

ADDIS ABABA UNIVERSITY

SCHOOL OF LAW AND GOVERNANCE

**TITLE:-THE SIGNIFICANCE OF COLLECTIVE AGREEMENT IN
PROMOTING THE SOCIO ECONOMIC RIGHTS OF WORKERS:-THE
CASE OF FLORICULTURES IN ETHIOPIA**

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Declaration

I, Fekadu Yilma hereby declare that the contents of this thesis represent my own work, and that the thesis has not previously been submitted as an academic work towards any qualification. In addition, it represents my own conclusions.

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ABBREVIATIONS AND ACRONYMS

CETU- Confederation of Ethiopia Trade Unions

ECHR-European Court of Human Rights

ECHRFF-European Convention on Human Rights and Fundamental Freedom

EHDA-Ethiopian Horticulture Development Agency

EHPEA-Ethiopian Horticulture Producers Export Association

FDRE- Federal Democratic Republic of Ethiopia

ICCPR- International Covenant on Civil and Political Rights

ICESCR-International Covenant on Economic, Social and cultural Rights

IFTU-International Federation of Trade Unions

ILO-International Labour Organization

LRB-Labour Relations Board

MOLSA-Ministry of Labour and Social Affairs

NFFPATU-National Federation of Farm, Plantation, Agro-Industry Trade Unions

UDHR-Universal Declaration of Human Right

UN- United Nations

UNCHR-United Nations Commission on Human Rights

USA-United State of America

WHO- World Health Organization

WWII-World War II

WWW- Women Working Worldwide

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Chapter one

Introduction

1.1. Background of the Study

The Socio-Economic rights are recognized as human rights in various international human rights Instruments. They are identified basically in the Universal Declaration of Human Rights (UDHR) and the 1966 International Covenant on Economic Social and Cultural Rights (ICESCR). The socio-economic rights provide people access to certain basic needs that are necessary for human beings to lead a dignified life. They are protected in many other documents including national constitutions. The constitutional right of workers will be enhanced and the worker becomes beneficiary of such rights through collective agreement. As provided in Article 42 of the FDRE Constitutions and the international conventions ratified by Ethiopia, collective agreement is considered as the fundamental instrument or device for the full enjoyment socio-economic rights enumerated in the FDRE constitution.

This failure of workers of floricultures to develop collective agreement through trade union cause harm against them with regard to their economic and social rights

1.2. Statement of the problem

The purpose of this paper is to indicate the significance of collective agreement in promoting the socio-economic rights of workers of the floricultures industries in Ethiopia. The assumption is that, the collective agreement concluded between the trade unions and the employer or employers association greatly promotes socio-economic rights of workers.

In the history of labour law, collective agreement is the device that plays significant role in improving the standard of labour. The Constitution of Federal Democratic Republic of Ethiopia(FDRE) under its Article 42 and the International Labour Organization (ILO) Conventions i.e. Convention No.87, Convention No.98 ratified by Ethiopia, workers are provided the right to collective bargaining to develop a collective agreement with their employer.

FDRE constitution proclaimed freedom of association for any cause or purpose which extends to right to form and join trade union, federation of trade unions and the confederation

as stated in the ILO conventions that ratified by Ethiopia and Proclamation No.377/2003 is proclaimed to achieve the goals of FDRE Constitution.

These documents set the minimum standards for some of the socio-economic rights of workers presuming they will be maximized through collective bargaining between trade unions and the employers. The laws set the standards for the conditions of works in order to protect the constitutional rights granted in the FDRE constitution which should be maximized to better standard by the collective agreement. Reasonable working hours, rights to rest, to leisure, periodic leaves with pay, to remuneration for public holidays, healthy and safe working environment and more subject to collective agreement.

Proclamation No.377/2003 attempts to set the minimum standards for some working conditions, assuming that they will be maximized to better conditions through the collective agreement that will be concluded between the trade union(s) on behalf of its members and employer or employer association.

Economic well- being of the workers is another fundamental aspect that is subjected to collective bargaining. Both the domestic laws and ILO talk less about issues of economic benefits of the workers by urging for the fair payment, equal payment for equal work assuming that the trade unions work on it during the bargaining collectively with the employer (employers association). This implies that, it is an area which is to be regulated by collective agreement. Although, the domestic laws and ILO conventions ratified by Ethiopia remain silent on setting the definite amount of fair payment of the workers, these workers as citizens have the constitutional right to receive sufficient amount of income to cover their living cost against both the employer and the state. The latter is duty bound at least to arrange the proper means that enable to employee to do so against their employer. And at the same time the International and domestic laws provide huge space to the workers to determine and secure their economic and non-economic rights through collective agreement.

From the above one can understand that collective agreement is vital to promote the enjoyment of socio-economic rights by workers. From the readings of Article 42 of the FDRE Constitution, Proclamation No. 377/2003, and Article 4 of Convention No.98 of ILO we can understand the extent of the collective agreement in promoting the economic and social rights of the workers.

Ethiopia has more than eighty five floricultures and the second largest flower producer and exporter in Africa next to Kenya.¹ The writer selected the topic the “ significance of collective agreement in promoting socio-economic rights of workers of floriculture farms” believing the sector is newly emerging compared to other sectors which have better experience in developing collective agreement. The sector ranks fifth in generating foreign revenue ²and it provided job opportunity to employees with poor remuneration. Workers of some floriculture farms managed to establish trade union and developed collective agreement but failed to secure better right than provided by Labour Proclamation. Their collective agreements are reproduction of the provision of the labour proclamation. Though, having a collective agreement which carries similar working conditions with the existing labour law of the country is not considered as unlawful practice, clearly talking, it is against reason behind for the development of collective agreement. Such practice exists as result of poor experience about the principle of give and take by both bargaining parties. Establishing trade union is legal right to promote their socio economic rights. Although workers of seventy two did establish trade unions but only twenty four of them managed to conclude collective agreement as result they failed to promote their economic and social right.³

The major objective of establishing trade union is to promote its members socio-economic rights in a better way than what the laws are providing. But what is practically being envisaged in some floriculture is trade unions have been established, but with no collective agreement perhaps because of multifarious factors that will be discussed latter.

1.3. Significance of the study

The UDHR which is adopted in 1948 by the Member States of the United Nations (UN), declares that “every person who engaged in works has the right to just and favour remuneration guaranteeing for himself and his family an existence worthy of human dignity, and supplemented, the right to a standard of living adequate for the health and well- being of himself and his family, including food, clothing, housing and medical care and necessary

¹ . Ethiopian Horticulture Producers Exporters Association, October 2014: Export Horticulture in Ethiopia Brochure

² .ibid

³ .Data from National Federation of Farm, Plantation and Agro-industry Trade Union

social service and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”⁴

The rights of workers that are provided under the UDHR are boldly re-emphasized by the ICCPR. As per this Covenant for the purpose of protecting their interest individuals are granted to form and join trade union. ILO also declared various conventions in a manner that the workers of member states able to promote their rights through the collective agreement after a collective bargaining is held between the trade union and the employer or employer association.

This paper attempts to indicate how the collective agreement plays significant roles in enhancing the socio-economic rights of workers in floriculture farms in Ethiopia that enshrined in the FDRE constitutions and international instruments ratified by Ethiopia. Despite the fact that, investment activities in floriculture sectors are highly booming and the law also provides workers of certain categories to improve their socio-economic right, through collective agreement there are practices incompatible with the law.

Therefore, this paper assessed whether the employees through their trade union able to have collective agreement that really designed in a manner to enhance constitutional rights of the workers. It benefits the trade unions, federations of trade unions and the confederation of the trade unions, the Ministry of Labour and Social Affairs (MOLSA), Labour and different Bureaus of labour and social affairs by reconsidering in the manner that it promotes the socio-economic rights of worker of floriculture farms.

1. 4. Objectives of the Study

1. 4.1. Overall Objective

The overall objective of this study is to examine the role of the collective agreement in promoting the socio-economic rights of floriculture farms workers intended by the FDRE Constitution, Proclamation No.377/2003 and other international documents that are ratified by Ethiopia.

⁴.Universal Declaration of Human Rights of 1948 Article 25 (1)

1.4.2. Specific Objectives of the study are

- It reviewed the factors that hamper the collective agreement from promoting the socio-economic rights that are recognized under the FDRE constitutions and other international conventions ratified by Ethiopia.
- It also dealt with the detrimental effects for the failure of the collective agreements in promoting the socio-economic rights of the workers.
- It evaluated the extent of the collective agreement in promoting constitutional rights of the workers.
- It discussed the current status of the collective agreement in promoting the socio-economic rights of workers in floricultures; and attempted to disclose where the problems lay.
- It attempted to locate the contributions made by the floricultures enterprises in promoting the socio-economic rights of their workers.
- It revealed the role being played by the FDRE government to enhance the socio-economic rights of the citizens by inviting the investors both from domestic and foreign.
- Finally conclusion and the possible recommendations concerning the significance of collective agreement in promoting the socio-economic rights of workers in floricultures in Ethiopia are made.

1.5. Scope of the Paper

This paper preferred confining only to the floricultures sectors in Ethiopia because of the following reasons; the sector is very young though it stands fifth in generating government revenue.⁵ Over fifty thousand peoples engaged in it as employees, despite their socio economic rights are not protected well compared to other economic sectors within the country.⁶ Because of these and other factors which will be discussed latter on in the paper the writer is interested in studying the role of collective agreement in promoting the socio-economic rights of workers of floriculture farms in Ethiopia.

1.6. Methodology

There are various types of research methods that can be used to carry out a research. Among these, applied research method is employed to carry out this research assuming that

⁵ .Ibid

⁶ . Ibid

immediate remedy will be provided to settle the problem related to socio economic rights of workers in floriculture farms in Ethiopia. Applied research method aims at finding a solution for an immediate problem facing a society or part of society or industrial or business organization.⁷ The FDRE Constitutions, labour proclamation of Ethiopia, different international instruments that deal with socio-economic rights of workers and ratified by Ethiopia and the collective agreements concluded in floricultures enterprises and their workers are utilized as primary sources.

To collect data questionnaires are distributed to leaders of trade unions of floricultures, leaders of NFFPFATU and interviews are carried out with Labour Authorities in the vicinity of floricultures.

It also consulted as secondary sources books, commentaries and others materials that deal with the issue at hand i.e. the significance of collective agreement in promoting the socio-economic rights of workers.

By analyzing the primary and secondary sources the writer revealed the significance of collective agreement in promoting the socio-economic rights of the workers.

Finally the thesis also indicated reasons that constrained the trade unions from developing an effective collective agreement which would have promoted the socio-economic rights of its members through collective bargaining between the unions and the employer(s).

It also disclosed why workers of some floriculture didn't manage to establish trade unions which are pre requisite to have an effective collective agreement which in turn is an essential instrument to promote the socio-economic rights of workers.

⁷. C.R.KoTHARI 1990:Research Methodology ,Methods and Technique, Former Principal, College of Commerce University of Rajasthan, Jaipur (India) page 3

Chapter two

The concept of Economic and Social Rights

This chapter attempts to discuss the meaning of economic and social rights, its historical development at international and national levels, mechanisms utilized to promote such rights to different groups of societies in particular the workers of floricultures in Ethiopia.

2.1. Meaning of Economic and Social Rights

Economic and social rights are these human rights recount to the right to workplace, social security, and family life, access to housing, food, water, health care and education. Despite the fact that economic and social rights may be articulated in various manner from country to country or from one document to another, it includes, the right to social security and social protection rights, protection and assistance to the family, the right to adequate standard of living, the right to health etc.⁸

It deals with freedom from forced labour, right to choose work, right to just remunerations, equal pay for equal work, right to leisure and reasonable limitation of working hours, to safe and healthy working conditions, to join labour unions, strike, not to be denied social security coverage arbitrarily or unreasonably, equal enjoyment of sufficient protection during the occasion of unemployment, sickness, old age or other lack of livelihood in conditions beyond one's capacity to regulate.

Unlike civil and political rights they carry double freedom, freedom from the government and freedom through state. Freedom from is when the government refrains from interfering to prohibit the bearer of the economic and social right where as freedom through the state, mean when the government required to provide support to the bearer of economic and social rights in order he or she enjoy it fully and justly.

Promoting economic and social right is vital. Violation of economic and social rights amounts to the violation civil and political rights; it could be the major ground for the existence of the conflicts among society. Failure to protect the economic and social rights

⁸. Office of the United Nations High Commissioner for Human Rights, December 2008: Frequently Asked Questions on Economic, Social and Cultural Rights Fact Sheet No.33 page 1

causes severe and devastating grief to other basic rights which are highly dependent on the economic and social status of an individual(s).

