

**ADDIS ABABA UNIVERSITY**  
**SCHOOL OF GRADUATE STUDIES**  
**COLLEGE OF LAW AND GOVERNANCE**  
**CENTER FOR HUMAN RIGHTS**

**Maternity Protection: A Study Conducted at Pittards Plc.**  
**Addis Ababa Ethiopia**

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**A Thesis Submitted to the School of Graduate Studies, College of Law and Governance Studies, the Center for Human Rights, Partial Fulfillment of the Requirements for the Master of Arts in Human Rights, Addis Ababa University**

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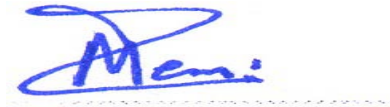
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## **Declaration**

I, TizetaEfreem, declare that this thesis is my own original work. All sources that I utilized in the paper are properly cited and acknowledged. I also confidently declare that the paper is not submitted to any academic institution to acquire any academic reward.

Declared by: TizetaEfreem

## **Acknowledgment**

Credit goes to my creator and heavenly Father the Holy Trinity as well as Holy Mother St. Mary without whom none of this would have been possible. I would not be the person I am today without my wonderful parents Etete and Efir, who were there for me in more ways than one. Efir a girl cannot ask for a better father. I ask myself everyday what I did to deserve a father like you.

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## **Abstract**

*Maternity protection is a human right given to working mothers. However, a significant number of mothers die from childbirth and their deaths could have been prevented by adequate social protection policies.*

*The implementation of the maternity leave rights are also quite contentious across the globe and vary greatly. Ethiopia is among the developing countries and is struggling to attract foreign investment and change its sector from agriculture to industrial led development. In this process the country is building several industrial zones. Women are thus employed in numbers in this sector.*

*Research in the past indicate that the protection of basic rights of workers are violated in private sectors. This research thus explores the gap in the protection of maternity leave rights of working women in the private manufacturing sector.*

## Acronym

|         |  |
|---------|--|
| AGOA    | African Growth Opportunity Act   |
| APP     | Africa Progress Panel  |
| AU      | Africa Union   |
| CEDAW   | Convention on Elimination of all Forms of Discrimination against Women |
| CELU    | Confederation of Ethiopian Labor Unions                                |
| EU      | European Union   |
| FDRE    | Federal Democratic Republic of Ethiopia                                |
| FGD     | Focus Group Discussion   |
| ICCPR   | International Covenant on Civil and Political Rights                   |
| ICESCR  | International Convention on Economic, Social and Cultural Rights       |
| ILO     | International Labor Organization                                       |
| MoWCYA  | Ministry of Women, Children and Youth affairs                          |
| OAS     | Organization for African States  |
| PDRE    | People's Democratic Republic of Ethiopia                               |
| SADC    | Southern African Development Community                                 |
| UDHR    | Universal declaration of Human Rights                                  |
| UN      | United Nation  |
| UNHROHC | United Nations Human Rights Council                                    |

## Glossary

*Birr- Local currency of Ethiopia*

*Woreda- Sub division of the local district*

*Kebele-Sub division of the local district*

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background

Maternity protection is a human right and an essential prerequisite for the achievement of women's rights and gender equality (UNHROHC, 2014). A significant number of mothers die every day from childbirth, and most of their deaths are preventable by adequate social protection policies (APP, 2010). Effective social protection during maternity ensures income security for pregnant women and mothers of newborn children, and effective access to quality maternal health care. It also promotes equality in employment and occupation.

It was during the first International Labor Conference in 1919 that the first convention on Maternity Protection Conventions: No103 in 1952 was amended to No 183 in 2000. These standards progressively expanded the scope and entitlements related to maternity protection at work in line with the evolving status and recognition of women's rights in the world of work.

The Universal Declaration of Human Rights (UDHR), 1948 art 25 (2): Motherhood and childhood are entitled to special care and assistance. The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 Art 10 (2) provides Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period, working mothers should be accorded paid leave or leave with adequate social security benefits. Convention on the Elimination of All forms of Discrimination against Women (CEDAW) 1979 Preamble: Women's right to non-discrimination, including in maternity: leading implicitly to maternity protection at work, paternity and parental leave, and to understanding society's responsibility towards women vis-à-vis maternity.

The lived experiences of the implementation of the maternity leave rights are quite contentious issue across the globe. The implementation in the protection of rights to maternity leave ranges from contexts where individual right to take parental leave has not been introduced, contexts where regulations exclude parents working in a typical professions to contexts where the question of pay and the amount of the allowances are still debated. Others contend that the

protection of the right to maternity leave is an entity that varies in different contexts of private and public sectors. Thus preexisting studies accent the point that even though parental leave is considered as being important rights for employees, in practical terms its application varies in different work environments and different contexts. This study draws on gap identified in a study on the implementation of parental leave in the workplace by specifically drawing on an empirical study conducted at a private manufacturing PLC in Addis Ababa, Ethiopia.

## 1.2 Statement of the Problem

Maternity leave is one of the basic rights of working mothers around the globe. The practice of paid maternity leave is often described and considered as being quintessential in achieving gender equality at the workplace. However, there are differences on the experiences of different countries around the globe whereby some countries and regions have good reputation for providing fair maternity leave packages. In some developed countries like the US there is no paid family leave-including maternity leave under the US law. In all states apart from California and New Jersey, the law does not guarantee any paid leave after childbirth. Unpaid leave is what is granted under the federal Family and Medical Leave Act, which only privilege half of the entire population<sup>1</sup>.

On the other hand, the Nordic countries are considered to be the ones having a great reputation with the provision of equal opportunity for women's participation in the labor market.<sup>2</sup> Norwegian parents may take a total of up to three years of leave after a child's birth.<sup>3</sup> Parents therefore, receive 54 weeks of paid, employment-guaranteed leave. In Japan family leave consists of maternity and child-care leave. It lasts six weeks before childbirth until the child's first birthday and the 58 weeks are paid leave.<sup>4</sup>

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<sup>1</sup>Janet Walsh." Americans Value Moms, But Policies Don't". Accessed from <https://www.hrw.org/news/2011/05/05/americans-value-moms-policies-dont> December 5,2017.

<sup>2</sup>Bergquist, Christina et al. (eds.). *Equal Democracies? Gender and Politics in the Nordic Countries*. Oslo: Scandinavian University Press.

<sup>3</sup>Rebecca Ray (2008), A Detailed Look at Parental Leave Policies in 21 OECD Countries, Center for economic and policy research, Washington D.C.

<sup>4</sup> Ibid

Studies have also emphasized how the protections of basic rights of workers are violated in the private sectors. Research conducted in Cambodia, Bangladesh, Kenya and India show that there are failures by factories to provide employees with healthy and safe working environment and as a result workers were exposed to risk of injury and illnesses.<sup>5</sup> A research by Boniface (2007) conducted in Kenya shows how the export processing zone infringed workers labor rights and further states due to exhaustion after overtime hours many women were found to have had miscarriages of pregnancies. <sup>6</sup> A study conducted in Indonesia at Nike factory, supervisors were reported to have used stop watches to count the minutes it takes a worker to complete a task.<sup>7</sup> Other studies done in China, Cambodia, Thailand and Turkey at a foot wear industry show infringements in terms of excessive long working hours, forced overtime, lack of job and wages security, long working hours, forced over time, poor health, exhaustion, mental stress and dysfunctional family life.<sup>8</sup>

According to the Constitution of Ethiopia female workers are entitled to fully paid maternity leave and according to the labor Proclamation, they are entitled to 90 days (30 days antenatal and 60 days postnatal) upon recommendation of medical doctor. If a pregnant woman does not deliver within 30 days of antenatal leave, she is entitled to additional leave until her confinement. If a pregnant woman delivers before the 30 days period has elapsed, postnatal leave commences after delivery. Other than maternity leave, workers are also entitled to paid leave for medical examinations related to pregnancy and paid leave during pregnancy on recommendation of a medical doctor (35(5) of the Constitution of Ethiopia 1994; 88 of the Labor Proclamation No. 377/2003 (amended by Proc. No. 466/2005 & Proc. No. 494/2006).

