³⁸⁷ This implies that the effect of absence of medical insurance on female employees to get medical treatment personally because of lack of agency to administer their property equally with their husband.

The Rights to get Remedies and Compensation:

Employees have the rights to get necessary remedies if an employment injury is sustained by a worker during the performance of work or activities in connection with work.³⁸⁸ However, all participants of this study at Bole Arabssa condominium houses building construction site reiterate as it would be difficult to get remedies and compensation, though they did not experienced yet. One participant of this study accented the status of the rights to get remedies and compensation at Bole Arabssa building construction site as follows:

*I heard about compensation. But I have never seen anyone who received it. Of course I didn't witness an accident that result payment of compensation. But it may not be difficult to guess as they will refuse if the case happens, because they are reluctant to give medical treatment for petty accidents.*³⁸⁹

As this study revealed, at Bole Arabssa condominium houses building construction site there is not even emergency aid equipment which show employers nonchalance to give sick insurance. Thus, this study come across the right to get remedies and compensations of female employees at Bole Arabssa condominium houses building construction site is not protected.

³⁸⁷ Interview with Informant 4, Female Employee, on January 24, 2017.

³⁸⁸ Labor Proclamation, supra note 20, Article 95(1)

³⁸⁹ Interview with Informant 5, Female Employee, on January 24, 2017.

The Rights to be protected from Unfair Dismissal from Work:

Whenever there is reduction of workers, employers shall do this in consultation with trade union and representatives of workers, and shall follow prescribed procedures.³⁹⁰ This principle is also applicable for construction workers if work force reduction is before the work for which workers are employed is completed.³⁹¹ However, unfair dismissal of employees during workers reduction is likely an alarming problem across Bole Arabssa condominium houses building construction site. This study found out unfair reduction of workers is common at Bole Arabssa condominium houses building construction workplace. One participant of this study said that *“when they layoff they didn’t have any requirement. They just selected some people and told them not to return back after the coming day until we recall back if there is job. Most of victims of the layoff were women.”*³⁹² Workers at Bole Arabssa condominium houses building construction site reduced from workplace without any pre-notification. They simply do it when employers faced shortage of building materials and other problems, and it is difficult for female employees to complain about those problems to the person in charge. This problem mostly targets female employees since employers believe men are stronger than women and wish to be cost effective by allotting more work for men.³⁹³ In fact employers have the rights to give priority for those workers who have skill and high productivity rate at workplace.³⁹⁴ However, this must not be based on nationality, race, religion sex and others.³⁹⁵

³⁹⁰ FDRE Labor Proclamation, supra note 20, Article 29(3)

³⁹¹ Ibid, Article 30.

³⁹² Interview with Informant 1, Female Employee, on January 22, 2017.

³⁹³ Discussion with FGD-1 Members, Male and Female Employees, on February 17, 2017.

³⁹⁴ Labor Proclamation, supra note 20, Article 29(3).

³⁹⁵ Labor Proclamation, supra note 20, Article 26(d).

5.2. Challenges and Risks of female employees in their everyday working life

Female employees faced various challenge at Bole Arabssa condominium houses building construction site. Among challenges female employees faced at Bole Arabssa condominium building construction site discrimination, gender based violence, Lack of safety, sanitary and protections facilities (like absence of dungarees (garb), absence of water and toilet) job insecurity and workload are few of them.

Discrimination:

The discrimination which is a problem for women is clearly stipulated at CEDAW, and it is the cause for the adoption CEDAW. Accordingly, discrimination is a violation of basic human rights of women.³⁹⁶ Nevertheless, Bole Arabssa condominium houses building construction site female employees faced serious discrimination against their employment rights. Their right to work is not observed- discrimination during employment. It is also difficult for female employees to exercise their rights at work. They faced wage discrimination, unpaid overtime work and absence of leave. Hence, discrimination is a problem faced female employees at Bole Arabssa condominium houses building construction site.

Gender Based Violence:

Women has the rights to be free from any kinds of violations posed on them based on their sex, and the state has the duty to protect women from such violence by adopting necessary laws.³⁹⁷ However, among GBVs, sexual harassment is a problem at Bole Arabssa building construction

³⁹⁶ CEDAW, supra note 15, Article 1-6.