“The importance of economic, social and cultural rights cannot be overstated. Poverty and exclusion lie behind many of the security threats that we continue to face both within and across borders and can thus put at risk the promotion and protection of all human rights. Even in the most prosperous economies, poverty and gross inequalities persist and many individuals and groups live under conditions that amount to a denial of economic, social, civil, political and cultural human rights. Social and economic inequalities affect access to public life and to justice. Globalization has generated higher rates of economic growth, but too many of its benefits have been enjoyed unequally, within and across different societies. Such fundamental challenges to human security require action at home as well as international cooperation.”⁹

The statements made above by activists of economic and social rights remind us how such rights are important and at the same time we can forecast that architecting different implementing mechanisms to promote economic and social rights of various groups of the society. And without proper protection of economic and social rights of individuals rights will not be protected well.

After narrating the meaning of socio-economic rights, it is essential to deal with historical development of these rights at international and domestic level.

2.2. Development of Socio-Economic Rights

2.2.1. Development of Socio-economic Rights at international level

We often read about socio-economic rights of human beings that are listed above. During elections especially political leaders, political parties, electorates and media discuss deeply on the socio-economic rights of the citizens. Earlier to the development of human rights in international instruments and domestic constitutions, people made public their dedication to the precepts of decency, justice and caring in the course of cultural practices and oral traditions. “Basic rights and responsibilities such as the right to food and the golden rule of “Do unto others as you would have them do unto you, revolved around family, tribe, religion, class, community, or state.”¹⁰ The initial efforts of educated societies to put pen to

⁹.Louis Arbour, 14 January 2005: United Nations High Commissioner for Human Rights, Geneva.

¹⁰.DAVID A.SHIMAN 1999: ECONOMIC AND SOCIAL JUSTICE A Human Rights perspective page 3

paper about rights and duties traced back more than 4,000 years to the Babylonian code of Hammurabi. This Code, the Old and New Testament of the Bible, the Analects of Confucius, the Koran, and the Hindu Vedas are the five of the earliest written materials which deal with issues of peoples' obligations, rights and responsibilities. Furthermore, the Inca and Aztec codes of conduct and justice and the Iroquois Constitutions are the Native American Sources before the 18th century. The English Bill of Rights, the US Constitution and Bill of Rights and the French Declaration of the Rights of Man and the Citizen, emphasized on Civil and Political Rights. They emphasized on the rights of the citizens to equality, liberty, and due process and participation in the political life of their community and society by means of activities basically voting.¹¹

International treaties and national laws had already organized into code a lot of human rights we now refer economic, social right ahead to the adoption of the UDHR in 1948. The ILO and the World Health Organization (WHO) are the international institutions which take the credit for recognizing economic and social rights. In 1944, ILO held a conference in Philadelphia and provided recognition for variety of workers' rights confirmed that "all human beings..... have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity." Soon after WWII, the WHO 1946 adopted that "the Enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being",¹²

Countries such as Costa Rica recognized the right to education from the 1840s and late 19th century welfare reforms in some European countries introduced protection for some economic and social rights such as the right to work. Early the 20th century constitutions of some Latin American countries, namely the 1917 Constitution of Mexico, were among the earliest to consider economic and social rights as human rights.

In the 1930s measures executed in the USA and other countries set up stronger protection of worker' right and gave recognition to the state's responsibility to ensure access to basic social services, including social security, health care and housing. In 1941, Franklin D. Roosevelt the thirty-second president of the USA pointed out "four essential human freedoms" which should be guaranteed to all persons everywhere in the world": freedom of speech and

¹¹ .Ibid

¹² .Jacques Freyssinet and Hartmut Seifet 2001:Negotiating Collective Agreement on employment and competiveness page 6

expression, freedom of worship, freedom from want and freedom from fear.¹³ These were the vital sources of the motivation for the 1948 UDHR and are echoed in its preamble.

Following the end World War II (WWII) individuals working through nongovernmental organizations recommended the founders of the UN systems to consider the encouragement of variety of human rights to which all people are entitled, with no discrimination based on whom they are or where they live. In the year 1946 the Commission on Human Rights formed and outlined the UDHR which comprises basic rights to life, liberty, security as well as wide range of civil, political, economic, social and cultural rights and on 10th December 1948, it was adopted generally by forty-eight member states of the UNs, with eight countries no vote. Together with the ICCPR and ICESCR, the UDHR referred as International Bill of Rights. The Universal Declaration deals with term ‘solidarity’ which is among the major pillars of human rights systems. Solidarity represents economic and social rights which include the right to social security, just remuneration, and an adequate standard of living, health and accessible education which are the central part of the human rights framework which listed under five major headings as political, civil, economic, social and cultural rights legally delineated in two comparable covenants that collectively with the UDHR combine to define the Bill of Human Rights. The social and economic rights are components of the human rights that are recognized as universal, indivisible and interdependent body of rights, as anticipated in the UDHR. Compared to other human rights like civil and political rights, social and economic rights were provided less attention, but now a days they are being focused on increasingly. Social and economic rights are recognized as integral parts of the human rights framework in the international human rights law.¹⁴ Many have claimed international human rights organizations to pay due attention for socio-economic rights.¹⁵ As a result they managed to have these rights to be incorporated in the UDHR from Articles 23-29 that deal with economic and social rights as indicated herein under.

Article 23 of the UDHR deals with the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, the right to equal

¹³ .Ibid page 4

¹⁴ .OFFICE OF UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS 2005: Economic, Social and Cultural Rights Handbook for National Human Rights Institutions Professional Training Series No.12 United Nations New York and Geneva page 2

¹⁵ .Kenneth Roth : Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization Human Rights Quarterly Vol. 26 page 63

pay for equal work, the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection and the right to form and to join trade unions for the protection of his interests. Article 24 of the UDHR deals with the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25 of the UDHR deals with the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control, motherhood and childhood are entitled to special care and assistance and deals with right of children to enjoy same social protection without considering they are born with or without of wedlock.

From the above mentioned concepts we understand how far the concept of the economic and social rights are emphasised by the UDHR after the end of WWII. And this emphasis by UDHR on the economic and social rights again tells us how it is interdependent with other human rights like civil and political rights. After WW II is finalized, solving international problems of economic and social rights become the primary purpose and goal of the United Nations.¹⁶ Following the Declaration, the ICESCR developed in 1966 which deeply incorporates with the socio-economic rights compared to other documents developed by the United Nations.¹⁷ Then after, the concept of socio-economic rights is also broadly embodied in domestic legal systems, even though not to the same degree as civil and political rights. Many constitutions of nations of the world unequivocally appreciated economic and social rights as fully justifiable rights. Civil and political rights and economic and social rights are not fundamentally different from each other in law or in practice. All rights are inseparable and co-dependent. The inseparability and co-dependence of the whole human rights- civil, cultural, economic, political and social are the major precepts of international human rights law, again and again stated, most particularly at the 1993 world Conference on Human Rights.

All human rights need equal treatments, because they are interdependent and indivisible. Without promoting socio-economic rights it is hardly possible to promote civil and political

¹⁶ .The United Nations Charter Article 1(3) August 28, 2013

¹⁷ .Ibid

rights. As the socio-economic rights are affected adversely, the same occurred to the civil and political rights.

All human rights treaties, including the ICCPR and other treaties evidently discussing exclusively with civil and political rights, in recognizing the rights to life, equal protection of the law and freedom of association, circuitously recognize components of economic and social rights. Civil and political rights and economic, social rights should be merged, not separated. In this manner, all human rights standards can be used to encourage economic and social rights maintain. This uniform approach to human rights includes the principles of equality and non- discrimination, which form the basis of human rights law. These precepts comprise equal treatment, equal protection of the law, equal opportunity and substantive equality. Despite the fact that, by large bracket together with civil and political rights, these precepts implement equally to economic, social and cultural rights. The ICESCR remains the introductory treaty on economic, social and cultural rights. It recognizes the rights to, work and favourable conditions of work, forms and joins trade unions, social security, protection of family, mothers and children, an adequate standard of living, including adequate food, clothing and housing, the highest attainable level of health and health care.¹⁸ Many international and regional human rights bodies emphasize on economic, social rights. They make available close into the nature and content of economic and social rights and have organized considerable bodies of “jurisprudence” on these rights. The most considerable institutions dealing with economic and social rights are developed; the Committee on Economic, Social and Cultural Rights, which supervises the implementation of the ICESCR; the ECSRs, which scrutinizes the execution of the ESC and checks up grievances under a collective complaints procedure, the European Court of Human Rights (ECHR) which scrutinizes the European Convention on Human Rights and Fundamental Freedom (ECHRFF); the United Nations Commission on Human Rights (UNCHR) and its sub-commission on the promotion and protection of human rights, and the special rapporteurs appointed by them to study various issues concerning economic, and social rights.¹⁹

Protecting economic and social right is protecting the civil and political rights which are one category of human right. Failure to provide proper and fair protection to economic and social rights has an adverse effect on civil and political rights.

¹⁸ .International Covenant on Economic, Social, and Cultural Rights, 1966

¹⁹ .Supra note 15 page 7

During the Cold War, economic and social rights leaned to be contested in ideological terms between the West stressing civil and political rights while the Soviet bloc stressed the economic and social rights where as many in the West as far as to deny the very legitimacy of Economic and Social issues as rights.²⁰

2.2.2. Development of Socio-economic Rights in Ethiopia

Although Ethiopia adopted its first written constitution during the reign of Emperor Haile Sellaissie I in 1931, it ceased to be functional for about five years because of the Italian aggression. In 1941, when Emperor Haile Sellaissie I was restored to his imperial position as the result of support from British, by utilizing the military and administrative assistance to strengthen his own authority against what was remained under the position of the Orthodox Church leaders and traditional aristocracy.²¹ As the world had been insightfully changed by the war, Ethiopia was interested in establishing itself as legitimate actor in the world of nations.²² This and other situations caused the emergency of the 1955 Revised Constitution of Ethiopia which was carrying the provisions discussing with “the right to engage in any occupation and to form or join occupational association, in accordance with the law” and “the primary basis of education and social harmony” provided legal protection for the ground that the Ethiopian family as the source of the maintenance and development of the Empire.²³

Unlike the 1931 Constitution, Revised Constitution attempted to reflect the concept of the economic and social rights by inculcating the right to occupation and to form or join occupational association and right to education but gave less emphasis compared to the UDHR that was adopted in 1948.

Following the adoption of Revised Constitution Ethiopia brought to picture the first labour proclamation under the title “the Labour Relation Decree (Decree No.49 of 1962)” which was carrying in its preamble enhancement of a harmonious and voluntary co-operation of labour and enterprise for the sake of promoting standard of living, establishing of successful labour condition in each and every enterprise, settling disputes through collective bargaining,

²⁰ .Ibid

²¹ . EDMOND J. KELLER 2010 : SELF DETERMINATION AND NATIONALITY Page 66

²² .Ibid

²³ . Imperial Ethiopia Government Revised Constitution Proclamation No.149/1955, 4th November 1955 Article 47 and Article 48, Addis Ababa.

between the workers and the employers; and the formation of an institutional framework as a principal objective.²⁴ From the statements of the Labour Relations Decree of the 1962 that picked by Mesfin Seleshi, we can draw two major objectives of the decree that are the pillars of the economic and social rights; promoting model standard of living, and successful labour conditions. And also this Decrees put in our mind how the concept of economic and social rights workers was in progressive.

Almost after a year, in 1963 Parliament after resuming office from break enacted another proclamation which was carrying a title “The Labour Relations Proclamation No. 210/1963 by repealing the preceding Labour Relations Decree. The ratification of ILO convention No.87 and convention No.98 by the same year as well as the existence of the concept of the right to engage in any occupation and right to form an association were the major reasons that caused the introduction of Labour Relation Proclamation No.210/1963.²⁵ Again three years later, the Labour Standard Proclamation No.232/1966 was introduced. The preamble of this proclamation stated that the intention was to establish and define labour standards that can provide protection to life, physical integrity, health and moral standing of the workers.²⁶ The Proclamation imposed on the employers the obligation to pay equal remuneration for works of equal quality irrespective of their sex.²⁷

Despite the fact this labour standard proclamation did not include all the labour standards recognized by the International Labour Organization, it had made an encouraging move during the reign Emperor.