House of people's representatives on its 3<sup>rd</sup> year 7<sup>th</sup> general assembly meeting on December 2, 2018 ratified the Federal Civil Servants Proclamation 1064/2017. On article 42 of the proclamation a pregnant civil servant is entitled to a paid leave for medical examination in

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<sup>5</sup>Nita Bhalla (2016) H&M says working to improve labor conditions in India, Cambodia factories, Reuters: Accessed from :<https://www.reuters.com/article/us-india-cambodia-hennes-mauritz/hm-says-working-to-improve-labor-conditions-in-india-cambodia-factories-idUSKCN0YC0S>. Irish aid (2009) Ignoring the law Accessed form: <http://www.waronwant.org/sites/default/files/Ignoring%20the%20Law%20-%20Labour%20Rights%20Violations%20and%20the%20Bangladeshi%20Garment%20Industry.pdf>

<sup>6</sup>Boniface Pius Musembi (2007), Health and Safety labor Rights in Kenya: “ A case study of the export processing zone” , University of Nairobi.

<sup>7</sup> Ibid page 66-67

<sup>8</sup>“Hours of forced Overtime in One Week” (2004),A publication of Oxfam GB, Clean Campaign and ICFTU. p. 20.



Gudeta(2012) focused on socio-economic and environmental impact of floriculture industry in Ethiopia. The study tried to explore the problems that the female flower farm workers face while working in the industry. A study conducted by GoshiradTsegaw (1999) on “Paid Leaves in Ethiopia in comparative analysis on maternity leave” tried to see the ILO conventions concerning maternity protection visa -a- visa Ethiopian law in light of the international standards and national legislations.

Hence, there are no prior studies conducted to explore the maternity leave rights of female employees in the manufacturing sector. Given this fact there is a visible gap of study in these sectors in terms of protection or violation of paid maternity leave rights of working women in Ethiopia in the private manufacturing sector and the study hopes to contribute in terms of closing the existing gap. Thus this study focuses on understanding the protection of maternity leave rights of female employees of private manufacturing industries.

### **1.3 Objective of the Study**

#### **General Objectives**

To understand if maternity leave rights are actually respected and protected for female workers in the manufacturing sector with a specific focus on the private sector.

#### **Specific Objectives**

- To assess the maternity, leave packages offered from female employees of Pittards Plc.
- To review the different existing international, regional and national legal frameworks and policy instruments protecting the rights to maternity leave.
- To explore the major challenges female workers, face at work relating to pregnancy and maternity leave and the different strategies they use to overcome these challenges.
- Understanding the different factors influencing the implementation of the rights to maternity leave.
- To make feasible recommendations.

### **1.4. Research Questions**

- What are the lived experiences of the female workers at PittardsPlc with regard to maternity leave?

- What are the different existing international, regional and the national legal frameworks and policy instruments protecting the rights to maternity leave?
- What are the challenges women face at work relating to pregnancy and maternity leave and how do they cope up with them?
- What are the factors that affect the implementation of the right to maternity leave?
- What is the way forward?

## **1.6. Research Methodology and Data Collection Tools**

The study mainly draws on a qualitative research approach. Qualitative research involves an interpretive, naturalistic approach to the world. This means, qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them (Crswell, 2003).

This approach is appropriate for this study because it is a principal feature for human rights research whereby the data collected through this method provides detailed understanding of the topic under investigation from the viewpoint of the participants (Ibid). Thus this will help in exploring the major problems, on rights of maternity leave for female employees through asking detailed questions for participants to understand their stories and their real experiences.

The study addresses the proposed problem by drawing on the actual experiences of female workers in PittardsPlc in Addis Ababa Ethiopia. Both primary and secondary source of data were used in the study as to be elaborated below.

### **Primary Sources of Data**

The different data collection instruments that were employed in the process of collecting the primary data include key informant interview, informal discussion, focus group discussion, in-depth interview with officers from Labor and Social Affairs and Children and Women Affairs at *woreda* level as well as with the human resource officer of the factory under study.

## **Data Collection Instruments**

### **In-depth Interview**

In-depth interview method is chosen to gather information relevant for the topic. The method is chosen because interviews are particularly useful for getting in-depth information from the participant. The interviewer can pursue thorough information around the topic. Semi structured interviews were conducted following general interview guide approach. The general interview guide approach is chosen to ensure that the same general areas of information are collected from each interviewee (Meriam and Tsidel 2016). This provides more focus than the conversational approach, but still allows a degree of freedom and adaptability in getting the information from the interviewee. Bernard 2006 says in qualitative research, key informant interviewing is an important method as key informant interview selection helps the researcher to gather sufficient information concerning the issue under study.<sup>10</sup>

The informants interviewed include; 10 female employees of PittardsPlc, two administrative workers (the human resource department head, and sales manager), and two government officials; head of *woreda* children and women affairs office, and the head of *woreda* Labor and Social Affairs office. General interview guide questions have been prepared and the interviews were conducted in the federal working language of the country Amharic language. A tape recorder was used to record the interview with the necessary legal procedures and consents received. The interviews were conducted in different places. The female employees were interviewed in the factory as well as outside the compound of the factory. The public officials however were interviewed in their offices.

Informal discussion is preferred over the formal interview because the informants will be more comfortable to share their true feelings.

### **Focus Group Discussion (FGD)**

Focus group discussions are a pre-determined semi-structured interview led by a skilled moderator. The moderator in this case the researcher has asked broad questions to elicit responses and generate discussion among the participants. The goal is to get the maximum amount of discussion and opinions within a given time period. According to Bryman, there are

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<sup>10</sup>Bernard, Russell. (2006). *Research Methods in Anthropology: Qualitative and Quantitative Approaches*. Lanham: Altamira Press.

several reasons for using focus groups as a data collection tool. Among other things conducting an FGD help the researcher to develop an understanding about why people think the way they do, members of the focus group can bring forward ideas and opinions not foreseen by the researcher, and furthermore the interactions found in group dynamics are closer to the real life process of ‘sense making’ and acquiring understanding (2004: 247-8)<sup>11</sup>.

The FGD consisted of 6 female informants. The female employees selected to participate at the FGD were from different production units and age. The researcher played the role of the facilitator and tape recorder was used with the proper consent received.

### **Informant selection Technique**

Purposive sampling technique was used as it is appropriate for the current study. This is used to insure representativeness as well as relevance of the informant to the research topic<sup>12</sup>. Female employees who are pregnant and/or have had children while working at the factory were purposively selected. The government officials and the officials from the factory were accordingly selected based on the knowledge and information they have about the theme under discussion.

### **Secondary Sources**

Relevant information on subject of study was collected from preexisting sources. A broad and exhaustive review of existing legal documents resources and relevant empirical studies was done. Secondary data on different literatures done on the rights of maternity leave of women with specific emphasis on working conditions of female workers in the manufacturing sector was been done. Very monumental sources are the international, regional and national human rights instruments particularly dealing with worker’s labor rights and ILO conventions ratified by Ethiopia are reviewed as a source of reference.

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<sup>11</sup>Bryman, A. (2004) Social Research Methods, Oxford University Press: Oxford

<sup>12</sup>Wilmot A. Designing sampling strategies for qualitative social research: with particular reference to the Office for National Statistics’ Qualitative Respondent Register. Accessed from :<http://www.ons.gov.uk/about/who-we-are/ourselves/dat-collection-methodology/reports-and-publications/designing-sampling-strategies-.pdf>

## **1.7. Significance and Implications**

The major significance of the study is contributing to the identified gap of academic research on the topic. In addition to bridging the existing gap, the study will help to come up with further research questions for future researchers, which further helps in filling the identified gaps. Furthermore, the findings of the research will be informative for state and non-state actors' working on women's right in general and hence contributes to policy frameworks in the long run.

## **1.8. Scope and limitation of the Study**

The time and resource limitations have necessitated limiting the scope of the study. The scope of the study is limited to one factory i.e., Pittardsplc and the female employees there. As the researcher is a female the informants felt at ease to share their stories. As a way of getting a detailed data on lived experiences of few informants, the number of key informants as presented above has been limited to 15 female employees of the factory.