³⁹⁷ Ibid, Article 5.

site female employees despite they have the right to be free from any sexual assaults.³⁹⁸ Male employees harass females, and there is no guarantee for them. One participants of FGD said that

Gender based violence is common at construction workplace and female employs are victim of this since they lack agency to resist the coercion of males. On this year, when I was watching Ethiopian Television I have seen a video notice which portray the experience of construction female employees'. We can see lots of written banner posted across main road which says "let know ourselves and protect HIV/ADIS" by advertisers. This all conveyed a message how sexual harassment is severe across construction workplace female employees. Bole Arabssa building construction site has not different story from this.³⁹⁹

One informant enunciates the problem of sexual harassment at Bole Arabssa condominium houses building construction site as follows:

Sometimes, deliberately or unintentionally, men regard themselves as independent and superior. Sometimes they tease us. In the worst cases they harass us. The worst part is when they harass us when we are tired. On my part this is a problem I encountered in such short period of time and this is sexual harassment. A certain male coworker used to harass me. And my brother was forced to fight with him when I told him about it. Thereafter, I regret for telling my brother about the issue and it was better if I leave the job. As I afraid I didn't tell my employer about the issue. Of course it may have no difference because he doesn't care about employees. Hence, I personally believe sexual

³⁹⁸ Ibid.

³⁹⁹ Discussion with FGD Member 1, Male Employee, on February 17, 2017

harassment is one challenging problem for female employees at Bole Arabssa building construction site.⁴⁰⁰

This study revealed that sexual harassment was a violation of female employees' employment rights at Bole Arabssa condominium houses building construction site. Informants reiterate as sexual harassment is a problem that challenges them at Bole Arabssa condominium houses building construction site.

Job insecurity:

Job insecurity is the other challenge that disturbs female employees at Bole Arabssa condominium houses building construction site. Female employees are always unsecured because of fearing of firing out from their work when their employer's feel uncomfortable with them. One informant said that

We are working here by resisting all uncomfortable things being optimistic for tomorrow good life. We are working to change our life until we got a better job, but employers always threat as they can dismissed if they want and intimidate us when we commit petty mistake like tardiness unlikely to male employees Moreover we are the first victim during employee reduction time.⁴⁰¹

More over absence of protection is also the other challenge that faced female employees and impedes them from having secured job at their workplace.

⁴⁰⁰ Interview with Informant 2, Female Employee, on January 22, 2017

⁴⁰¹ Interview with Informant 5, Female Employee, on January 24, 2017.

Lack of Safety, Sanitary and Protections Facilities:

Workers shall be provided with approved safety shoes and leg protection, adequate and suitable toilet and facilities for washing, work clothing and drinking water.⁴⁰² However, employers and contractors at Bole Arabssa condominium houses building construction site have give less attention about safety of workers. This is extremely challenging for female employees to work there by resisting these safety threats. One participant of this study expresses lack of safety as follows: “*we have no safety cloth. We work with our dirty clothes.*”⁴⁰³ Absence of safety and protection is the other problem that challenges female employees which is a violation of basic employment rights of female workers at Bole Arabssa condominium houses building site work place.

Workload:

Female employees in the sector consider as assistant for male employees which exposed female employees for double burden at workplace.⁴⁰⁴ One participant said that:

*When you start working in the construction business you may not have specific work. As we are considered as supporting staff we are expected to work anything as per the instruction we receive. As female employees are not hired for specific job as male employees we are subjected to more work pressure.*⁴⁰⁵

Considering the situation even those employed female workers are subjected to workload and result in job segregation which is a violation of basic employment rights female employees in the building construction industry. Hence, there is occupation segregation at Bole Arabssa

⁴⁰² FDRE MoLSA, supra note 20, Article 20-50.

⁴⁰³ Interview with Informant 4, Female Employee, on January 24, 2017.

⁴⁰⁴ Interview with Informant 5, Female Employee, on January 24, 2017.

⁴⁰⁵ Interview with Informant 4, Female Employee, on January 24, 2017.

condominium houses building construction site against the principle of gender equality.⁴⁰⁶ Hence, allotting more work for female employees is against the principle of gender equality which makes Bole Arabssa condominium houses building construction site gendered workplace.

5.3. Conclusion and Recommendations

5.3.1. Conclusion

This study has attempted to examine the status of female employment rights at construction industries in contemporary Ethiopia through a case study of the Bole Arabssa condominium houses building construction site of Addis Ababa. Accordingly, the study has paid attention to some key variables such as females rights to work– the right to employment in a job freely chosen, of equal job access and participation rights, and protection from unemployment; and female employees rights at work- which includes rights to work, to form unions, to choose one's own employment, to have safe and health protection, to decent working conditions, to form workers association, to maternity protection and maternity leave, to receive equal and fair remuneration, and even to receive an annual holiday has been analyzed. Participation rates of female employees and factors that cause for low participation rate of female employees and causes for the violation of their rights at employment such as attitude of employers, discriminatory criteria of employers and culture of the community were considered. Likewise, challenges and risks of female employees in their everyday working life like gender based violence, Lack of safety, sanitary and protections facilities, job insecurity, discrimination and workload were discussed in the study.