After the Emperor Haile Sillassie I had been overthrown by military power, a new proclamation emerged with the title “the Labour Proclamation No.64/1975” The preamble of this proclamation stated its purpose to get better the standard of living of the worker by protecting him/her from misuse, escalating employment opportunities and eliminating unemployment, organizing workers in trade unions in line with socialist principles, achieving maximum “production through improved efficiency and systematic work methods as well as

²⁴ .Mesfin Seleshi 2011:The Extent of Compatibility and Limitations of the Labour Proclamation No.377/2003 visa-a-vis Fundamental ILO Conventions page 54

²⁵ .Pro.Dr. Mehari Redae 2009: Employment and Labour Law, Teaching Material under the Sponsorsip of the Justice and Legal System Research Institute page 84

²⁶ .Proclamation No.232/1966(Labour Standards Proclamation Negarit Gazeta, 25th ,year,No.13, 1966 as cited by Mesfin Selesh

²⁷ .Ibid Article 13

the participation of workers in the management of undertakings’²⁸. This proclamation carried provisions that deal with matters on contract of employment, probation, transfer, severance pay and compensation, minimum labour conditions, trade unions, collective agreement, and trade dispute settlement which are the components of economic and social rights.²⁹ Latter the Dergue introduced a new constitution which was the third written constitution in the history of Ethiopian politics, cited as Proclamation No.1 of 1987. This Constitution attempted to include the elements of economic and social rights. According to this Constitution equal participation in economic and social affairs were among the pillars for ensuring equality among all Ethiopians.³⁰ The same constitution dealt with the duty of the government in providing special support to women particularly in education, training and employment for the purpose of enabling them to participate in political, economic, social and cultural matters on an equal basis with men. The Constitution again stated that the government is duty bound to take appropriate measures to provide women with health services, suitable working conditions and sufficient rest periods during pregnancy and maternity.³¹ Guaranteeing the right to work, right to rest, the right to limited working hours, rest periods and right to leisure of working people for the social services purpose, and the right to health care were stipulated as duty of Dergue regime.³²

The 1987 Ethiopian Constitution attempted to carry provisions that provided more emphasis to matters related to economic and social right including that of the working groups compared to the preceding two constitutions.

From readings of proclamation No.64/1975, the 1987 constitution tend to indicate that during the Dergue regime more protection was provided to the workers, because of the influence socialist idea.³³

²⁸.Getachew Minas, MA in Economics, Northeastern University (USA), Yared Berhe, LLB in Law, Addis Ababa University2011: The Impact-of- Ethiopian- labour-laws- on business-efficiency and competitiveness page 11

²⁹ .Ibid

³⁰ . THE CONSTITUTION OF THE PEOPLE’S DEMOCRATIC REPUBLIC OF ETHIOPIA Proclamation No.1 of 1987, Negarit Gazetta, vol.47,No, Article 35(2) 12 September 1987, Addis Ababa

³¹ .Ibid article 36

³² .Ibid article 38,39, 40 and 42

³³ . Ibid

In 1991, after massive struggle was carried out the Dergue regime was overthrown. Two years later, in 1993, Labour Proclamation No. 64/1975 of the Dergue regime was replaced by Labour Proclamation No.42/1993. The latter allowed both the employers and employees the right to organization unlike the preceding one. On 21st August 1995 the Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No.1/1995 adopted and in order to maintain uniformity between the FDRE Constitution Labour Proclamation No.377/2003 enacted by repealing Labour Proclamation No.42/93.

The FDRE constitution deals with different categories of rights such as democratic rights which embrace the economic and social rights which are the major focus of this paper.³⁴ Again from the preamble of Proclamation No.377/2003 we can draw that the ambition to build up and delineate ‘by law the powers and duties of organ’ charged with the responsibility of looking over the labour administration especially with the labour conditions, occupational safety, health and work environment and to keep harmony between the political, economic and social policy of the government of Ethiopia and international documents and other legal commitments to which Ethiopia is a member are the major grounds for the enactment of the existing labour proclamation.³⁵

Since the introduction of the 1955 Revised Constitution of Ethiopia, the concept of economic and social rights becomes familiar in Ethiopia. This reflected through different practices that are employed by different regimes the country experienced. International documents like UDHR, International Covenant on Civil and Political Rights (ICCPR), ICESCR and other related instruments which highly advocate for the economic and social rights of every persons ratified by Ethiopia. To realize full enjoyment of these rights by the citizens, the international instruments mentioned above and domestic laws designed different mechanisms. Among such mechanisms, allowing certain working groups to establish trade union and bargain collectively, and lead to collective agreement which is one of the mechanisms designed to promote socio-economic rights of workers of certain categories. The proceeding parts of this thesis will deal with collective agreement and its significance in promoting socio-economic rights of workers of floricultures in Ethiopia.

³⁴ .the Constitution of Federal Democratic Republic of Ethiopia Proclamation No.1/1995 Article 41 -44.21st day of August , 1995 Addis Ababa.

³⁵ .Federal Democratic Republic of Ethiopia Labour Proclamation No.377/2003 preamble 26th February 2004

Chapter- three

Collective Agreement as mechanism to Promote Socio Economic Rights

For the purpose of promoting social, economic and political rights of their people, governments enact laws and establish institutions that follow up the proper implementation of these laws. Again in certain conditions, they set guiding laws that dictate certain categories of people how they manage to promote their socio economic rights based on ILO ratified conventions and their constitutions. FDRE Labour Proclamation No.377/2003 is one enacted to achieve this purpose. It sets the minimum standard of some social rights expecting that they will be maximized through collective agreement between the trade union and employer. The same proclamation totally leaves economic rights to the employees, or trade unions and employer to be set and maximized through collective agreement.

Workers of floricultures in Ethiopia are categorized under working groups governed by Proclamation No.377/2003. Therefore, promoting their social and economic rights through collective agreement made between their trade unions and employer is an eminent mechanism.

3.1. Definition of Collective Agreement

There are various definitions suggested as definition by ILO's document and the Labour Proclamation 377/2003.

“According to Recommendation NO.91 of ILO the term collective agreements means all agreements in the writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers organizations, on one hand, and one or more representative workers organizations, or, in the absence of such organizations, the representatives of the workers duly elected and authorized by them in accordance with national laws and regulations, on the other”³⁶

“An agreement concluded in writing between one or more representative of trade unions and one or more employers or agents or representatives of employers organizations.”³⁷

³⁶ . ILO Collective Agreement Recommendation 1951 Article 1

³⁷ .Supra note 35 Article 124(1)

Collective agreements are fundamental columns in promoting economic and social rights of workers as well as of labour regulation all over the world.³⁸ Collective agreement is an industrial peace agreement and in the same time is a source of rules for and conditions of employment, for the distribution of work and the stability of jobs.³⁹ They declare wages and conditions of work for a limited duration. They differ from the contracts employment that are reached between individual workers and their employers and establish personal rights and duties, while the former are concluded between employers or a group of employers, on the one hand, and the representative of a number of employees; they also create homogeneous conditions of services for all workers who have similar categories.

The agreement could vary in various countries, a contract between those who made it i.e. between an employer or employers' associations on the one side and a trade union on the other. At the same time the agreement is also likely, and in various nations, a legal text. The contractual function is mainly, but not exclusively, compliant to the keeping of industrial peace. According to Paul Davies and Mark Freedland, the "peace obligation" has not provided uniform understanding, rather it received different understanding in different times and places. The normative i.e. "Codifying and rule-making function, of collective agreement" make sure that the agreed conditions are implemented in organization or industry to which the agreement refers, i.e. applied by individual employers and workers.⁴⁰

It survives and has survived in a range of historical, economic and societal contiguous. It serves as an instrument to regulate economic and social right which constitutes, remunerations, working conditions, health and safety, education of the workers.

From the above, we can envisage that collective agreement is certainly a typical source of rules that handle world of disputes in the work place, governs most of the subject matters related to working hours, holidays, and periods of notice, leave travelling costs and so on.

³⁸ . Daniel Blackburn Labour Lawyer London Labour Law 2006: Its role, trends and potential, Labour Education 2006/2-3 No. 143-144 page 3

³⁹ . Paul Davies , M.A., L.L.M. and Mark Freedland , L.L.B.,M.A..D.Phil 1983, Third Edition London Stevens and Sons :Kahn-FREUNDS LABOUR AND THE LAW page 154

⁴⁰ . D.S.HARRISON Hons. B.Com December 2004: COLLECTIVE BARGAINING WITHIN THE LABOUR RELATION: IN SOUTH AFRICA CONTEXT, Dissertation submitted for the degree MagisterCommerci in industrial sociology at the school of Behavioural Sciences at the Vaal Triangle Campus of the North-West University page 115

The earliest collective agreements were confined to propose a “price list” for various types of work. Later, they managed to govern the matters related to remuneration, working time, work rules, recognition of freedom of associations, peace obligations etc which are the pillars of economic and social rights of workers. From the viewpoints of trade unions, the principal purpose of collective agreement is to provide protection for its members against pressure from employers.⁴¹

From the preceding, one can easily understand that, collective agreement protects economic and social rights of members’ trade unions, lays the minimum economic and social rights and maximizes the minimum rights.

Size and magnitude of economic and social advantages achieved by members of trade union through collective agreement vary from country to country. The labour law of a country deals with labour rights of worker(s) stipulate the minimum rights of the employees expecting they will be maximized by the collective agreement concluded between an employer or association of the employers and a trade unions or representatives of the employees. Again there are economic and social rights of the workers which are totally left to be treated by the collective agreement.

The collective agreement between trade unions and employer(s) also worth enough to the latter by securing industrial peace and preventing conflict in the work environment which promote productivity of the organization .The definitions and illustrations provided above, deal about the advantages received by the members of trade union from such collective agreement, by handling matters related to conditions of work, remunerations, working hours, and other fringes benefits of workers in a better manner than the law and entitles the members of trade union rights that totally left to be settled by collective agreement.

Similarly, promoting socio economic rights through collective agreement is recognized in Ethiopia. This can be evidenced from the provisions FRDE constitution that deal with workers rights, the Proclamation No.377/2003 and various international instruments adopted by Ethiopia. However, the practice of using collective agreement as one type of mechanism to promote the socio economic rights of workers of floricultures in Ethiopia is poor.

⁴¹. Jonas Malmerg : Collective Agreement as an Instrument for Regulation of Wages and Employment conditions page 190

Currently there are more than eighty five floricultures in Ethiopia.⁴² Eighty four of them are affiliated to Ethiopian Horticulture Producers and Exporters Association (EHPEA).⁴³ They made Ethiopia the second largest producer and exporter of flower preceded by the neighbouring Kenya which accounts for 80% of the total horticulture products, despite the fact that the area of land being utilized for floriculture is small compared to the area of land being consumed by other horticultures.⁴⁴ Apart from contributing to economic development of the nation, the sector is providing job opportunities for fifty thousand individuals Ethiopians; more than 80% of them are women.⁴⁵ The numbers of employees, who are working in the sector, exceeds those working in fruits and vegetable sectors. Workers of floriculture farms in Ethiopia are being paid less compared to those working in the same sector in other East African countries .i.e. Kenya, Uganda and Tanzania⁴⁶, despite the fact that Article 128 and 129 of Proclamation No.377/2003 allow them to promote variety of their socio economic rights through the collective agreement.

Among the floriculture farms within the country, workers of seventy two floriculture farms are managed to establish trade unions through the support of National Federation of Farm Plantation, Fishery and Agro-industry Trade Union (NFFPFATU) which accounts for about 80% of the floriculture farms in Ethiopia. Among these trade unions, only twenty four of them managed to conclude collective agreement with their employers.⁴⁷

These data indicate us two contrary events in the sector of floriculture in Ethiopia. I.e. fascinating need to exercise the right to establish trade unions by workers of floricultures farms and unreserved employers cooperative in providing healthy environment for the workers to exercise their constitutional rights that deals with freedom of association and right to join trade unions and other related rights positive side, but pitiable efforts from both the trade unions and employers to conclude collective agreement as negative side.

⁴² .Data from Ethiopian Horticulture Development Agency

⁴³ .Ibid

⁴⁴ .supra note 1page 3

⁴⁵ .Tewodros Worku Nigatu 2010:Promoting Workers Right in the African Horticulture, Labour Condition in the Ethiopian Horticulture Industry page 2

⁴⁶ .Women Working Worldwide, Achieving a Living Wage for African Flower Workers; Executive Summary of research into wages and living costs on horticulture farms in Ethiopia, Kenya, Uganda and Tanzania Spring 2013 page 3

⁴⁷ . Data from Lume Woreda, Batu Town Administration, Bishoftu City Administration, Wolmera Woreda, Sabata Woreda Labour and Social Affairs Offices

Based on above two contradicting facts it wouldn't be strange if someone requests for the reasons that prohibit most unions from framing collective agreement in association with employer to promote the socio economic rights of their members.