## **CHAPTER TWO**

# **REVIEW OF RELEVANT LEGAL DOCUMENTS AND LITERATURE**

This chapter is subdivided into three sections. The first section 2.1 presents review of relevant legal instruments at international, regional and national level. Section 2.2 presents a short review of relevant literature on the subject matter with a particular emphasis on the different schools of thoughts or perspectives in the study of maternity leave. This section briefly summarizes what the theories related to maternity leave. 2.3 presents brief review of major researches and preexisting literature on maternity leave in general and those few preexisting researches done in Ethiopia as well.

### **2.1. Review of Relevant Legal Instruments**

#### **A) International Framework on Maternity Protection**

International Human Rights Treaties<sup>13</sup>Time and time again the world's nations have repeatedly reaffirmed the importance of maternity protection to human rights. Several global human rights instruments contain provisions related to maternity protection these are: the Universal Declaration of Human Rights (UDHR) 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979 and the Convention on the Rights of the Child (CRC) 1989.

The Universal Declaration of Human Rights (UDHR), 1948 Art 25 (2), provides a clear stance that motherhood and children are entitled to special care and assistance. Likewise the International Covenant on Economic, Social and cultural Rights (ICESCR), 1966 Art 10(2), states that special protection should be accorded to mother during a reasonable period before and after childbirth.

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<sup>13</sup>UN: Universal Declaration of Human Rights (New York, 1948), International Covenant on Economic, Social and Cultural Rights (New York, 1966), International Covenant on Civil and Political Rights (New York, 1966), Convention on the Elimination of All Forms of Discrimination Against Women (New York, 1979), Convention on the Rights of the Child (New York, 1989).

During such period, working mothers should be accorded paid leave or leave with adequate social security benefits.

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW), 1979 Preamble states “Women’s right to non-discrimination, including in maternity: leading implicitly to maternity protection at work, to paternity and paternal leave, and to understanding society’s responsibility towards women vis-à-vis maternity”.

The provision stated in Article 11 states

*“Non-discrimination in employment; health and safety at work; prohibits dismissal during pregnancy and maternity leave; maternity leave with pay; services enabling women to combine family obligations and work (Child-care facilities); protection against work harmful during pregnancy”.*

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: [...]Art 11 also provides non-discrimination in employment; health and safety at work; prohibits dismissal during pregnancy and maternity leave; maternity leave with pay; services enabling women to combine family obligations and work (child-care facilities); protection against work harmful during pregnancy. It states

- 1) State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular (f) the right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction.
- 2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, states parties shall take appropriate measures:
  - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
  - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
  - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with or responsibilities are participation in public life, in

particular through promoting the establishment and development of a network of child-care facilities;

- (d) To provide special protection of women during pregnancy in types of work provided to be harmful to them.

Furthermore, Art. 12(2) of CEDAW states

...States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

The other relevant instrument is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), calls on states to take appropriate steps to help people realize their right to work and safe guard the right to safe working environment. According to this convention a step also needs to be taken by the states to achieve the full realization of rights that includes providing technical and vocational training programs.<sup>14</sup> The right to health provisions in the ICESCR also calls governments and others to take steps so that people can attain the highest attainable standard of health. Governments are expected to take steps to provide medical services, treat diseases, reduce child mortality, and improve environmental and industrial hygiene.<sup>15</sup>

Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Ethiopian government has a duty to respect, protect, and fulfill workers' rights to "safe and healthy conditions" without discrimination and with "rest, leisure...reasonable limitation on working hours," and "to form trade unions and join the trade union" of their choice.<sup>16</sup>

The other relevant international legal instrument is The International Convention on Civil and Political Rights (ICCPR).The ICCPR provides for the a right to life, prohibition against being arbitrarily deprived of life, a right to security of persons as well as right to freedom from torture and other cruel and inhuman punishment

The Beijing Platform for Action (1995) was quite significant forum. The conference underlined deeply entrenched attitudes and practices perpetuating inequality and discrimination against women in all parts of the world should be changed. It stated measures should be taken at all

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<sup>14</sup>ICESCR, Art 6 (2)

<sup>15</sup>ICESCR, Art 12

<sup>16</sup>ICESCR arts.7 and 8.

levels to protect and promote the inalienable rights of every woman and girl and should be at the heart of all action. These measures are also said to follow international norms and standards of gender and enable institutions to progress at a wider level. Paragraph 106 for example calls for governments and partners to formulate special policies, design programs and enact the legislation necessary to alleviate and eliminate environmental and occupational health hazards associated with work in the household, in the workplace and elsewhere with attention to pregnant and lactating women. In order to promote harmonization of work and family responsibilities for women and men: Paragraph 181 calls on governments to ensure, through legislation, incentives and/or encouragement, opportunities for women and men to take job-protected parental leave and to have parental benefits. Promote the equal sharing of responsibilities for the family by men and women, including through appropriate legislation, incentives and/or encouragement, and also promote the facilitation of breastfeeding for working mothers.<sup>17</sup>

One of the major institutions playing a quite essential role is International Labor Organization (ILO). According to the International Labor Organization “Maternity is a condition which requires differential treatment to achieve genuine equality and, in this sense, it is more of a premise of the principle of equality than a dispensation. Special maternity protection measures should be taken to enable women to fulfill their maternal role without being marginalized in the labor market.”<sup>18</sup>

Protective measures for pregnant women and women who gave birth include the prevention of exposure to health and safety hazards during and after pregnancy, entitlement to paid maternity leave, entitlement to breastfeeding breaks, protection against discrimination and dismissal, and a guaranteed right to return to the job after maternity leave.

Maternity protection for women workers contributes to the health and well-being of mothers and their babies, and thus to the achievement of Millennium Development Goals 4 and 5 adopted by the member states of the United Nations, that seeks the reduction of child mortality and improvement of the health of mothers (United Nations, 2009). Through safeguarding women’s employment and income security during and after maternity, it contributes to the realization of Millennium Development Goal 3, promoting gender equality and women’s empowerment. The ILO has adopted three Conventions on maternity protection: the Maternity Protection

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<sup>17</sup> Fourth World Conference on Women: Beijing Declaration and Platform of Action (Beijing, 1995).

<sup>18</sup> International Labor Office, 1996, p. 42

Convention, 1919 (No.3), the Maternity Protection Convention (Revised), 1952 (No.103), and the Maternity Protection Convention, 2000 (NO.183). Convention No. 3 has been ratified by 30 member States and Convention No. 103 by 30 member States. Convention No. 183 entered into force on 7 February 2002.

*The Maternity Protection Convention, 1919 (No. 3)*; this was the first ILO standard concerning the employment of women before and after childbirth. This Convention was limited to women employed in public or private industrial or commercial undertakings. It laid out the basic principles of maternity protection: the rights to maternity leave (12 weeks), medical benefits, income replacement during leave and breastfeeding breaks. The right to leave was reinforced by the explicit prohibition of dismissal during a woman's absence on maternity leave or at such time that the notice would expire during such absence; employment protection was thus seen as a vital aspect of maternity protection from the start. Convention No. 3 is no longer open to ratification, but is still in force for those member States that have ratified it and have not subsequently denounced it.

*The Maternity Protection Convention (Revised) (No. 103)* adopted in 1952, extended the scope of protection to a larger number of worker categories to include women employed in industrial undertakings and non-industrial and agricultural occupations, including "domestic work for wages in private households" (Art.1.3.h). It provided further protection by extending leave entitlement to cover illness resulting from pregnancy or confinement, and expanding upon the types of medical benefits provided. It also introduced for the first time a minimum level as regards cash maternity benefits: benefits should be fixed at a rate sufficient for the full and healthy maintenance of the mother and her child in accordance with a suitable standard of living (i.e. two-thirds of previous earnings where benefits are computed on the basis of earnings). Convention No. 103 is also no longer open to ratification, but remains in force for those member States that have ratified it, unless they have subsequently ratified Convention No. 183 (in which case, only the latter Convention remains in force).