As this case study revealed the employment rights of female employees at the construction industry are not adequately respected. Female employees suffer from violation of rights at

⁴⁰⁶ CEDAW, supra note 15, Article 5.

workplace which are their basic rights to employment as a human being. Due to this fact, female employees of Bole Arabssa condominium houses building construction site are facing wage discrimination which is resulted from gender preference, unpaid overtime work, deprivation of leave (maternity, annual, sick, holiday and festive days), absence of health and safety protection, absence of workers association, unfair dismissal and absence of sickness remedies and compensation.

Female Labor Force Participation Rate (LFPR) – as the study found from the case study area- in construction industry is low. The share of female employees at Bole Arabssa condominium houses building construction site is only 21.78 percent from the total labor force engaged there. Low LFPR of female employees at Bole Arabssa condominium houses building construction site is attributed to occupational segregation which is resulted from gender divergences in education, training and experience; discrimination; social norms; and the unequal distribution of unpaid care and domestic work.

Female employees of construction industry at Bole Arabssa condominium houses building construction site faced serious challenges and risks though their participation is low as compared with men. Construction place working environment is not conducive for female employees. Female employees faced gender based violence, job insecurity, workload and lack of safety, sanitary and protection facilities in their workplace. Most female employees are working by tolerating these challenges and risks facing them only because of their sex though some employees leave when they fade up with hostile environment at the workplace.

This study concluded that construction industries are gendered workplaces. It discriminates female employees. Female employees of construction industries faced employment

discrimination which is against their basic rights of work, and against ILO principle of the rights to have decent work. Likewise, female employees faced serious violation of employment rights after they joined construction workplace which constitutes violations against their work rights- rights that employees have after being a worker of certain institution or organization. Beyond the violations of basic employment rights of female employees at construction workplace, they also faced frequent challenges and risks like gender based violence which is expressed in the form of physical, sexual and psychological violence against women because they are female employees.

Employers, government and employees themselves failure of discharging their own respective responsibility accounts for the violation of employment rights of female employees at the workplace. Employees are very timorous on their employer's action and did not ask any question concerning violation of their employment rights which gave emprises for employers to continue deprivation of female employees' employment rights. As result employees did not establish labor association for fear of dismissal from workplace by their employers. Employers, who are the primary responsible agents for the violation of employment rights of female employees, did not respect female employment rights at the workplace though they have taken trainings about employment rights from labor and social affair bureau. Government (especially Labor and Social Affair Bureau) is also responsible for the violation of employment rights of female employees because there is no follow up on the protection given by employers for employees' rights though it gave training for employers. Moreover, Construction Bureau and Women and Children Affairs bureau did not have female employees' rights follow up mechanism which exacerbates violation of female employees' employment rights at construction workplace.

5.3.2. Recommendations

The overall goal of this study recommendation is to forward possible solutions for the concerned bodies which facilitate the process of ensuring, enhancing, improving and realizing female employees' employment rights at construction workplace, and to create safe working environment by removing hostile working condition that impedes the practice of female employees' employment rights. The task of suggestion involves on the practice of the existing female employees' employment rights. Accordingly, this study forward the following recommendations for stakeholders- employers, government agents and employees- who participate in the process of realizing women employment rights.

Government is a primary responsible organ to give protection for employment rights of female employees of the construction industry, because it has the responsibility to protect, fulfill and respect human rights of individuals. Hence, each concerned body of FDRE government – construction bureau, women and children affairs bureau, labor and social affairs has the responsibility to integrate female employment rights on their policy design. Accordingly,

- Construction, and Women and Children Affairs Bureau shall mainstream construction workplace employee's rights in their policy which may include female employees.
- Government shall decrease female student dropout rate at primary and secondary school to mitigate the vulnerability of illiterate female employees during employment bargaining due to lack of agency since female employees of construction industry are illiterate to bargain for the protection of their rights.
- The government shall give pre-employment training for female employees to make the participant at technical and skill work positions.

- The government shall give training for employees about their rights, which enable them to discern their right and claim when minimum labor rights get violated.
- The government shall prepare public training about women equality rights to eradicate gendered attitude of the community.
- The government shall promote the existing NGOs and civic society to advocate for women employment rights, and amend the civic society's proclamation to have more women rights advocacy organizations.
- Labour inspection must be established to follow up the implementation of employment rights.
- In long run, the government shall design policy concerning parental leave which can give moderate paternity leave in addition to maternity leave during birth to decrease segregation against women in employment and less remuneration for female employees that is created due to fear of economic loss when female gives birth. Because if moderate paternity leave is allowed for fathers, discrimination against women will be less likely to happen.