To investigate the significance of collective agreement in promoting the socio economic rights of individuals working in horticulture of Ethiopia, the writer went through collective agreements reached between some trade unions and employers of floriculture farms, had interviews with concerned personnel from Labour and Social Affairs Offices, distributed questionnaires papers to leaders of fourteen trade unions, NFFPFATU leaders to point out some barriers that preclude collective agreement from promoting socio economic rights of workers in the floricultures.

As discussed above among seventy two trade unions in the floricultures' workers only twenty four of them concluded collective agreement and the writer made an investigation to identify whether they bear better economic and social advantage to the constituents compared to Proclamation No.377/2003 and dug out they simply carry the statements written in the Proclamation.

3.2. Economic and Social Rights of Workers Subjected to Collective Agreement

It is hardly possible to mention all the rights that are subject to collective agreement. But we can infer from ICESCR there are numerous rights of workers can be developed through collective agreement between trade unions and employer. The same document again urges the state parties to carry out activities that ensure the right of every worker to establish trade unions and be member of trade union of their preference, subject only to the rules of the association concerned, for the purpose promoting and protecting of his economic and social benefits.⁴⁸ In 1948 ILO adopted Convention No.87 and conferred on workers and employers the freedom of association for the purpose of promoting economic and social rights of workers and employers.⁴⁹ In 1949, ILO adopted ConventionNo.98. Article 4 same instruments urges for proper measures to be considered, where necessary, to promote and encourage full development and consumption of mechanism for voluntary bargaining between the employers or

⁴⁸ . Supra note 18 Article 7and 8

⁴⁹ .International Labour Organization ,1948: Freedom of Association and Protection of Right to Organization Convention 1948 (No.87)

employers' association and trade union, with the vision to the regulation of terms and conditions employment by means of collective agreements.⁵⁰ The Constitution of FDRE highly encourages the workers of certain categories of workers to organize labour association for the purpose of enhancing their conditions of work and economic well-being as well as other socio-economic rights through bargaining collectively with their employer or employers association.⁵¹

Proclamation No.377/2003 Article 128 and Article 129 attempted to enumerate the subject matters of a collective agreement.

“Matters concerning employment relationship and conditions of work as well as relations of employers and their organizations with workers' organizations may be determined by collective agreement.”⁵²

Article 129 of the same proclamation also enumerated the most common rights subject to collective agreement. Over all the subject matters that are left to be governed by collective agreement reached between the trade unions and employer or employers' associations. From international instruments ratified by Ethiopia and the domestic laws, it is not as such difficult to appreciate the role of collective agreement in promoting socio economic rights of workers that are governed by Article 42 Constitution of FDR E and Proclamation No.377/2003.

Therefore, we can see economic and social rights of these workers hinge on the collective agreements. These economic and social rights of workers that are contents of collective agreement can be split in to two major groups:

3.2.1. Wage

It is the amount of money that paid regularly by the employer to the worker for the work carried out in accordance with the contract of employment by the latter for the former. It is the principal economic right of the workers which is the content of collective agreement. It holds the huge room in enabling workers to lead a decent living for themselves and their families.⁵³ Wage is one and basic economic right regulated by the collective agreement.⁵⁴

⁵⁰ .ILO Convention 98 Article 4

⁵¹ .Supra note 34 Article 42(a)

⁵² . Supra note 35 Article 128

⁵³ .Supra note 35 Article 53 and article 129 (3)

⁵⁴ .Supra note 12

In Ethiopia since the existing labour law does not set any minimum wage in employment relationship between the employer and the individual employee, the collective agreement can play significant role in setting minimum wage. Women Working Worldwide (WWW) conducted research which focused on a living wage. According to the research, workers of floricultures in Ethiopia are paid less but they expend more compared to Kenya, Tanzania and Uganda.⁵⁵

This tell us that the existence of poor experience of utilizing collective agreement as a tool for promoting socio economic rights of workers in floricultures of Ethiopia.

3.2.2. Non-wage incomes

-This category refers the economic rights that are paid in different form for different reasons. This group includes severance payment, bonus, overtime payments, premiums, and allowances for a broad variety of reasons such as travel to and from work, housing assistance and increases in the cost of living and compensation for employment injury.⁵⁶ This category is fully subjected to the collective bargaining and contents of the collective agreement.

Social rights of workers: - Workers are entitled to various social rights listed by various legal documents⁵⁷ some literatures identify components of social rights as stated herein after, the right to adequate housing, food and water, safety and healthy working conditions, social security including, if the working groups are incapable to support themselves and their dependents, appropriate social support.⁵⁸From the readings of Article 42(2) of the Constitution of the FDRE, workers are entitled to the right to reasonable limitation of working hours, to rest, to leisure, periodic leaves with pay, healthy and safe work environment.⁵⁹

The existing labour proclamation sets standards for some of social rights like working hours, various periodic leaves assuming that they would be escalated through collective agreement

⁵⁵ .Supra note 45 page 6

⁵⁶ . A workers' educational manual on COLLECTIVE BARGAINING 1986 page 28

⁵⁷ .See various provisions of Supra note 4, 18, ICCPR, and others

⁵⁸ .Introducing socio-economic rights chapter-1 page 26

⁵⁹ .Supra note 34 article 42(2)

between trade union of workers and employers. None of trade unions, managed to improve such rights for their members through collective agreement.⁶⁰

As attempted to mention repeatedly, economic and social rights of workers like in the floricultures of Ethiopia can be promoted fully through collective agreement between their trade unions and employers provided that the essential conditions are fully and completely meet. The practice in the floricultures shows absence of proper implementations these essential conditions and as result the workers of floricultures are not able to be the beneficiary from collective agreements to promote their socio-economic rights.

⁶⁰.Data obtained by examining collective agreements from floricultures by the writer.

Chapter- Four

Barriers impeding Collective Agreement from promoting Economic and Social Rights of workers in the Floricultures of Ethiopia

It is stated repeatedly in this paper that collective agreement plays a significant role in promoting the economic and social rights of workers. But, there are essential conditions that must be satisfied. The absence or defect of any of them could hamper the promotion of economic and social rights of workers.

4.1. Failure to Implement the Principle of Pluralism

Pluralism of trade union is the principle that permits the existence of two or more trade unions within a single organization. It provides the workers the right to establish a trade union they want to form or join, independently. The reason behind it is not to propagate trade unions and weaken each other, rather to enable the worker to enjoy the freedom of association and to join the trade union of their choice.⁶¹

ILO Convention No.87, entitled “Freedom of Association and Protection of the Right to Organize Convention 1948” under Article 2 deals with workers and employers full freedom of workers and employers to establish trade union and to join organization of their preference with no prior authorization. The right to choose the trade union to establish or to be joined will be exercised by the workers and employers only in the presence of two or more trade unions for both workers and employers.⁶²

And this statement of the convention tells as the attention paid to the principle of trade union pluralism by ILO.

In Ethiopian, workers of an organization are entitled to establish or join trade union they prefer as far as the legal requirements are satisfied. As a result there is a possibility to have more than one trade union within a single organization. But they face difficulty, during collective bargaining, because, as per the Labour Proclamation, only the union which

⁶¹ .Trade Union Pluralism and proliferation in French speaking African first edition 2010: International Labour Office, Geneva page 8

⁶² .Supra note 49 Article 2

acquires fifty plus one vote is preferred by the law for the purpose of collective bargaining.⁶³ Hence, the existence of trade union pluralism in the floricultures is only in theory. Because only a trade union which acquired fifty plus one vote favoured by the law to discuss on the interest of workers with concerned organs in condition when there are two or more trade union in an undertaking.

To conclude, in the case floricultures in Ethiopia, it is hardly possible to find practice which encourages pluralism of trade union. According to the data from Labour Authorities in the vicinity of the floricultures we couldn't find more than one trade union in all the floricultures. The reasons behind it is poor knowledge about the concept pluralism of trade unions workers themselves, fearing it pave the way for the trade unions to weaken the stronger ones. Due to these and other conditions the NFFPFATU which took the initiative to organize trade unions in floricultures also refrain from organizing the establishment of more one trade union within floriculture.

4.2. Freedom of Association Simply for Sake of Fair-Trade

The concept freedom of association traced back to 1750, when workers had started to associate in Europe and governments and employers responded in speedy manner and laws and regulations were enacted to check such activities. When the right to form association gained ground, in the mid-19th century, workers had formed their organization throughout Western Europe, composed in especially of workers in skilled trades; but another twenty five years lapsed before unskilled workers commenced to join trade union movement. In 1913, the secular national labour union centres established the International Federation of Trade Union (IFTU). Members of the international labour union movement able to keep in touch across combating lines between 1914_1918 and labour union leaders on both sides of conflict were fast to look the benefits in a situation where governments had to appeal to employees to support war effort in this new situation of industrialized warfare.⁶⁴

It was recognized after World War I (WW I) when the Treaty of Versailles and the original constitution of ILO was adopted. Organizing for the protection of economic interests was already well established when ILO was organized in 1919. Although, there was wartime limitations, employees organized domestic or international meetings at which they were

⁶³ .Supra note 35 Article 115(1(a))

⁶⁴ . Gerry Rodgers, Eddy Lee, Lee Swepston and Jasmien Van Daele 2009:The ILO and the quest for social justice, 1919-2009:An international organization for social justice page 45

managed to set their plan for the post-war settlement. The labour union meeting held in Leeds England, in July 1916 adopted a long list of demands, including freedom of association, limited working hours, a minimum working age of 14 years, abolition of night work for women, comprehensive social security and factory inspectors and called for an international labour office. And within few years of the end of the war each and every demands had been taken up by the ILO.⁶⁵

It is among the five cores of labour standards set by the ILO, the right of workers to form their trade union and join the one they prefer and of employers to form employers' organization.⁶⁶ In accordance with the UDHR, every individual is free to form an association provided that he/ she is interested to form it.⁶⁷ The ICESCR adopted in 1966 by carrying a provision which imposes the obligation on state parties to it to ensure the right of everyone to form labour union and join the trade union he/she prefers, subject only to the set of laws of the association concerned, for the promotion of his economic and social interests.⁶⁸ From the same provision of the covenant one can understand that this freedom to form association or trade union is limited only under the circumstances where the formation of such union threat for the right to freedom of others. Thus freedom to establish labour association is extended to the right to establish national federations or confederation and to form or join the international trade-union organizations through their trade union. The ILO adopted numerous conventions that discuss on the rights of workers. Among these Convention 87 which adopted in 1948 imposes obligation on each member of ILO, a duty to provide protection by considering all essential measures to ensure that workers and employers may enjoy freely the right to organize.⁶⁹ A year later, again the right to organize became an agenda, when the international conference having been held at Geneva by the Governing Body of the International Labour Office met on 8 June 1949 and adopted Convention No.98. It also provides adequate protection to the workers. Being a member of trade union, or not to join a trade union or relinquish trade union membership shall not be condition to make employment as well as his being member of trade union or not to join trade union shall not be a ground for

⁶⁵ .Ibid

⁶⁶ . TOKE AIDT, ZAFIRIS TZANNATOS 2002: UNIONS AND COLLECTIVE BARGAINING:ECONOMIC EFFECTS IN A GLOBAL ENVIRONMENT page 2

⁶⁷ .Supra note 4 Article 20

⁶⁸ .Supra note 18 article 8(1(a))

⁶⁹ .Alberto ODERO, HORACIO GUIDO 1995: ILO LAW ON FREEDOM OF ASSOCIATION Standards and procedures Page 15 International Labour Office Geneva

dismissal of a worker.⁷⁰ This is to mean employers are not allowed to interfere trade unions functions in the manner that weaken the freedom of association and the same statements work for the workers. The reason behind is to avoid any domination by one side over the other and cut off the practice that may weaken the organization.

The fundamental principle of freedom of association is the indication of human dignity and it pledges to the workers and employers, to join and act together to shield their economic interest and civil rights “such as the right to life, security, integrity and personal and collective freedom.”⁷¹ Researchers have revealed that respect for freedom of association also contributes an imperative part in healthy economic development. Meaning, it has a positive effect on economic development by ensuring that the benefits of the growth are shared and promoting productivity, adjustment measures and industrial peace.⁷²

The socio economic rights of workers can be secured in better manner only when their freedom of association which is milestone to establish trade union that approaches before employer to bargain on collective benefits to promote economic and social rights of its members.