*The Maternity Protection Convention, 2000 (No. 183)*; is the latest maternity protection convention and it includes:

- Extension of protection to all employed women.
- 14 weeks of maternity leave, including six weeks of compulsory postnatal leave.
- Additional leave in case of illness, complications or risk of complications arising out of

## Pregnancy or child birth

- Cash benefits during leave of at least two-thirds of previous or insured earnings (or at an equivalent level where benefits are not calculated on the basis of previous earnings).
- Access to medical care, including prenatal, childbirth and postnatal care, as well as hospitalization when necessary.
- Health protection: the right of pregnant or nursing women not to perform work prejudicial to their health or that of their child.
- Breastfeeding: minimum of one daily break, with pay.
- Employment protection and non-discrimination.

## **B) Regional Frameworks**

States worldwide have formed regional, political and economic alliances and have agreed upon many forms of multilateral cooperation. Both regional policies and trade agreements influence, or in some cases determine, national regulation for working circumstances and the treatment of employees. The regional inter-governmental organizations (IGOs) that adopted provisions on maternity protection are African Union (AU), European Union (EU), Organization for American States (OAS), Southern African Development Community (SADC).

*Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (July 2003)*<sup>19</sup>

### Article 13: Economic and Social Welfare Rights

Provides state parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities.

Therefore, in this respect they shall:

- i) Guarantee adequate and paid pre and postnatal maternity leave in both the private and public sectors.

### C) National Laws of Ethiopia on Maternity leave

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<sup>19</sup>African Commission on Human and People's Rights: Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Banjul, 2003).

The Federal Democratic Republic of Ethiopian (FDRE) Constitution (Art 9(4), explicitly explained that the international conventions ratified by Ethiopia as an integral part of the Ethiopian law.<sup>20</sup> Hence, the Ethiopian government has a responsibility for the implementation of the legal conventions through national laws and the formulation of strategies, policies, programs and development priorities in conformity with all human rights and fundamental freedoms. Maternity leave with full pay has been recognized in article 35 of the Constitution.

In accordance with the Constitution of Ethiopia and Labour Proclamation, female workers are entitled to fully paid maternity leave of 90 days (30 days antenatal and 60 days postnatal) on recommendation of medical doctor. If a pregnant woman does not deliver within 30 days of antenatal leave, she is entitled to additional leave until her confinement. If a pregnant woman delivers before the 30 days period has elapsed, postnatal leave commences after delivery. Other than maternity leave, workers are also entitled to paid leave for medical examinations related to pregnancy and paid leave during pregnancy on recommendation of a medical doctor.<sup>21</sup>

In addition to the proclamation, the directive on occupations prohibited for female employees imposes an obligation on employers to provide an annual health checkup for female workers who work in conditions where there is no suitable seat and work standing for a longer period of or situations where there is high temperature involved in working conditions including: works without suitable seat and who work standing for long hours and works with high temperature. Besides, the employer should transfer pregnant women from difficult and challenging working conditions to easier works without affecting their salaries. In the directive female employees are also guaranteed to get adequate training on safety and protection of their health.<sup>22</sup>The latest legal instrument that has been ratified recently as mentioned above is proclamation no. 1064/2017 Federal Civil Servants Proclamation. The Proclamation in its preamble states the law has been proclaimed because it has become necessary to promulgate a law that enables the making of fundamental changes in the civil service reform program in human resource management. The new proclamation repeals the decade long proclamation 515/2007.

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<sup>20</sup>See, FDRE Constitution , 1994 (Art 9 (4))

<sup>21</sup>Article 35(5) of the Constitution of Ethiopia 1994; article 88 of the Labour Proclamation No. 377/2003 (amended by Proc. No. 466/2005 & Proc. No. 494/2006)

<sup>22</sup>FDRE. (2012). Directive on Occupations Prohibited for Female Employees, Ethiopian Labour and Social Affairs, Addis Ababa

Proclamation no. 1064/2017 Article 42 provides as follows<sup>23</sup>

1. *A pregnant civil servant shall be entitled to
  - a) *Paid leave for medical examination in accordance with a doctor's recommendation.*
  - b) *Paid leave before delivery if recommended by a doctor.**
2. *The leave referred to in sub article (1) of this article shall not be considered as sick leave.*
3. *A pregnant civil servant shall be entitled to a period of 30 consecutive days of prenatal leave preceding the presumed date of her confinement and a period of 90 consecutive days after her confinement in total 120 days of maternity leave with pay.*
4. *If the pregnant civil servant delivers before the completion of the prenatal leave, which is granted under sub article (3) of this article, the unused prenatal leave shall be granted after her confinement.*
5. *If the pregnant civil servant does not deliver on the presumed date, the days subsequently taken before her confinement shall be replaced by the annual leave she is entitled to within the budget year or that of the following budget year if no annual leave is left.*
6. *The civil servant shall be entitled to sick leave in accordance with article 43 (1) of this proclamation if she became sick after completion of her maternity leave under sub article (3) of this article.*
7. *Any civil servant who encounters a miscarriage of not less than six months pregnancy prior to her prenatal leave shall be entitled to 60 days for confinement maternity leave if the miscarriage is confirmed by medical certificate.*
8. *If a civil servant on prenatal leave encounters a miscarriage of pregnancy her prenatal leave shall terminate and she shall be entitled to the 90 days post confinement maternity leave referred to in sub article (3) of this article.*

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<sup>23</sup> Federal Civil Servants Proclamation No. 1064/2017 article 42

9. *Any civil servant who encounters a miscarriage of three to six months' pregnancy shall be granted 30 consecutive days leave with pay if the miscarriage is confirmed by medical certificate.*

10. *Any civil servant shall be entitled a paternity leave with pay for 10 working days at the time of his wife's delivery.*

On top of this article 48 of Proclamation 1064/2017 provides that it is prohibited to assign a pregnant civil servant to a position other than the position she assumed through recruitment or promotion, unless the position is at risk to her health or to fetus. The government institution is also not allowed to discharge a pregnant woman during or after four months of delivery. In addition to this the government institution is now obliged by law to establish a nursery where female civil servants could breast feed and take care of their babies.<sup>24</sup>

## **2.2. Multiple Perspectives in the Study of Maternity Leave**

There are several theoretical perspectives with regard to overall approach to the topic of maternity protection. Several perspectives also exist on what drives the effective maternity protection practices. This chapter therefore will present a theoretical framework.

### **A) Economic and Institutional Perspectives**

Economic theory predicts that a company's employers will be more likely to implement effective and accessible maternity practices if they see economic benefit either through increased productivity or if any costs can be offset in other ways such as by paying lower wages. This according to Baughman (2003) ends up reinforcing the already existing gender wage gaps.<sup>25</sup> Institutional theory emphasizes pressure on organization to adopt family-friendly policies, influenced by increased women's participation in the formal labor force and changing

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<sup>24</sup>Federal Civil Servant Proclamation 1064/2017 article 48

<sup>25</sup>Baughman, R.; DiNardi, D.; Holtz-Eakin, D. 2003. "Productivity and wage effects of 'family-friendly' fringe benefits", in *International Journal of Manpower*, Vol. 24, No. 3, pp. 247–259.

social norms with respect to gender equality in certain contexts, as well as public policy in a form of regulation.<sup>26</sup>

The writers admit that normative legal and social pressures for organization to be seen to be behaving legitimately vary across national contexts and the western-based institutional theory suggests that small firms companies are less influenced than larger organization by institutional pressures because their employment practices are less publicly visible.<sup>27</sup> Research on institutional and economic drivers of policy implementation are criticized for focusing mostly on formal policies, mainly in larger organization, neglecting informally negotiated practices.<sup>28</sup>

## **B) Social Justice Perspectives: - Social Exchange theory and Sense of Entitlement**

Social exchange theory often explains the process through which maternity protection can lead to positive firm-level outcomes. This is said to be based on notions of exchange and reciprocity, and has been applied in literature linking work-life balance and family friendly policies to commitment and performance in organization. The theory proposes that when employees perceive themselves to be fairly and considerately treated by employers who value their contributions by a work-life balance policy and family- supportive organizational culture they will be more satisfied and therefore more likely to reciprocate through commitment to the organization.<sup>29</sup>

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<sup>26</sup>Kossek, E. E.; Dass, P.; DeMarr, B. 1994. "The dominant logic of employer-sponsored work and family initiatives: Human resource managers' institutional role", in *Human Relations*, Vol. 47, No. 9, pp. 1121–1149. Wood, S.; de Menezes, L. M. 2010. "Family-friendly management, organizational performance and social legitimacy", in *International Journal of Human Resource Management*, Vol. 21, pp. 1575–1597. Lasaosa, A. 2003. "Family-friendly management in Great Britain: Testing various perspectives", in *Industrial Relations*, Vol. 42, pp. 221–250.