Employers have the duty to respect employees' employment rights. Accordingly, construction workplace employers shall fulfill health and safety protection materials, shall assist employees in the process of employees' union establishment, shall respect employees' rights at work and shall respect the right to work of employees- should avoid discriminatory criteria during employment. Furthermore, employers shall attend trainings prepared by Labor and Social Affairs Bureau/ministry to know employment rights, and to safeguard female employees' employment rights at construction industry.

Employees are the possessor of employment rights, and they have the right to claim their rights and to ask for better implementation of their employment rights that are acquired by them naturally as a human being. Because human rights, including employment rights, are not entitlements that are prized by government from its goodwill, rather they are inherent entitlements of human being due to dignity.⁴⁰⁷ In this regard, individuals shall claim their rights to be respected, fulfilled and protected. Accordingly, female employees have the rights to claim their employment right. To do this, female employees shall have employees' union to claim the practice and implementation of their rights, because they cannot do individually due to fear of dismissal. In fact, employees' association is not something that can be done solely by female employees; it needs the collaboration of male employees too. However, females are more vulnerable at their workplace, and due to this, they shall be the leader and pioneer of a campaign of employees' association.

⁴⁰⁷ Griffin, *supra* note 290, P. 13.

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Appendix I

Questions for Data Collection

This study is for the partial fulfillments of Master of Art in Human Rights and the study is only for academic purpose. Hence, your privacy and security is highly guaranteed. Please collaborate with the researcher and respond the following questions.

I. Question for interview for Female Employees

A. Questions on the Demography of the Respondents.

1. Can you introduce yourself (your name, Age...?)
2. What is your Education Level?
3. Could you tell me from where you come and when?
4. Could you let me to know your religion?
5. Are you married? If yes when?
6. If yes, how many and old are they?

B. Questions on Women Employment Condition at Building Construction Industry

1. When did you join this workplace?
2. Did you have any work experience in other sectors before joining this company? If yes, what were the different jobs you have done previously? Where did you work and for how long?
3. How did you join construction workplace? (By broker, through notice and recruitment

etc)

4. Why you choose to work at the construction industry?
5. What is your work position here? Do you have specified work? If no, do you think absence of specified work creates load on you more than men?
6. Do you believe employers use the same criteria to hire women and men? If not, what do you think the main reason for the difference?
7. Do you think employers have the same preferences in employing female and male employees? If no/yes, what do you think the reason?
8. Do you think women can work like men?
9. Have you concluded contract with your employer?
10. Is it oral or written?
11. Do you have the copy of your contract agreement?
12. Is your payment is the same as with men employees? If not, what is the difference? Have you ever you applied to the concerned body?
13. Do you have permanent salary payment day? If not, how do you paid?
14. For how long do you work at a day?
15. Do you work overtime? If yes, is it based on your interest?
16. Do you get salary for overtime work?

17. Do you have a chance to get leave like holiday, festive, annual, sick or maternity?
18. If yes, is it with full payment?
19. Have you experienced a state of employee reduction?
20. What were the criteria to reduce employees?
21. Do you believe employee reduction target female employee?
22. Have you experienced contract cease?
23. Was it with pre warning or sudden?
24. How do you characterize working condition of construction industry?
25. Is working environment, like the ladder, safe?
26. Do you have working materials like clothes, barilla?
27. Have you got training?
28. Do you have toilet and water?
29. Do you have labor union?
30. If yes is it functional? What activities does it perform?
31. If no, do you think it is necessary and a must to have?
32. Have you experienced sexual harassment?
33. Is there emergency clinic service?

34. If no, where did you get the service in case it happens?
35. Who covers treatment services?
36. Is there compensation for damages?
37. In general, what problems do you think female employees are facing?
38. What do you think to be done to protect female employees from employment rights violations?
39. Is there anything you would like to suggest?

II. Question for Focused Group Discussion

1. For exclusively Female Employees Group

A. Questions on the Demography of the Respondents.

1. Can you introduce yourself (your name, Age...?)
2. What is your Education Level?
3. Could you tell me from where you come?
4. Could you let me to know your religion?
5. Are you married? If yes when?
6. If yes how many and old are they?

B. Questions on women employment condition at building construction industry

1. How do you see working environment of construction industry?
2. What are the major challenges female employees faces in the construction sector? Why do you think are women facing those challenges?

3. Do women have special protection?
4. Do you have labor union? Is it functional?
5. If not, do you think it is necessary to establish?
6. How the problem is severe on women?
7. What solution do you think avert the problem of women?