Despite the fact that the economic and social benefits derived from freedom of association is huge, researches and reports of ILO reveal the existence of challenges. In some developed countries, trade union membership is at extraordinary low. In the USA, for instance, only 11.4% of workers are members of trade unions and the trade union do not carry their proper power in the developed world as a result of political power possessed by multinational corporations. In the meantime, in most developed nations, freedom of association for trade union scarcely exists and challenges of different types are encountered in the way of organizing workers and, in some countries, violence, torture, arbitrary depriving of life and arbitrary arrests are regularly practiced to avert workers from forming trade union and join trade union to claim their rights.⁷³

⁷⁰ . Supra note 50 Article 1

⁷¹ .Ethical Trading Initiative Briefing Freedom of Association and collective bargaining guidance March 2005
page 2

⁷² .Ibid

⁷³ . Training and Research Centre for Human Rights and Democracy (ETC) 2012 3rd edition:
UNDERSTANDING HUMAN RIGHTS, MANUAL ON HUMAN RIGHTS EDUCATION page 345

In 1995 Ethiopia, FDRE Constitution introduced freedom of association as labour right.

“Factory and service workers, farmers, farm labourers, other rural workers and government employees whose work compatibility allows for it and who are below a certain level of responsibility, have the right to form association to improve their conditions of employment and economic well-being. This right includes the right to form trade unions and other association to bargain collectively with employers or other organizations that affect their interest.”⁷⁴

From the statement quoted above, one can observe that how much attention is provided to develop consistence between the constitution and international documents .i.e. UDHR, ICESCR, ILO conventions ratified by Ethiopia. After the enactment of the FDRE Constitution, Proclamation No.377/2003 introduced. The right to form trade union and employers association are unequivocally granted to both the workers and employers. Workers and employers shall have the right to form trade union or employers’ associations, respectively and participate in it as far as they managed to fulfill the minimum requirements set by law.⁷⁵

In nut shell, from the above literature one can understand that why, how and to what extent that freedom of association affects the collective agreement that promotes economic and social right of workers. It enables workers of certain group to establish trade union and its leaders to approach the employer to promote the socio-economic rights of its members through trade union actions.

In the case of Floricultures in Ethiopia, the data from NFFPATU indicate that workers of seventy two floricultures established trade unions. But only twenty four of them succeeded in concluding collective agreements. It is understandable that mere enjoyment of freedom association doesn’t bring the promotion of socio economic rights of the workers but pave the way. Socio economic rights are promoted only when organized workers managed to develop collective agreement after intensive bargaining is carried out between the trade unions and the employers of floricultures. Based on the data from labour authorities and NFFPATU, practice of enjoying freedom of association by workers of floricultures in Ethiopia looks elegant. Reason behind is that employers of the floriculture are highly benefited from the

⁷⁴ .Supra note 34 Article 42(1(a)).

⁷⁵ .Supra note 35 Article 113

formation of trade unions. Having unionized workers in the floriculture is considered as means of satisfying the criteria set for the principle of Fair-Trade which intends to improve unfair working conditions through fairer labour standards, in terms of safe work place and fair wage.⁷⁶ The nations to where the products (flowers) are exported consider the floriculture whose workers are organized into trade union receive fair economic and social rights. But elegancy of formation of trade union brought nothing in promoting economic and social rights of workers as a result of failure to conclude collective agreement.

4. 3. Failure to acquire fair Recognition by the Trade Union from employers

Trade unions are associations of workers for common interests with a joint voice functioning within internal labour market and they are involved in many different functions.⁷⁷ They play vital role in producing collective agreement that protects the economic and social rights of members of the unions in a better manner than the labour law. Trade unions must have legal recognition in order to carry out collective bargaining to promote economic and social rights of their members. Mere establishment of trade union is not an end, but it is a means to promote the socio economic rights of its members. Recognition of trade union extends to recognizing the leaders of trade unions by the employer while the formers appear before the latter to talk about the economic and social rights of members of trade union.

As stated in the section which deals with freedom of association, right to form of trade union is recognized in different international and national instruments. In the expressions of collective bargaining “recognition” is very significant. By recognizing a trade union, an employer does not simply admit that it exists; actually it is commencing to admit it as a bargaining partner, either entirely or in the company of other unions.⁷⁸

There is no uniform law and practice regarding recognition of trade union. Some have put a ceiling on regulation, some have not. In many circumstances, employers are obliged by law to offer recognition to a trade union, provided that certain preconditions are satisfied. Other places, although, the general practice is at least in developing countries, the voluntary precept

⁷⁶. Pro. Dr. Rob Van Tulder ,Academic Director, Partnerships Resource Centre RSM Erasmus University Rotterdam, April 2011:A Success Story Producers and Consumers, Prepared on behalf of the Dutch Association of Worldshops (DAWS) page 11

⁷⁷ .Supra note 66 page 21

⁷⁸ .Supra note 41 page 9

is employed, sometimes because neither the employers nor the workers desire the involvement of the government in the industrial relations. The presence of the freedom of association is not necessarily meant that there would be an immediate recognition of trade unions for the purpose of collective bargaining.⁷⁹ In particular, where there are more than one trade unions, there must be preset some objective criteria operative within the industrial relations systems to decide when and how a trade union should be recognized for collective bargaining purposes and this kind of situations.

For complete and effective collective bargaining the bargaining parties must acknowledge each other. Under the Proclamation No.377/2003, recognition is preceded by registration. A trade union is said recognized, when the concerned organ let it to act the trade union action with its respective employer on behalf of its members.

However, in Floricultures of Ethiopia the practice shows quite different from what stipulated in the laws. Some of the major elements that indicate the recognition of trade union by employer are evidenced when the latter become cooperative with trade unions leader up on request for the purpose collective bargaining, refrain from attacking the leaders of trade unions and others. As per data collected through interviews from the Labour Authorities in the vicinity of the floricultures, through questionnaires from leaders of trade unions and NFFPFATU, there is grave denial of recognition of trade unions of floricultures by employers. This is verified by various unlawful activities like rejecting request from trade unions for collective bargaining and various attack against leaders of trade unions by exerting different unlawful pressures to keep refrain them from trade unions actions.⁸⁰

4.4. Violation of Right to Collective Bargaining

Once the right to freedom of association, registration of trade union and its recognition are achieved collective bargaining is next point to be done with the employer to promote socio economic rights of trade unions' constituencies. The term "collective bargaining" is designed in 1891 by Mrs. Sidney Webb in her work on the cooperative movement.⁸¹

⁷⁹ .Sriyan de Silva 1996: COLLECTIVE BARGAINING NEGOTIATIONS, INTERNATIONAL LABOUR ORGANIZATION ACT/EMP PUBLICATIONS Page 3

⁸⁰ .Data from leaders of trade unions and NFFPFATU through questionnaire

⁸¹ .W.H.Hutt WITH A PREFACE BY LUDWING VON MISES 1954: THE THEORY OF COLLECTIVE BARGAINING; A HISTORY, ANALYSIS AND CRITISM OF THE PRINCIPAL THEORIES WHICH HAVE SOUGHT TO EXPLAIN THE EFFECTS OF TRADE UNIONS AND EMPLOYERS'

Collective bargaining may carry out in various kinds of negotiating in performance, but it is utilized here to describe what the most important role of labour unionism is probably.⁸²

Literatures indicate that collective bargaining is highly influential means to make possible bargaining harmonization; that is, the degree of harmonization between labour unions and employers' organizations in wage setting and other aspects of industrial relations ('for instance, working conditions, holidays and leave provisions and so on')⁸³ which are among the major components of the economic and social rights of human being.

International documents, like convention 87 (1948) and Convention 98(1949) of ILO are among the core ILO-Conventions recognized as fundamental human rights conventions.⁸⁴ We can visualize from the readings of the same conventions which recognize the right of every individual to form trade unions or to join trade union to promote their economic well-being. Without the goal to carry out collective bargaining no promotion of economic and social rights to members of trade unions and establishing trade union become meaningless.

There are also international instruments that recognize collective bargaining as right of every worker that exercised through their legal representative-trade union. This statement can be confirmed from reading of paragraph 3 of the preamble of Convention No.98 which state "Having decided upon the adaptation of certain proposals concerning the application of the principle of the right to organise and to bargaining collectively.....".⁸⁵

Besides these international instruments national laws also have recognized collective bargaining as human rights. For instance, Ethiopia which is the signatory of the UDHR, ICCPR, IESCR, ILO convention 98 recognizes collective bargaining as of rights to certain groups of workers through FDRE Constitution and Labour Proclamation No.377/2003.

Based on above statements which stipulated in diversified international and domestic instruments, we can understand that how much emphasis is provided to recognize collective bargaining as part of right to work.

⁸² .Ibid page 22-23

⁸³ .Supra note 66 page 11

⁸⁴ . Manual human rights

⁸⁵ .Supra note 61 preamble and Supra note 19.

A study conducted in the neighbouring country Kenya in 2014 indicates that, collective bargaining has affected employees' wages and other benefits positively. It is estimated that wages of employees' are increased on average by 22% more than the minimum wage, but it has not improved working conditions and working hours for workers.⁸⁶

To see the experience of other countries requesting for bargaining to identify the party who requests for collective bargaining, the writer referred some literatures from various countries. All the referred literatures indicate that request for collective bargaining is proposed by the trade unions. Perhaps, this happens, employees derive more benefits from the collective agreement than the employers do and the poor concept the latter have about the role of collective agreement in promoting industrial peace and productivity of his undertaking.

To examine the position of right to collective bargaining in floricultures of Ethiopia, the writer collected data from labour authorities in the vicinity of floricultures, leaders of trade unions in the floriculture and the representative of employers of floricultures through interview and questionnaire to realize whether the right to collective bargaining is properly enjoyed or not.

All the respondents appreciated the significance of collective agreement in promoting socio economic rights of workers had it been free from some practical barriers.⁸⁷ Though the labour proclamation allows both the trade unions and the employer equally to request each other to bargaining collectively, the practice in the floriculture farms indicates that it is only the trade union which requests for bargaining though the employers are not interested to appear for bargaining within the due time stipulated by the Proclamation No.377/2003. About 69% of the employers in the floricultures in Ethiopia resist the request for collective bargaining by the trade unions. Sixteen percent of the employers don't appear for collective bargaining at all.⁸⁸

Unfair contents of the proposal of collective bargaining by the trade unions major difficulty faced is that challenges the employers during collective bargaining. They request for the benefits which don't take into consideration the financial capacity of the floricultures

⁸⁶.Kenya Labour Market Profile 2014,Danish Trade Union Council For International Development Cooperation page 23

⁸⁷ .Supra note 79

⁸⁸ .Ibid

company. They are reluctant to amend their proposal of collective bargaining and these situations discourage the employers.⁸⁹

Labour Proclamation NO.377/2003 Article 130(2) emphasises that the party requested for bargaining shall appear within ten days after requested for bargaining. The remedy provided by the Labour Proclamation No.377/2003 is filing the case against the party who failed to appear for bargaining to cause before Labour Relations Board.⁹⁰

From the above, one can easily observe how much employers in floricultures are violating the right of collective bargaining. Again, the writer had interviews with concerned personnel from Labour and Social Affairs Office of various Woreda in the Oromia National Regional Governments to strengthen the opinion of the respondents.

“Employers of the floricultures need the establishment of trade unions equally with the worker for the advantage of fair trade. Once a trade union is formed and legalized, they don’t want to hear about trade unions actions from the leaders. They bar the leaders from carrying out the proper functions by exerting various unlawful practices.”⁹¹Translated by the writer.

“Employers are well aware of the advantages a collective agreement provides to workers after collective bargaining carried out. They are conscious enough about collective agreement imposes legal obligations by favouring members of trade unions than Proclamation No.377/2003 and failure to perform as per the provision of collective agreement cause them to appear before court of law. As a result, they resist to appear for collective bargaining in accordance with the law, by employing various tactics .i.e. inciting the leaders of trade unions to boycott the office to the extent of terminating their contract of employment by false accusations which are unlawful practice according the laws which deal with the matters related collective bargaining and its outcome.”⁹²Translated by the writer.

“Since a collective agreement protects the interest of the worker than the labour law of the country and this costs them more than what the law does. Hence employers

⁸⁹ . Data from representative of employers of the floriculture on 24/11/2015

⁹⁰ .Supra note 35 Article 142 and 147

⁹¹ . Interview with Bishoftu Town Administration Labour and Social Affairs personnel on 31/08/2015.