<sup>27</sup>Kossek et al., 1994; Wood et al., 2003

<sup>28</sup>Dex, S.; Scheibl, F. 2001. "Flexible and family-friendly working arrangements in UK-based SMEs: Business cases", in *British Journal of Industrial Relations*, Vol. 39, No. 3, pp. 411–431. Ram, M.; Edwards, P. 2010. "Industrial relations in small firms", in T. Colling and M. Terry (eds): *Industrial relations: Theory and practice*, 3rd ed. (Chichester, Wiley), pp. 231–252.

—; —; Gilman, M.; Arrowsmith, J. 2001. "The dynamics of informality: Employment relations in small firms and the effects of regulatory change", in *Work, Employment and Society*, Vol. 15, pp. 845–861.

<sup>29</sup>Becker, S.; Hartig, S.; Hoffert, A.; Hölterhoff, M.; Schubart, F.; Werner, H.; Geisel, S. 2008.

*Familienorientierte Personalpolitik: Checkheft fuer kleine und mittlere Unternehmen* (Rostock, Deutsche Industrie und Handelskammertag (DIHK)). Cegarra-Leiva, D.; Sánchez-Vidal, M. E.; Cegarra-Navarro, J. G. 2012a. "Understanding the link

between work life balance practices and organisational outcomes in SMEs: The mediating effect of a supportive culture", in *Personnel Review*, Vol. 41, No. 3, pp. 359–379.

—; —; —. 2012b. "Work-life balance and the retention of managers in Spanish SMEs", in *International*

Social exchange theory predicts employee perception of what is fair or equitable treatment tends to be based not on absolute standards but rather on social comparisons. According to the theory workers compare their own situation with that of other referent individuals. This in turn tends to influence individual sense of entitlement to support such as enhanced maternity protection. A sense of entitlement or what individuals feel is fair to expect is also based on perceived norms and feasibility and influenced by national policy on maternity support.<sup>30</sup>

The theory states that there are evidences that if a woman is aware that businesses can benefit from supporting maternity, then they tend to feel more entitled to expect maternity and family support.<sup>31</sup>

Those employers who rely on an unskilled labor force with less security of employment and which can be replaced without much difficulty focus primarily on cost control and may be the least supportive of maternity protection. The employees have also less option to demand better provisions and thus have low sense of entitlement. On the other hand employers who depend on a skilled workforce that are more difficult to replace make efforts to establish a shared sense of community with strong informal reciprocal ties which may be more values-driven than purely cost-driven.<sup>32</sup>

It should however be noted that there may not be positive attitude to protect new mothers to return to work based the societies understanding of families global and societal contexts.<sup>33</sup>

### **C) Gender Organizational Theory**

Although maternity protection can be challenging for businesses in many conditions, it is a basic social and economic necessity for social reproduction as well as for economic productivity and development. An inclination to regard maternity as a problem rather than an inherent and

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*Journal of Human Resource Management*, Vol. 23, No. 1, pp. 91–108. Gerlach, I.; Schneider, H.; Schneider, K.; Quednau, A. 2013. *Status quo der Vereinbarkeit von Beruf und Familie in deutschen Unternehmen sowie betriebswirtschaftliche Effekte einer familienbewussten*

*Personalpolitik – Ergebnisse einer repräsentativen Studie* (Münster and Berlin, Forschungszentrum Familienbewusste Personalpolitik (FFP)).

<sup>30</sup>Croucher, R.; Stumbitz, B.; Vickers, I.; Quinlan, M. 2013. *Can better working conditions improve the performance of SMEs? An international literature review* (Geneva, ILO).

<sup>31</sup>Lewis and Smithson, 2001

<sup>32</sup>Goss, D. 1991. *Small business and society* (London, Routledge).

<sup>33</sup>Ram and Edwards, 2010

fundamental aspect of business can thus be considered a consequence of deeply ingrained gendered assumptions about separate and gendered economic and domestic spheres. Gendered organizational theory<sup>34</sup> stresses that organizations are not gender-neutral, but based on assumptions about ideal workers, which do not necessarily reflect the reality and interests of men<sup>35</sup> but certainly disadvantage women, particularly those who become mothers. The conflation of the “ideal worker” construct with hegemonic masculinity<sup>36</sup> means that men are implicitly regarded as the norm in workplaces. This is exacerbated when women are pregnant<sup>37</sup>. The associated implicit assumption is that pregnant women deviate from the ideal worker and that women of childbearing age represent potentially “faulty” human capital which has to be accommodated into “normal” systems. Yet, making gendered assumptions visible is an important process and provides the foundation to the theoretical framework used here.

### **2.3. Brief Review of Literature on Maternity Leave**

Literature seems to suggest that maternity leave can reduce productivity and performance of women in the work place. Most employers also adhere to this belief and would end up selecting only women who have passed the age of giving birth or male employees. A research paper by Chatterij, Markowit, and Brooks Gunn (2011) states that women that has a six months old infant are positively linked to depressive symptoms and self-reported parental stress. This in turn can be linked to a detrimental effect on productivity in the workplace.

Maternity leave is necessary not only for the health and well-being of the individual, but or how productive they will be at the work place. It can also be argued that a period of maternity leave is essential for having a healthy worker returning after a childbirth which, implicitly argues that productivity will be higher than if the women did not have access to maternity leave.

Another study by Chatterji and Markowitz (2005) also found evidence that longer maternity leave periods are linked to reduction in the incidence of occurrence of depressive symptoms. They had found out that increasing maternity leave by one week is linked to a 6-7%

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<sup>34</sup>Acker, 1990; Bailyn, 2006

<sup>35</sup>Connell, 2012; Williams, 2010

<sup>36</sup>Bailyn, 2006 and 2011

<sup>37</sup>(Gatrell, 2011a; Halpert et al., 1993)

decline in these symptoms. The choice to go back to work was also linked to depressive symptoms. The study was conducted using a dataset from 1988 when the United States of America where the study was conducted was one of the only two industrialized countries who did not have a national leave policy. At this time the choice to take a period of leave was voluntary, and linked to other available policies like sick leave, temporary disability laws.

Yet another study by McGovern et. al. (1997) explores how absence from work after a birth end up influencing the postpartum health of employed women. Such absence from work was linked to several factors such as hours of sleep per day, maternal illness, infant illness, social support (by spouses, friends and other family members).

The level of difficulty in finding childcare, job satisfaction, and the level of physical exertion at the workplace influences mental health, vitality, and the level of limitations to role functions at the workplace and in everyday life. The limitations they face in role functions are said by the research to be directly related to the productivity of the women at work after childbirth. The role functions were measured in the research as a scale of the combined effect of physical and emotional health problems, or fatigue, on an individual's daily activities (McGovern et.al., 1997: 510).

For example, more sleep (defined as hours of sleep per day) is significantly correlated with fewer limitations to role functions. Maternal illnesses are significantly correlated with more limitations to role functions. Infant illnesses are also significantly correlated with more limitations to role functions. Women who receive help with chores and childcare from their spouse, family, or others have fewer limitations to role functions. A higher job satisfaction and lower levels of physical exertions at work are also associated with fewer limitations on role functions.