2. For Inclusive Female and Male Employees Group

A. Questions on the Demography of the Respondents.

1. Can you introduce yourself (your name, Age...?)
2. What is your Education Level?
3. Can you tell me from where you come?
4. Can you let me to know your religion?
5. Are you married? If yes when?
6. If yes how many are they and how old are they?

B. Questions on Women Employment Condition at Building Construction Industry

1. How do you see working environment of construction industry?
2. What are the major challenges female employees face in the construction sector ?why do you think are women facing those challenges?
3. Do women have special protection?
4. Do you have labor union? Is functional?
5. If not, do you think it is necessary to establish?
6. How the problem is severe on women?
7. What solution do you think avert the problem of women?

III. Questions for Key Informants

1. Interview Questions for Contractors and Manager

A. Questions on the Demography of the Respondents.

1. Could you kindly tell me your name and position?

B. Questions on Women Employment Condition at Building Construction Industry.

1. Are there women workers in your organization?
2. In which sector are they working?
3. How are they recruited?
4. Is your recruitment criterion for female employees the same with male employees? Why?
5. Are there some tasks which are assigned more for women? If yes what type of activities and why are those domains more represented by female employees?
6. How do you see their performance?(low, medium, high)
7. If your response is low, or medium what do you think is the cause?
8. Do you think women can work like men? Why?
9. Which (married or unmarried) female employees do you prefer?
10. Do you think women deserve special protection? If yes what type of protection?
11. Why do you think women need those protections than their male counterparts?
12. What type of challenges do you think female employees face in construction industry?
13. How is the payment rate in your company? Are women paid the same rate like men?
Why?

14. Is there a leave (sick, birth, holiday, festive or any other) in your organization?
15. Is overtime work is based on the consent of workers?
16. How do you evaluate the overall performance of women in construction industry?

2. Interview questions for Office of Workers and Social Affair Office

A. Questions on the Demography of the Respondents.

1. Could you kindly tell me your name and position?

B. Questions on Women Employment Condition at Building Construction Industry

1. Do you have close relation with construction place worker? If yes in what ways?
2. Have you prepared conference or any other deliberations on construction place workers in general and female employees in particular? If yes, what was the theme?
3. Was there an occasion when any construction workers bring complains to you? If yes what was the case?
4. How frequent do women bring such complaints to you?
5. Is there any policy that regulates construction workplace workers in general female employees in particular? If yes, which one and how is its implementation?
6. If no, do you think it is must to formulate policy?
7. Why policy is still not adopted?
8. What do you think is the problem of female employees in construction industry?
9. Is there anything you would like to say concerning construction industry female

employees?

3. Interview questions for Office of Women and Children Affairs Office

A. Questions on the Demography of the Respondents.

1. Could you kindly tell me your name and position?

B. Questions on women Employment Condition at Building Construction Industry

1. Do you have close relation with construction place worker? If yes, in what ways?
2. Have you prepared conference or any other deliberations on construction place worker in general and female employees in particular? If yes what was the theme?
3. Did construction place worker women bring cases to you? If yes what was the case?
4. How frequent women brought cases to you?
5. Is there any policy that regulates construction workplace female employees? If yes, how is its implementation?
6. If no, do you think it is must to formulate policy?
7. Why policy is still not adopted?
8. What do you think the problem of female employees in construction industry?
9. What measures do you think shall be taken in order to protect female employee's rights at construction work place?
10. Is there anything you would like to say concerning construction industry female employees?

4. Questions for Office of Construction

A. Questions on the Demography of the Respondents.

1. Could you kindly tell me your name and position?

B. Question on Women Employment Conditions for Ministry of Construction Office

1. Is there any data on the tentative number of employees at the construction sector in this district is there any gender desegregated data?
2. Do you have especial policy protection for female employees in construction industry?
3. Have you ever been prepared training for women, contractors, managers about women employment condition? If yes, when and in which settings?
4. If no, did you think it is necessary to prepare?
5. Have you ever received cases from construction industry female employees? If yes, what was the case? How it is frequent?
6. Do you have policy on working materials like clothes and other, salary, working condition etc to protect construction industry female employees? If no, do you think it is necessary?
7. What problems construction industry female employees frequently faced do you think?
8. What are the causes for female employees rights violation do you think?
9. What measures do you think shall be taken?
10. Is there anything you would like to suggest?

Observation checklist

1. What seems the working condition?
2. Is workplace safety and protection fulfilled?
3. What are criteria for employments?
4. Is there gendered work divisions?
5. How employers treat employees?
6. What seems the relation between employees and employer?