⁹² .Interview With Holeta Woreda Labour and Social Affairs Office personals, on 20/08/2015

fear the conclusion of collective agreement with the trade union.’’⁹³ Translated by the writer

A collective bargaining will be effective by reaching collective agreement level when both the bargaining parties share table with full consent and responsibility. In undertakings like Ethiopian seed enterprises, Oromia Seed Enterprise, Sugar Factories and many others which are under the possession of government the right to collective bargaining is respected in a better. Compared to the aforementioned undertakings it is hardly possible to say, there is full and complete right to bargain collectively in the floricultures to promote economic and social rights of employees, unless leaders of the trade unions are free from the unlawful pressures by employers.

In relation to this matter, the writer made an interview with Ato Gebeyehu Adugna, president of NFFPFATU who served for more than sixteen years. He stated,

“only about twelve years lapsed since the introduction of flower industry in Ethiopia and the owners of the floricultures undertakings are foreigners they don’t have proper understanding about the labour law of Ethiopia, the leaders of the trade unions of floricultures have less experience in carrying collective bargaining. The combination of these reasons becomes a challenging task to the workers of floricultures in Ethiopia while they attempt to exercise their right to collective bargaining.’’⁹⁴

Employers’ undue influence on the leaders of Trade Unions is another challenge against right to collective bargaining in Floricultures in Ethiopia. Formation of trade union isn’t an end, but a means to reach the final goal. Trade unions actions become successful, only where there is favourable environment for leaders of the unions to run trade union actions. Exerting various undue influences on the leaders of trade unions hampers the overall trade union actions. Currently, leaders of trade unions of floricultures are being exposed to various undue influences from the employers. About 77% leaders of trade unions are suffering from various undue influence exerted by the employer against them. Depriving the right to be promoted where there is such opportunities in the undertakings, unnecessary work load to evict the leaders from trade union office, termination of contractual employment are the major undue

⁹³ .Interview with concerned personnel from Lume Woreda Labour and Social Affairs Office, on 31/08/2015

⁹⁴ .Interview With Ato Gebeyehu Adugna president of National Federation of Farm Plantation, Fishery and Agro-industry Trade Unions 12/09/2015

influences exerted by the employers against the leaders of trade unions of floricultures workers to cause them refrain from working in the manner that promote the socio economic rights of the members of the trade unions.⁹⁵

To escape from these unlawful practices emanate from employers, the leaders prefer not run to the functions of trade unions properly. These practices finally end with the absence of the collective agreement between the trade unions and the employers of the floricultures in Ethiopia.

Lack of proper Training on collective bargaining-Bargaining is not an activity that carried out by a common sense. Rather it requires various knowledge and skills that is acquired through various short term training before conducting collective bargaining. Hence adequate knowledge about collective bargaining is a key factor to develop a collective agreement which carries better socio economic right of members of trade unions.

But the experience of equipping trade union leader with sufficient knowledge about collective bargaining and other related matter is inadequate. Only 23% of trade union leaders received training on collective bargaining which provided by non-expert personnel.⁹⁶ This condition again tells us that no proper attention is provided for the collective bargaining, despite the fact it plays significant role in promoting socio economic rights of workers. The NFFPFATU and the Confederation of Ethiopian Trade Unions (CETU) shall work together to enhance the socio economic rights of workers of floricultures in Ethiopia as far as they are affiliated them through their trade unions. Being together with the NFFPFATU and CETU, the government also has huge responsibility to create awareness for both the workers of the floricultures and investors of the sectors starting from the time of licensing to invest in the sector.

Lack of interest by labour Relations Board to adjudicate Case related to violation of collective bargaining-the right to collective bargaining and framing collective agreement that protects the socio economic rights of worker are constitutional rights of workers in the floricultures in Ethiopia. The data collected from the leaders of trade unions, NFFPATU, personnel from different Labour and Social Affairs bureaus of various Woredas in Oromia

⁹⁵ .Ibid

⁹⁶ .Ibid

Regional State indicate huge existence of violation of social and economic rights of workers in floricultures in Ethiopia.

As mentioned earlier the employers in the floricultures resist appearing for collective bargaining. In this case the final resort to the trade unions is appealing for the verdict before the Labour Relations Board, though the latter prefers to give conciliation service rather rendering any decision against the party which violated the rights of the employees. In fact the Proclamation No.377/2003 authorizes the Board to settle the dispute between the trade union and the employer in order to maintain the industrial peace. But extreme reliance on conciliation by the Board to settle the difference between the trade unions and employers from the floricultures is adversely affecting the interest of members of the trade unions and also violate Article 151(1) of Proclamation No.377/2003, which states, “The permanent or the adhoc Board shall give decision within 30 days from the date on which the claim is lodged.”⁹⁷

Since late 2011, the writer had produced many cases related to the violation of right to collective bargaining before Addis Ababa City Administration Labour Relations Board by representing of different trade unions from floricultures that affiliated to NFFPFATU against floriculture undertakings which have Head Office in Ethiopia and refused to appear for collective bargaining within due time. The Board didn't take any action for the violation, even didn't condemn against the employers from the floricultures.

4.5. Lack of Good Faith

It is hardly possible to coin universal definition for the term “Good faith” but Kahn Freud famous scholar of labour law defines the term “Good Faith” in bargaining “... as meeting with intention to find a basis for agreement and genuine effort to reach common grounds.”⁹⁸ When do we state a party has an available intention to find a basis for agreement or it is making a sincere effort to reach an agreement or otherwise. The issue is hinged on the subjective intent of the bargaining groups and must be determined the facts of each case. The duty to bargain in good faith requires the bargaining teams to come to the bargaining table with open minds ready to listen to each other and willingness to reach an agreement. It is the prominent preconditions for successful collective bargaining which result in collective

⁹⁷ . Supra note 35 Article 151(1)

⁹⁸ .Yehenew Tsegaye 1997: Collective Bargaining under the 1993 LABOUR PROCLAMATION OF

agreement. Without good faith there would be no effective collective bargaining as well as the collective agreement. In the absence good faith, there will be only the process of bargaining without an effect i.e. an agreement. It is more likely where certain feelings are existed in common for the employers, employees and their organization i.e. belief and faith in the worth of compromise via discussion, in the process of collective bargaining, and in the productive nature of the relationship collective bargaining needs and develops. Strong organizations of employees and employers have significant role to bargaining in good faith there would be some uniformity in the bargaining strength of the parties.⁹⁹

Generally speaking, we mean that we do not have a commonly accepted definition of bargaining in good faith. Rather it depends on the fact at hand by the bargaining team.

Collective bargaining can only operate efficiently if it is carried out in good faith by parties.¹⁰⁰ Good faith bargaining means unadulterated and persistent hard works by both bargaining parties to get in touch with an agreement, that the negotiations are beneficial and avoid unfair hold-ups, and the terms of the agreement be observed and complied with. When we come to the Ethiopian context, although, the existing labour proclamation doesn't provide definition and degree of good faith, it talks about the legal duty the parties to bargain in good faith.¹⁰¹

Although from the discussion of this section we can predict the significance of good faith in producing effective collective agreement and Proclamation No.377/2003 obliges the bargaining parties to bargaining in good faith the practice in floricultures in Ethiopia is quite an anomalous. The absence of good faith between the trade unions and employers in floricultures is reflected in various incidents. Failure to appear for bargaining within the due time, threatening the leaders of trade unions in order to prohibit them from bargaining freely, are few points that indicate the absence of good faith from the employers in the floricultures.

4.6. Lack of Proper Information

When an employer is bargaining with a trade union, it must disclose all pertinent information to the representative trade unions that will permit the union to work fruitfully on

⁹⁹ .Supra note 41 page 3

¹⁰⁰ .INDUSTRIAL AND EMPLOYMENT RELATIONS DEPARTMENT(DIALOGUE)INTERNATIONAL LABOUR STANDARDS DEPARTMENT (NORMES) 2011: International Labour office Geneva page 9

¹⁰¹ . Supra note 35 Article 130 (4)

negotiation.¹⁰² Any false information about the financial status of the organization prevents the trade union leaders from developing sound proposal. Accurate information enables the leaders to propose reasonable demands. Information about financial status and other conditions, with no doubt, have considerable importance in developing proposal by taking into consideration the capacity of the undertaking for collective bargaining. Such information could be about the profit position of the undertaking, per unit cost of production, changing in cost of living and so on. More commonly, such data is entirely under the possession of the employer. Hence, if the employer is not interested to share such information, unions are put in unfeasible position of being able to represent the interest of their members. They hardly manage to verify independently what an employer claim about the economic position of the undertaking.¹⁰³

Information from employer is essential for the leaders of trade unions for the truth mentioned earlier. During the Dergue Regime, as stated under Article 77(2) of Proclamation No.64/1975, the employer was duty bound to provide evidences to the trade union during collective bargaining.¹⁰⁴ But, this condition reversed when ProclamationNo.42/1993 appeared with no provision which imposing such obligation on the employer. The existing Labour Proclamation No.377/2003 also doesn't carry any provision which obliges the employer to disclose information to the leaders of trade union. Alongside failure of the Proclamation No.377/2003 lack of enough information that deals regarding financial status such as profit, cost of production and any loss from the employer is another fundamental challenge that prevents collective agreement from promoting socio economic rights of workers in floricultures in Ethiopia. For the purpose of this paper, the writer examined collective agreements of twelve trade unions from the twenty four, and none of them bears a provision which impose any obligation to disclose information on the employer during bargaining. Overall absence of duty to disclose information by the employers in the floriculture for the purpose of collective bargaining supremely hampered the promotion of socio economic rights of workers of floricultures via collective agreement.

4.7. Absence of Full Support from Labour Administrations Authorities

Minister of the Ministry of Labour and Social Affairs is authorized to issue directives which are necessary for the enforcement provisions Proclamation No.377/2003. The Minister, may

¹⁰². Supra note 40 page 103

¹⁰³. Supra note 35 page 51

¹⁰⁴. Proclamation No.64/1975 Article 77(2)

in particular, issue directives on occupational safety, health and, protection of working environment, standards of working conditions; classification of hazardous jobs; dangerous to the health and to the reproductive systems of women worker and many other.¹⁰⁵ He /she also has the duty to establish an Employment Service, Labour Inspection Service and a Permanent Advisory Board which comprises members from the government, employers association and trade unions in order to follow up and enforce the labour administration system.¹⁰⁶ The Labour Inspection service, basically organized to carry out all the activities stated under Article 177 of the Labour Law.¹⁰⁷

As stated above, support from the administrative authorities is eminent for the success of collective bargaining to be carried out between the bargaining parties.

“We simply work to create awareness of right to form trade unions and employers association as well as the right to conclude collective agreement. We don’t have any legal mandate to force both the workers and employers to form their respective associations.”¹⁰⁸Translated by the writer.

From the statement made by the personnel from Labour and Social Affairs we understand that the role of Labour Authorities is not to the extent of obligating the trade unions and employers to conclude collective agreement. The Ministry of Labour and Social Affairs and its subordinates are the Labour authorities which shall follow up the full and complete implementation of Proclamation 377/2003 and the registered collective agreement.

Among twenty four collective agreements reached between trade unions of workers in floricultures and their employers that are registered before Labour Authorities twelve of them examined for the purpose of this paper. Most of their provisions are reproduction of what stated in the proclamation as minimum standard rights rather than providing better socio economic rights to constituents of respective trade unions. Proclamation No.377/2003 seems to state that provisions collective agreement will be executed if and only they provide more benefit to the worker than the labour law.

¹⁰⁵ .Supra note 35 Article 170(1(a, b,c, d))

¹⁰⁶ .Ibid sub 2

¹⁰⁷ .Ibid Article 177

¹⁰⁸ .Supra note 81

4.8. Absence of Willingness by Parties to Give and Take

Craving of the negotiators to arrive at an agreement through common concessions and compromising their respective claims by give and take principle that helps to be smooth over their inflexibility is another prerequisite for the successful collective bargaining that lead collective agreement.

Bargaining parties should walk towards each other. They should be equipped with complete awareness that bargaining is just what the name implies: give and take, the well-travelled two way street. If the parties are not able to be flexible from their initial stands and repudiate to make concessions inflexibly, then there will be what is strikingly expressed as hard.¹⁰⁹

Although the term bargaining itself implies the willingness of parties to give and take is the eminent element to carry out collective bargaining effectively and develop collective agreement, but implementing this principle is almost zero between trade unions and employers in floricultures in Ethiopia. This can be visualized through employers' refusal to submit their counter proposal after receiving proposal from the trade union.¹¹⁰ In fact the Labour Proclamation No.377/2003 doesn't necessitate the party requested for bargaining to submit the counter proposal; absence of counter proposal may indicate the need for collective bargaining by proposing party only.