Although it can be said these challenges are common to most families and mothers with infants it can also be inferred from the study that there is a need for a network of support around the women. This is both for the health of the women and to also function properly at the workplace.

Among the most interesting findings in the study is McGovern et.al. (1997) is the fact he found evidence of diminished levels of maternal well-being for employed women 7 months after the childbirth.

Kabeer (1994) says among the things that affect the effective maternity protection in developing countries are the manifestation of culturally informed gendered assumptions. He further explains

this is reflected in poor enforcement of maternity protection and lack of consideration of simple cost-free provisions such as breastfeeding support or flexible working hours. This he says should be understood in terms of the wider social structures, processes and relations in the broader context which give rise to women's disadvantaged position in developing countries.

The writer states patriarchy a social and ideological construct that considers men as superior to women is still accepted as the natural order of society in many developing countries. Thus this explains why women experience discrimination and unequal treatment not only in terms of employment but also health care, education control over productive resources, decision-making and livelihood. Men control women's production reproduction and sexuality. Although, the extent of control may vary due to differences in class, caste, religion, region, ethnicity and socio-cultural practices (ibid).

The General belief according to Al-Jabari (2011) is that women seek security and fulfillment in domestic life and that their feminine behavior serves to discourage them from entering employment (or in remaining employed when pregnancy occurs), politics and public life in general. In these situations, maternity protection may end up being a low priority for management and decision-makers.

The other could be related to the cultural beliefs of the society and those in politics and management. In developing countries female reproductive functions, menstruation, pregnancy, birth is seen as a taboo and a non-discussion point. This may explain why there is low focus on provision of maternity services. In these cultural contexts entitlement to time off work for antenatal care or support for breast feeding at work are likely to be largely irrelevant in the contexts of these taboos. Maternity protection issues are thus mostly seen as the jurisdiction of the family or the mother alone (Chapman, 2003; Finlayson and Downe, 2013; Gleib et al., 2003; Mathole et al., 2004; Mumtaz and Salway, 2005 and 2007; Pallikadavath et al., 2004; Simkhada et al., 2008).

When we talk about history of maternity leave rights in Ethiopia one will be forced to look into the historical development of labor law in Ethiopia.

Talking about labor law in Ethiopia will take us back to 40-50 years. Present day labour law, as a specialized law designed to protect employee's welfare, only came into existence as a result of the modern industrial development and with rise of the status of the employee as a wage earner.

Ethiopia's process of modernization started slowly since the time of Menelik II (emperor of Ethiopia from 1889-1913). As a highly traditional society women joined the modern work force fairly recently.<sup>38</sup>

One of the first worker's organizations with pattern of modern trade union was the "Franco-Ethiopian Rail-way company workers association" founded in 1947. However, the first union is said to be registered under the Civil Code (Civil code proclamation, no165/1960). In 1963 the first formal labor law (on collective labor relation) was established with the "labor relations proclamation no. 210/1963". This proclamation recognized the rights of associations of employers and workers, as well as a system of collective bargaining and it set u machinery for the settlement of trade disputes the labor relation board.<sup>39</sup>

In 1963 the "Federation of Employers of Ethiopia" and in 1964 the "Confederation of Ethiopian Labor Unions" CELU, were funded. However, individual labor relations were treated exclusively like any other service contract according to regulations of the Civil Code. During the Derg period (1974-91) as part of the socialist order of state and society, labor law was based on the public ownership of means of production and was subject to central planning and central management. The Labor proclamation no. 64 1975 superseded the imperial labor relations proclamation and contained almost all provisions of a socialist labor law. There was no autonomy with regard to the conclusion of collective agreements as a form of independent control over working life exercised by freely constituted trade unions. There were no employer organizations and no contractual freedom between employer and employee. The 1975 labor decree therefore required employers provide 45 days of maternity leave after confinement.<sup>40</sup>

After the demise of the imperial regime in 1974, the military government that controlled the state enacted a new Constitution of the People's Democratic Republic of Ethiopian (PDRE) in 1987. According to Yasin, A. M. (2013). "It has to be noted that the PDRE constitution is the first in the history of Ethiopia to recognize the need for special measures for women in areas of education, training and employment."

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<sup>38</sup>MedhanitAdamu and SofanitMekonnen 2009, Gender and the Law, prepared under the sponsorship of the justice and legal system research institute, Addis Ababa Ethiopia.

<sup>39</sup>ibid

<sup>40</sup>Dixon, John 1987, Social welfare in Africa, Rutledge, New York.

The Constitution adopted in 1995 by the FDRE has amplified the provisions given to women, and assures women of equal rights with men in every sphere and affirmative action's would be taken in order to remedy the sufferings of women because of past inequalities. It also reiterates the rights of women to own and administer property. It sounds women's right to family planning services and to paid pre-and post-delivery maternity leaves. Maternity leave was thus extended from 45 days to 3 months.<sup>41</sup>

On February 2004 House of People's representatives adopted labor proclamation No. 377/2003. This proclamation repealed labor proclamation 42/1993 (as amended by proclamation 88/1994).

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<sup>41</sup>MedhanitAdamu and SofanitMekonnen 2009.

## CHAPTER THREE

# SHORT DESCRIPTION OF THE FACTORY UNDER STUDY AND RESEARCH SUBJECTS

### **3.1 Background Information: Early Days of Pittards PLC**

Pittardsplc was established by Charles Pittardplc in Yeovil, Somerset, United Kingdom in 1826 as a leather dressing business supplying to numerous glove makers in the local area. Originally, Pittards would have worked only with local Somerset sheepskins, but in the early 20<sup>th</sup> century the company began sourcing from Africa. It was recognized that Cabretta or “hair sheep” skins were more suitable for glove making with their finer hair follicles and high tensile strength. Pittardsplc has high reputation for making high quality leather in England for over two centuries. The company headquarter is located in Somerset, a country located in South West England.<sup>42</sup>

During the early twentieth century, the company developed skills in dyeing leathers and imparting technical qualities such as waterproof and washable leathers a major breakthrough that drove sales of dress gloves, as well as establishing partnerships with the military for better performing gloves for soldiers and pilots.<sup>43</sup>

Currently, PittardsPlcis a United Kingdom-based company that is actively engaged in different tasks ranging from designing, producing and procurement of leather for sale. The Company offers products for both women and men and for large scale industries such as aviation, fashion, sports, outdoor performance etc. The year 2008, set a landmark in the history of Pittardsplccompany when it acquired the heritage leather goods brand Daines& Hathaway which helped it to develop manufacturing expertise in making bags, small leather goods and clothing. Pittardsplcleather is specified by leading brands around the world, part of the renowned brands being Polo, footIoyShoe, Ona, Berghaus etc.

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<sup>42</sup> [www.pittards.com](http://www.pittards.com)

<sup>43</sup> *ibid*

### 3.2 The Company's History in Ethiopia

PittardsPlc is currently located in Nefas Silk LaftoKefeleKetema, *woreda* 09, *Kebele* 55. The Factory has four factory compounds and the official date of establishment in Ethiopia goes back to March 2011 G.C.<sup>44</sup>

Currently the factory has 1800 employees who work in its different factories working in two shifts and produces 5000 pair of working gloves and 200 fashion gloves daily. Its monthly export capacity is thus 100,000 pair of working gloves. The company exports its products to the U.S. market.<sup>45</sup>

The company has been trading in Ethiopia since the 1920's, the attraction is said to be the celebrated type of sheep or the Ethiopian hair sheep in the country. This breed that does not grow a thick coat of wool also has much thinner skin than its European counterparts, which made it ideal for delicate leather apparel such as ladies' gloves.<sup>46</sup>

The initiative to bring the company was taken by the head of the company in England. The company has a sister company at Mojo Edjersa. The Mojo Edjersa was owned by the government and PittardsPlc bought it from the government. In 2005, the company launched its initial joint venture of a tannery in Edjersa Eastern Ethiopia. This has later on led to the eventual ownership of a tannery in Edjersa, which has for long time been the source of raw material to make dress gloves.

The challenges faced by the company at the time, according to Mr. Sahilu, was lack of skilled manpower, stable electricity, poor livestock management, low quality supply, problems of poor quality raw material supply as a result of ante-mortem and post-mortem handling of hides and skins and poor linkage among different organizations involved with hides and skins. The main problems contribution to downgrading of skin and hides can be generally categorized as natural

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<sup>44</sup>MrSahilu the Human resource and Administrative head

<sup>45</sup> *ibid*

<sup>46</sup> [www.pittards.com](http://www.pittards.com)

defects (scratches, disease, ecto-parasitic defect) and man-made defects. This is due to traditional way of handling the cattle and the hide itself.<sup>47</sup>

The company overcomes the challenges by training the available manpower and in order to improve collection, curing and handling of hides and skins, price incentives based on a quality grading system was introduced. Mr. Sahilu suggests more must be done and farmers should participate in relevant training programs and be provided with information leaflets on methods of increasing animal productivity. Veterinary and agriculture extension personnel should assist farmers in adopting modern livestock management techniques, including the use of manufactured animal feeds.<sup>48</sup>

The following key points played a significant role for the relocation of the company to Ethiopia:

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- Ethiopia is one of the African states with growing number of young population and the garment industry requires an intensive labor.
- The other is the free benefit packages the government provides, mainly related to opportunities like African Growth Opportunity Act AGOA. The company benefits from duty free treatment under the African Growth Opportunity Act (AGOA). Ethiopia qualified for AGOA in 2001 becoming one of the 18 beneficiary countries in terms of textiles and garments. This allows for the export of textiles and garments to the United States duty free and quota-free.
- The growing number of Industrial parks is also another key attracting factor.
- The government also provides incentives to induce these companies among these are; subsidized land rent in industrial zones; generous credit schemes; 100% exemption from payment of duties on imported capital goods and raw materials for the production of exports and a five-year tax holiday on profit.

Given the Ethiopian government wanted to grow its leather industry annual exports to \$500 million by the completion of its five-year growth and transformation plan and leather exports had

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<sup>47</sup>Interview with Mr.Sahelu( June 16,2018)

<sup>48</sup>idib

stood at \$123 million in 2014 the company had played its part in provision of this foreign currency.

Mr. Tedros mentions there are plans to expand the company to open factories for dress gloves. According to him, this depends on the demands of the markets and offers made by the market. The company now exports shoes, jackets and hand bags and they have a shop at Hilton Hotel for leather jackets and bags.<sup>49</sup>

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<sup>49</sup>Interview conducted with Mr. Tedros (July 3, 2018)

### **3.3. Employment opportunities at the factory**

The company currently employees around 1800 employees and about 80% of the factory workforces are female, while at the tannery about 80% of the workforce is male.

There are different production units in the factory to include cutting, ironing and packing, quality control and loading and unloading. There is a gender based division of labor because tasks like ironing and packing and loading require energy. Therefore, these sections are mostly dominated by male workers. The female workers are mostly assigned to sewing.

Mr. Sahilu says women are particularly preferred as garment workforce because they are careful and are more skilled for sewing. He also states that the female workers also prefer the factory work because of their low educational and skill level and lack of better job opportunities for female workers with low skill and educational level. He also mentions the fact that the company encourages women and works to empower women.

The Human Resource officer Mr. Sahilu says the company pays its employees a gross salary but on top of that it provides a bonus for a maximum production limit reached and a 7.5% of their salary for overtime work. The employee also gets a transport allowance of 236 *birr*.<sup>50</sup>

The salary range at the company varies. However, for the most of the production unit workers who are interviewed here started with 550-*birr* salary. The salary limits for starters have now been increased to 750 *birr*. For more professional workers with a diploma the salary starts at 1200-2000 *birr*.

### **3.4. Social Profile of Key Informants**

During the course of the study, as a way of getting a detailed data on the lived experiences of female employees of the factory, ten female employees who have had children while working in the factory have been interviewed. As it can be seen in the table below the informants come from different age groups ranging from 28-33. The educational profile of the informants shows that the largest majority, about 80%, have highschool certificate of grade 10 while one of them had a

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<sup>50</sup>Interview with MrSahilu (July 2,2018)

level 3 vocational training and one informant had a diploma. 80 % of the informants were married while 2 of them (20%) were single mothers. The average years of experience at the factory range from 2 years to 5 years. 7 of the informants have one child each, while 2 of them had 2 and one informant has 3 children.

| Informants      | Age | Educational Level | Marital status | Joined the factor in the year (G.C.) | Number of Children |
|-----------------|-----|-------------------|----------------|--------------------------------------|--------------------|
| Informant no 1  | 28  | Diploma           | Married        | 2015                                 | 1                  |
| Informant no 2  | 32  | 10 grade          | Married        | 2013                                 | 3                  |
| Informant no 3  | 29  | 10 grade          | Single         | 2014                                 | 2                  |
| Informant no 4  | 30  | 10 grade          | Married        | 2013                                 | 1                  |
| Informant no 5  | 28  | Level 3           | Married        | 2014                                 | 1                  |
| Informant no 6  | 33  | 10 grade          | Married        | 2016                                 | 2                  |
| Informant no 7  | 34  | 10 grade          | Married        | 2015                                 | 1                  |
| Informant no 8  | 36  | 10 grade          | Single         | 2013                                 | 1                  |
| Informant no 9  | 28  | 10 grade          | Married        | 2016                                 | 1                  |
| Informant no 10 | 32  | 10 grade          | Married        | 2014                                 | 1                  |

Table1. Background of Informants

| No | Name of Key Informants | Work Position                                      | Sex  |
|----|------------------------|--|------|
| 1. | Mr.SaheluB.            | Human Resource and Administrative Head             | Male |
| 2. | Mr.Tedros              | Human Resource and Administrative Department       | Male |
| 3  | MrMesfen,              | Officer for working Conditions at <i>Woreda 09</i> | Male |