4.9. Non Observance of Collective Agreement

A collective agreement possesses the contractual status. Hence, both the trade union and employer shall observe its provisions. In addition ensuring the implementation of the provisions of collective agreement is among various duties assigned to Labour Inspection Service in Ethiopia.¹¹¹ In the case of floricultures in Ethiopia, the number of collective agreement are very small compared to that of trade unions established in the floricultures i.e. the ratio is twenty four to seventy two¹¹², and violation of the provisions of the collective agreement by the employer is the day to day activity in floriculture in Ethiopia. As stated above ensuring the implementation of the registered collective agreement the

¹⁰⁹ .Supra note 35 Art.129 page 29

¹¹⁰ .Supra note 80

¹¹¹ .Supra note 33 Article 177(1)

¹¹² .Supra note 3 and Data from the Bureaus of Labour and Social Affairs in the vicinity of floricultures

legal duties of Labour Inspection Service but the practice shows that there was no any condition under which the Labour Inspection Service managed to prevent the employers from violating the provision of the collective agreement in the floricultures.¹¹³

The minimum thing Labour Inspection Service can do is suggesting the trade union and the employer to settle problem through negotiation and maximum is providing conciliation service.

This condition is aggravated after the Federal Supreme Court Cassation Bench rendered a binding decision on file No.49152 in 2002 when the employer violated in clear manner the provision of registered collective agreement. As per the decision of the case bench, although the trade union and the employer concluded collective agreement which bears provisions that clearly indentify the amount and other conditions regarding payment of bonus and salary increment, the Ordinary Courts the Labour Relations Board have no inherent jurisdiction to adjudicate the case .¹¹⁴ This condition, encouraged the employer not observe the provision of the collective agreement that deal with bonus and salary increment.

Over all, despite the fact that, the law imposes the duty of ensuring the implementation of the registered collective agreement on Labour Inspection Service, practice shows that the Labour Inspection Service has no determination to do as per the intention of the law because understaffed, resource constraints.

¹¹³. Data gathered through interview from Oromia Regional State Labour and Social Affairs Agency on 11/11/2015

¹¹⁴.Federal Supreme Court Cassation bench Decisions Volume 10 File No.49152, 13th July 2009 page 283

Chapter-Five

Conclusion and recommendations

5.1. Conclusion

To conclude, although collective agreement, notoriously plays significant role in promoting the socio economic rights of workers, the thesis has shown that, the contribution being made by collective agreement in promoting the socio-economic rights of workers in the floriculture is almost null. The actual factors that prevent the collective agreement from promoting the socio economic rights of workers of the floricultures in Ethiopia have been shown to be surprisingly diverse.

Even though the principle of pluralism of trade union is recognized by Proclamation No.377/2003, it has been shown that there is no room to implement the principle of pluralism of trade union in the floricultures of Ethiopia.

The thesis also emphasised that freedom of association is the fundamental conditions to exercise the right to collective bargaining and lead to collective agreement. But, the practice in the floriculture of Ethiopia shows that it is simply for the advantage of the employers i.e. for the purpose of fulfilling criteria for fair-trade not to promote the socio-economic rights of workers.

There is huge denial of recognition to trade unions in the floricultures in Ethiopia by the employers. The latter are not willing to appear for collective bargaining within the due time despite the fact that the formers request through their proposal.

The right to collective bargaining is being violated gravely by the employers from the floricultures. As indicated in the thesis, employers of floricultures violate the right to collective bargaining of workers in various forms. Failure to appear for collective bargaining within the time outlined by the labour law after requested through proposal, total refusal to appear for bargaining, unduly influencing against the leaders of trade unions in order to refrain them from requesting for collective bargaining are some of the major methods the employers in the floricultures of Ethiopia employing to violate the right to collective bargaining.

Lack sufficient knowledge, skills, experience, and proper training to leaders of trade unions regarding collective bargaining also highly attributed for the failure of collective agreement to promote socio economic rights of workers in the floricultures in Ethiopia.

Preference of Labour Relations Board to provide conciliation service rather than adjudicating and condemn the employer who violates the right to collective bargaining of workers, failure of labour authorities to provide proper support, absence of essential conditions like good faith, and the principle of give and take besides what stated for the principle of pluralism of trade unions and freedom of association, failure of Proclamation No.377/2003 to carry provisions that obligate the employers to provide proper information to trade union leaders about the financial capacity or profit of the floriculture while drafting proposal for collective bargaining, failure of the employers of floricultures to observe the provision of the collective agreements are the major challenges attributed for the failure of collective agreement to promote socio economic rights of workers of floricultures in Ethiopia.

5.2. Recommendations

- In the thesis challenges against the promotion of the socio economic rights of workers in the floricultures are identified. The writer recommends the following points to be considered by stakeholders. The principle of pluralism of trade unions must be exercised. Pluralism of trade unions plays huge role in avoiding domination of single trade union and workers will able to exercise the right to form and join the trade union of their choice that work vigorously for the promotion of their socio economic rights. Therefore NFFPFATU and CETU which are the activists of the right to organization and collective bargaining must be committed for the existence trade union pluralisms.
- Freedom of Organization must be for the purpose of collective bargaining that leads to collective agreement. Being organized in to trade union isn't an end but a means to promote socio-economic rights of workers in the floricultures. Therefore, trade unions, NFFPFATU, CETU and Labour Authorities shall work a lot to enable the organized workers to utilize freedom of association for the purpose collective bargaining and promoting socio economic rights of workers in the floricultures.
- The trade unions from the floricultures, NFFPFATU, CETU and Ministry of Labour and Social Affairs shall exert their maximum efforts to secure proper recognition from the employers of floricultures for the purpose of trade union actions i.e. collective bargaining.

- As far as the trade unions from the floricultures are affiliated to the NFFPFATU and CETU the latter should work hard to avert the obstructions that are bottlenecking the promotion of socio economic rights of workers in the Ethiopian floricultures through collective agreement. In cooperation with concerned organs they should arrange short term training programs to the leaders of trade unions, employers' representative those who probably represent the employer during collective bargaining.
- The provisions of collective agreements from the floricultures are reproduction of the Labour Proclamation No.377/2003 rather than maximizing minimum standard in the Proclamation and including others left to be set as rights of workers. This managed to exist as the result of the misunderstanding by leaders of trade unions and the employers about the major objective of collective agreement. The Labour Authorities, NFFPFATU and CETU all shall equip the representatives of trade unions starting from the time of drafting proposal.
- Right to collective bargaining is a constitutional right of workers of the floricultures in Ethiopia. Employers should not dislodge these workers from exercising such right. It is the government which follow up for the proper implementation the provision the constitution. To eliminate such unlawful practice, being with trade unions, NFFPFATU and CETU, the government must work hard for the proper enforcement of the provision of the constitution and related laws. Any violation of the right to collective bargaining should not be tolerated.
- Among various objectives, collective agreement is designed to promote the socio-economic rights of workers of certain categories i.e. workers of floricultures in Ethiopia. And violation of the provisions of the collective agreement again causes the violation of socio-economic rights workers.
Collective agreement possesses a contractual status. The contracting parties shall obey every provision of it. Therefore, the Labour Relation Boards should tolerate to condemn and rendering decision against the employer who violates the provision(s) of the collective agreement.
- Absence of the principle of give and take is among the major challenges which are obstructing the workers of floricultures in Ethiopia from enjoying right to collective bargaining as well as socio- economic rights that provided in the FDRE constitution. Therefore proper due attention must be paid by the NFFPFATU, CETU and concerned Labour Authorities to enhance understanding of the employers and leaders

of trade unions in the floricultures about the role of the principle of give and take for the effectiveness of collective bargaining then lead to collective agreement.

- The Labour Relation Board shall be with full interest to adjudicate and condemn the guilty party which violates the right of collective bargaining and the provision of collective bargaining rather than preferring to provide full of conciliation services.
- Duty to disclose information must be legal duty of employer for the purpose of collective bargaining. For efficient collective bargaining, evidence based preparation of proposal is very important. Therefore, the labour law which induces the employer the duty to furnish information in relation to the financial status or profit and loss of an undertaking must be re-enacted by the House of Peoples Representative.
- The government shall allocate proper resources to the Labour Authorities in order to enable them to ensure the implementation of provisions of registered collective agreement between the trade union and employers of floricultures.
- The trade unions shall take in to consideration the financial capacity of employer. They must develop their draft proposal for collective bargaining in the manner that it brings them to consensus the employer.

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Bishoftu City Administration Labour and Social Affairs personnel. Personal interview (31/08/15)

Lume Woreda Labour and Social Affairs interview personnel. Personal interview.(31/8/15)

Sabata Woreda Labour and Social Affairs Personnel.(28/09/2015)

Wolmera Woreda Labour and Social Affairs personnel. Personal interview (20/08/2015)

Appendices

Appendix I

Questionnaire format to collect Data from leaders of trade unions workers floricultures

Date 15/07/2015

I would like to extend my thanks to the trade unions leaders from floricultures.

The data to be gathered through this questionnaire paper will be part of research conduct in Addis Ababa University School of Law and Governance Studies under the title “ the significance of Collective bargaining in promoting Socio –Economic rights. ” Your opinions and believes will remain confidential. Thus the writer will remind you to select the choice that carries your feeling.

Part one

1.1. Personal Data

- | | | |
|-----------------|-----------------------|-----------|
| A. First Degree | D. Above First Degree | G. Others |
| B. Diploma | E. Twelve complete | |
| C. Certificate | F. Tenth complete | |

1.2. Your position

- | | | |
|-------------------------------------|----------------------|------------|
| A. Chairman of Trade Union | C. General Secretary | E. Auditor |
| B. Vice Chairman of the Trade Union | D. Cashier | |

1.3. For how many years are lapsed since you commenced serving as a leader of Trade Union

- | | |
|-----------------|---------------------|
| A. 1-3 years | C. 8-----9 years |
| B. 4----7 years | D. Less than a year |

Part two

2.1. Do you think organized workers are provided better economic and social rights than those not organized?

- A. Yes
- B. No

2.2. Who proposes the proposal for collective bargaining?

- A. Trade Union B. The employer

2.3. If your answer for question No. 2.2. is A does the employer appear to bargain within ten days after as per the Labour Proclamation 377/2003?

- A. Yes it does B. No it doesn't

2.4. If your answer for question No.2.3 is B, within how much time the employer appears for bargaining proposed?

- A. Within one month B. Within two months
C. It takes more than two months D. It does not appear totally

2.5. Is there any attack from the employer against the leaders of trade union?

- A. Yes B. No

2.6. If your answer for question No.2.5 is letter A, which are those among the options Provided below?

- A. Refuse to provide salary increment as it provide for others
B. Refuse to promote vertically for position
C. Obstructing the leader from trade union work by imposing unnecessary work load
D. All are there

2.7. Mention any preconditions you perform before carrying out collective bargaining? List them in the space provided below if any

1. _____

2. _____

3. _____

4. _____

2.8. Is there any training on technique and tactics, and procedures of collective bargaining to leaders of trade union before collective bargaining?

- A. Yes it is given regularly
- B. Given occasionally
- C. No training

2.9. Who conducts a training concerning collective bargaining?

- A. Trained persons
- B. Leaders from Federation

2.10. Once a collective agreement is concluded, the degree of the employer to respect the provision of collective agreement?

- A. Very Good
- B. Good
- C. Very poor
- D. Poor

2.11. Which part of the collective agreement does not respected by the employer?

- A. Economic and non economic rights
- B. Health and safety rights
- C. both

2.12. Based on the collective agreement the effort the employer in protecting the health and safety of worker in work place?

- A. Very good
- B. Good
- C. Very poor
- D. Poor

13. Among the following which one is the threat to health and safety of workers in Organization?

- A. Warm condition
- B. Cold Condition
- C. chemical
- D. All

2.14. Do workers receive any training and education on concerning health and safety?

- A. Yes
- B. No
- C. Not given in sufficient manner

2.15. Mention any discipline that need personal protecting devices in your organization in the space below.

3. Do you believe that the collective bargaining promote the socio-economic rights workers that are embodied in the FDRE Constitution ?

A. Yes I believe

B. I don't believe

4. Is the collective agreement promoting the social and economic rights of workers to the maximum degree?

A. Yes

B. No

5. If your answer for question No. 4 is B mention some of the reasons

6. What measures should be taken to promote the socio economic rights of workers through collective agreement?

7. As to your opinion who should take such measures?

A. The legislative

C. The Judiciary

B. Executive

D. Employers and Trade Unions

E.All.

8. Any preconditions you perform before appear collective bargaining. Mention some of

them if any?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____

Thank you

AppendixII

Questionnaire Form to Collect Data from Leaders of NFFPFATU

Date 15/07/2015

I would like to extend my thanks to leaders from NFFPFATU.

The data to be gathered through this questionnaire paper will be part of research conduct in Addis Ababa University School of Law and Governance Studies under the title “ the significance of Collective bargaining in promoting Socio –Economic rights. ” Your opinions and believes will remain confidential. Thus the writer would like to remind you to select the choice that carries your feeling.

1. For how many years you are serving as leader of NFFPFATU?
 - A. 1__6
 - B. 7__12
 - C. More than 12 years
2. The trend to form trade union by workers of floriculture compared to workers of other sectors?
 - A. Poor
 - B. Similar
 - C. Better
3. Factors that prevent workers of floriculture from forming trade union
 - A. Poor understanding of workers from floriculture about benefit from trade union.
 - B. Because of poor understanding the employer is disinterested to trade union.
 - C. Although the employer have well understanding not happy trade union of workers.
4. In relation to trade union in which sectors problems are highly manifested?
 - A. Domestic investors
 - B. Investors from Foreign
 - C. Similar in both
5. Is there any impeding factor you faced while travelling to organize workers from floricultures
 - A. Yes
 - B. No
6. If you choose letter ‘B’ for question No.5 from which part the impeding factors emanate?
 - A. From the workers
 - B. From employer
 - C. From both sides

7. Mention some of the obstructing factors you faces
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
8. During your endeavour to organize workers from floriculture what are the causes for the problems you faced?
- A. Lack of understanding from the employer
 - B. Employer not interested to work with organized workers
 - C. Both
9. Techniques and strategies that are manifested by employer to challenge
- A. Resisting to appear for collective bargaining within the time frame provided by law
 - B. Failure to respect the provision collective agreement
 - C. Undue influence on the leaders of trade unions
 - D. All are there
10. Employers violation the right to be organized by workers will be corrected by
- A. Government body
 - B. Industrial action by workers
 - C. Both
11. If your answer for question No.10 is A, which organ of the Government have an immediate power to solve the problem?
- A. Legislative
 - B. Executive
 - C. The court of Law
12. Any precondition implemented by trade union before requesting the employer for collective bargaining, mention some of them if any
- _____
- _____
- _____
- _____
- _____
- _____

13. Are there trade unions from floricultures that are affiliated to National Federation of Farm, Plantation Fishery and Agro Industry Trade Union but do not have collective agreement with the employer?

A. Yes

B. No

14. If you preferred choice A for question No.13, what are the reasons that cut off them from doing so?

1. _____

2. _____

3. _____

4. _____

Thank You

8. Does your organization have the experience of requesting the trade union for collective bargaining?

A/ Yes

B/ No

9. Whom do think the maximum beneficiary from exercising the right to collective bargaining would be?

A/ members of the trade union B. The employers C. Both are equally beneficiary

10. Write your opinion about the right to collective bargaining in Ethiopia in light to the practices in your undertaking.

Thank you

Annex IV

Trade Unions from floricultures affiliated to NFFPFATU and CETU

S.No	Name of trade Unions	Male employees	Female employees	Total employees
1	Share Ethiopia	1203	2433	3636
2	Lafto Rose	69	194	263
3	Aliance	60	141	201
4	Harberg Rose	360	754	1114
5	AQ Rose	276	885	1161
6	Zeway Rose	256	709	965
7	Bran Flower	64	256	320
8	Ethio –cutting	168	454	622
9	Florensies	83	278	361
10	Red Fox	400	1000	1400
11	Share Blen	98	208	306
12	Dessa Plant	60	78	138
13	Continental Agro Industry	34	133	167
14	Supra flowers	80	238	318
15	Lensen Rose	330	650	980
16	Joshewa Flowers	50	200	250
17	Abyssinia Flowers	30	370	400
18	Ethiopia Magical Farm	110	440	550
19	Et Flora	96	224	320
20	Holeta Rose	84	336	420
21	Top Flowers	120	330	450
22	A Flowers	72	408	480
23	Metrolax	59	79	138
24	Ethiodream	78	182	260
25	Dere Highland	33	198	231
26	Oromiya Wonders	93	277	370
27	Ethiopia Midos	320	1280	1600
28	Agri Flora	54	346	400
29	Dream Flowers	64	114	178
30	Margin Flowers	117	104	221
31	Garad Flowers	32	42	74
32	Fiyeri Ethiopia	70	210	280
33	Alemye Agriculture	50	300	350
34	Ethio Agriceft Flower Development	45	375	420
35	Jerico and Jordan	82	170	252
36	Flower Ama	70	130	200
37	Maranqe Flowers	352	729	1081
38	Kaf Rose	101	234	335
39	Arsi Flowers	90	360	450
40	Dugda Flowers	174	428	602
41	Galica Flowers	45	105	150
42	Ero Flora	108	252	360

43	Eney Rose	120	280	400
44	Golden Rose	129	301	430
45	Ethio Highland	96	224	320
46	Eden Rose	113	237	350
47	Sheba flowers	90	360	450
48	Tal Flowers	83	192	275
49	Evergreen	50	109	159
50	Menaye Flowers	54	216	270
51	Derba Farm	89	146	235
52	Rainbow colors	72	168	240
53	Olay Rose	72	135	207
54	Yasin Flowers	90	210	300
55	EWf flowers	58	172	230
56	ZK Flowers	105	245	350
57	Langano lily	123	267	390
58	King Ethiopia	92	368	460
59	Menhame Tezazu	150	750	900
60	Roseneri	77	185	262
61	Alfeno Jovani	63	187	250
62	Tinaw Flower	75	225	300
63	S & P Farm	480	120	600
64	Espirit Flower	71	190	261
65	Omeni belusmi	35	217	252
66	Shector	25	40	65
67	Shami flowers	40	62	102
68	Tana Flora	125	375	500
69	Gerin Marke	95	105	200
70	VCI flower	7	43	50
71	Asela Flowers	175	225	300
72	Suriya PLC	495	805	1300
	Total Employees	9489	23793	33182

Number of trade unions from the floricultures in Ethiopia affiliated to NFFPFATU and CETU

Annex-V
The number of Flower Farms in Ethiopia

No.	Company Name	Location	Land Holding (ha)	Type of Produce
Sebeta				
1	Asela Flowers	Welliso	20	Hypericum
2	Dire Bicolor	Sebeta	25	Roses
3	Enyi General Business (Addis)	Sebeta	22	Roses
4	Enyi General Business (Awash)	Sebeta	69	Roses
5	Eden Roses	Sebeta	20	Roses
6	Lafto Roses	Sebeta	37	Roses
7	EWf	Sebeta	14	Cuttings
8	Et-Highland	Sebeta	29.6	Roses
9	Ethiopassion	Sebeta	20.2	Roses
10	Golden Rose (Golden & AJ)	Sebeta	33	Roses
11	Richland Ethiopia	Tefki	20.4	Roses
12	Saron Roses Agrofarm	Sebeta	21	Roses
13	Selam Flowers	Sebeta	17	Roses
14	Sheba Flowers	Sebeta	20	Roses
15	Ethio Medos PLC(Surya Blossmos PLC)	Welliso	156	Roses
16	Tal Flowers	Sebeta	26	Dubium
				Ranunculus
				Gypsophila
				Others
17	Tinaw Business Group	Welkite	35	Roses
18	Vegpro Agriculture (tulubolo)	Tulubolo	21.811	Roses
19	Yalconeh Flowers	Sebeta	18.5	Hypericum
20	Beauty Green	Tulubolo	17.7	Hypericum
21	Zagwe Flora	Sebeta	22	Roses
D/zeyit & Awash Cluster				
22	Zk Flowers	D/Zeyit	17	Roses
23	Olij Roses Ethopia	D/Zeyit	20	Roses
24	Veg Pro Agric. PLC (D/Zeyit)	D/Zeyit	38.6	Roses
25	Friend Ship	D/Zeyit	25	Rose
26	Roshinara Roses		30	Rose
27	Rainbow colours PLC	D/Zeyit	42.3	Roses
28	Dugda Floricu De't plc	D/Zeyit	30	Roses
29	Minaye flowers	D/Zeyit	20	Roses
30	Joy Tech	D/Zeyit	40	Roses
				Gypsophila
				Rootstock
31	Evergreen Farm PLC	D/Zeyit	21	Rose
32	Yassin Legesse Johnson	D/Zeyit	30	Rose
33	Beti Ornamental plants plc (Spirit)	D/Zeyit	23.5	Gypso
				Solidago
				Limonium
			7.5	pot plants
34	Omni Blossom Flowers PLC	D/Zeyit	20	Gypso king
35	Bukito Agro Industry		25	Rose

36	Super Arsity	Awash Melkasa	49.5	Rose
37	Maranque Plants	Awash Melkasa	70	Cuttings
Koka, Ziway & Awassa Cluster				
38	Desa Plants	Koka	22.37	Cuttings
39	Ethiopian Cuttings	Koka	94	Cuttings
40	Florensis	Koka	20	Cuttings
41	Red Fox	Koka	100	Cuttings
42	Blen Flower	Koka	30	Roses
43	Sher Ethiopia plc	Ziway	350	Roses
44	AQ Roses PLC	Ziway	40	Roses
45	Herburg Rose	Ziway	40	Roses
46	Braam Flowers PLC	Ziway	22	Spray Roses
47	Ziway Roses plc	Ziway	42	Roses
48	Langano lily	Hawassa	25	Lilium
49	Klaver Lily	Hawassa	50	Lilium
Holeta Cluster				
50	Marginpar	Holeta	36	Erengium
				Hypericum
				Hydrangia
51	Linssen Rose	Addis Alem - Kimoye	82	Rose
52	Okleaf Agriculture	Addis Alem	25	Rose
53	Kaf Rose	Holeta	16.56	Rose
54	Top-Flowers	Holeta	23	Rose
55	Euro Flora	Holeta	20.8	Rose
56	Joshwa Flowers	A/Alem	20	Rose
57	Husen Alseid	A/Alem- Wolenkomi	35	Rose
58	Ethio Dream flower	Holeta	22	Rose
59	Agriflora	Holeta	22	Rose
60	Shemi flora	A/Alem	13.13	Rose
61	Flowerama	Menagesha	18.5	Rose
62	Ethio- Agriceft	Holeta	28	Rose
63	Joe Flower	Holeta	10	Rose
64	Ethiopian Meadows	Holeta	100	Rose
65	Galica Rose	Menagesha	20	Rose
66	Holeta Rose	Holeta	22	Rose
67	Alliance flower	Menagesha	20	Rose
68	Oromia wonders	Holeta	20	Rose
69	Dream flowers	Menagesha	20	Rose
70	Schecter Yoseph (Mini Planets)	Holeta	20	Carnation
71	Supra floritech	Holeta	19.5	Rose
72	Arsi Flowers	Holeta	16	Rose
73	A-Flower	Holeta	18	Rose
74	Dire Highland	Holeta	35.4	Rose
75	Rose Ethiopia	Holeta	23	Rose
76	Fiyori Ethiopia	Holeta	28	Rose
77	Metrolux	Holeta	21.5	Rose
78	Garad Flowers	Holeta	28	Rose
79	Afri Flora		75	

Sendafa,Sululta,D/Birhan and B/Dar Cluster				
80	Ethiopian Magical Farm/EMF	Sendafa	40	Carnation
81	Abysinnia Flowers	Sendafa	32	Hypericum
82	Derba Flowers	Derba	30	Hypericum
83	Ask Flowers	D/Birhan	39.186	Roses
84	J.J Kothari	Sululta	32	Roses
85	Freezia Ethiopia	Sululta	15	Limonium
				Herbs
				Open field
86	Giovanni Alfano farm	B/Dar	71	Gypsophila
87	Tana Flora	B/Dar	125	Rose
88	Ethio Agriceft	B/Dar	50	Rose
89	Esmeralda	B/Dar	150	Rose & Summer Flower
90	Funtana	B/Dar	100	Rose
			3,302.56	

Total Farms=86

Rose=51	51
Summer=15	15
Cuttings=6	6
Not Func=14	14

N.B - Description

Not Functional
Changed to veg and fruit
Expropriated (due to railway project development)
New entrants