Table2. List of key Informants

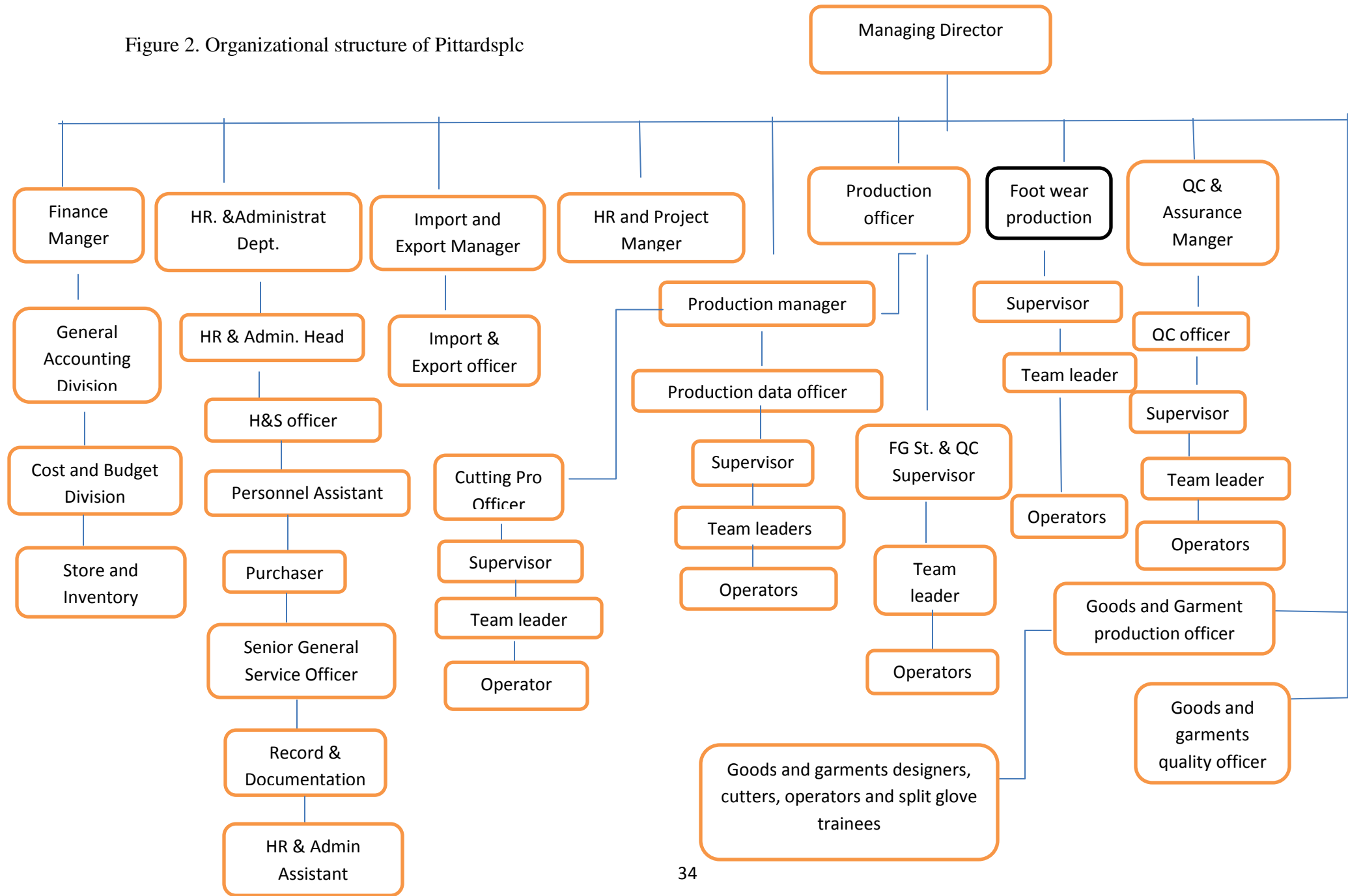


Figure 1. Female and male workers in sewing and cutting units at Factory 2 PittardsPlc (Picture taken on July 2, 2018 by the researcher).

### **3.5. Organizational Structure of the Company**

The organizational structure of the company as presented by the table below constitutes different duties and responsibilities assigned to the numerous stakeholders working at the company.

Figure 2. Organizational structure of Pittardsplc



The head of the company, Tsedenia Mekbib, is a woman and currently the managing director for the company. Below her is the finance manager, the human resource administrative head, the import and export manager, the glove production manager, the foot wear production officer and the quality and assurance manager. Under every section, there is a team leader and an operator. All of these positions shown below in the organization structure chart are Ethiopian citizens.

The factory has time keepers, gardeners, painters, drivers, cleaners and guards in the general services.

## CHAPTER FOUR

### WORKING CONDITIONS IN THE FACTORY

According to the human resource manager, the company uses various methods of recruitment to fulfill its human resource needs. Vacancy announcements are made through newspapers mainly “The Reporter”. The company requires a copy of *kebele* identification card and school certificate proving that the applicants have completed 8<sup>th</sup> grade and above. A working experience is mentioned to be a plus eventhough the company hires those with no experience and trains them on site. The training employees get upon employment is basically a skills training on sewing or cutting or other skills required for the specific units the employees are assigned for. The training may last up to 45 days on average based on how much of a quick learner the person is.<sup>51</sup>

The factory provides training for the factory workers who are directly involved in the production of leather. The women state they start out at a department called preparation and end up being promoted from there. One of the interviews states she had started at the preparation department and was promoted to sewing, to team leader and supervisor.

After recruiting workers, the second step is signing the contract. The human resource officer states that there is a form which all new employees sign. The form is in Amharic and contains the picture of the new employee, the name, age, sex, place of birth, address, emergency contact, educational level, experience, the position the person occupies, the specific factory he or she will be working at, the shift, starting salary and the date when the employee will start the job.

Eventhough the HR officer mentioned this being a standard norm to be taken upon employing a worker, informants accent the point that this is not the trend for all. Some of the female informants stated that they did not sign any employment contract when hired. To keep the identities of the informant’s confidential names have been changed.

Birtukan age 28 says:

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<sup>51</sup> Interview conducted with MrSahilu (July 2,2018)

*I have not seen this form before. I saw the vacancy announcement on the newspaper. The criteria stated for applying for the position was having a level 3 diploma and when I was hired there was no employment contract that I had signed and I did not ask either. I was however given a letter that states I had passed the application process and my employment was going to be on permanent basis with 45 days probation period. (Birtukan, electrician March 13, 2018 place of interview factory 2)*

Hana age 30 says:

*I was looking for work and I heard about a job opening at this factory so I applied. What I was asked for at the time was my kebele Identification Card and a 10<sup>th</sup> grade certificate. My first job was quality control. The starting pay was 550 birr. When I was hired I did not sign any contract that stated my duties and responsibilities. However, I was given a letter that stated I was hired permanently with 45 days probation period. (Hana, sewing March 13, 2018 place of interview factory 2)*

Out to the 10 informants only two mentioned they had signed a contract of employment. The implication of not signing the contract can be referred from the legitimate insecurity which informants have mentioned. Some of the informants when asked if the women have any fear of being fired by their employer at any stage, some say as long as they fulfill the requirements they could not be fired. However, others say the fact that they are at the discretion of their employee they could be fired by the supervisor at any time and the management has more trust for the supervisor than for the factory workers.

Danawit age 36 says:

*Unless the employee has a good reason or evidence he/she cannot fire me. The good reasons to fire me could be coming late, being absent without informing your superiors and causing nuisance at the work place.*

Hana age 30 says:

*Yes, I have a fear of getting fired at any time. I can tell you this, if my daughter gets sick and I do not show up for work for two days, I can be sure I will be fired. That is why I do not do that in the first place. I was at the hospital two days ago because she had been*

*admitted to the hospital, when I came back to work the next day everyone including my supervisor screamed at me. If a manager has an issue with you he may just randomly tell you to take of your gown off and leave. My immediate manager has several times said to me “Just wait and see what I will do to you”. He even once tried to bit me while I was pregnant. (Hana, March 13, 2018)*

Informants mentioned that often the employer does not state the terms and conditions of their employment. The informants accented the point that they did not get any briefing before starting the job other than being told they will be working in the department they will be working at.

Aida age 34 says:

*I was not told what my rights and duties are when I started working here. No one told me or briefed me about the benefits I will get either. I think this is because I used to work in another factory called Kangaroo and me and some of my collogues came from there because there was a conflict over a low salary, so they may have assumed we would know what our rights are given that we used to work somewhere else.(Aida, sewing march 13 2018, place of interview factory 3)*

**Pittards**  
 WAREHOUSES & LOGISTICS  
 PITTARDS PRODUCE & MANUFACTURING S.A.  
 ገበያ ገንባታና ማስተካከያ አ.ማ

**የሰራተኛ መቅጠሪያ ቅጽ**

**ጠራተኛው ግንዛቤያ**

- የአመልካች ሙሉ ስም \_\_\_\_\_ የተወለደ በ\_\_\_\_\_
- አድራሻ \_\_\_\_\_ ስ.ቁ. \_\_\_\_\_
- የኮንታክት ስም \_\_\_\_\_ ስ.ቁ. \_\_\_\_\_
- የድምጽ ስርዓት \_\_\_\_\_
- ጠራ ለምሳሌ \_\_\_\_\_
- ጠራ መደብ መጠሪያ \_\_\_\_\_ 4-ብሪት \_\_\_\_\_
- መገኛ ደመወዝ (ተቅል) \_\_\_\_\_
- ሰራ ለመጀመር የሚችልበት ጊዜ \_\_\_\_\_

ሰዎች ለድርጅቱ ከዚህ በላይ የተመለከተው የጠየኩትን የሰራ ዕድል ከተሰጠኝ በድርጅቱ የሰራተኛ ጽ/ቤት ለሰጠኝ መሰረት ገደብተኝ እኩል ለመስራት ፍቃድኛ መሆኔን አረጋግጣለሁ።

የአመልካች ሙሉ ስም \_\_\_\_\_

ፊርማ \_\_\_\_\_

ቀን \_\_\_\_\_

Figure 3 – copy of a form of employment contract

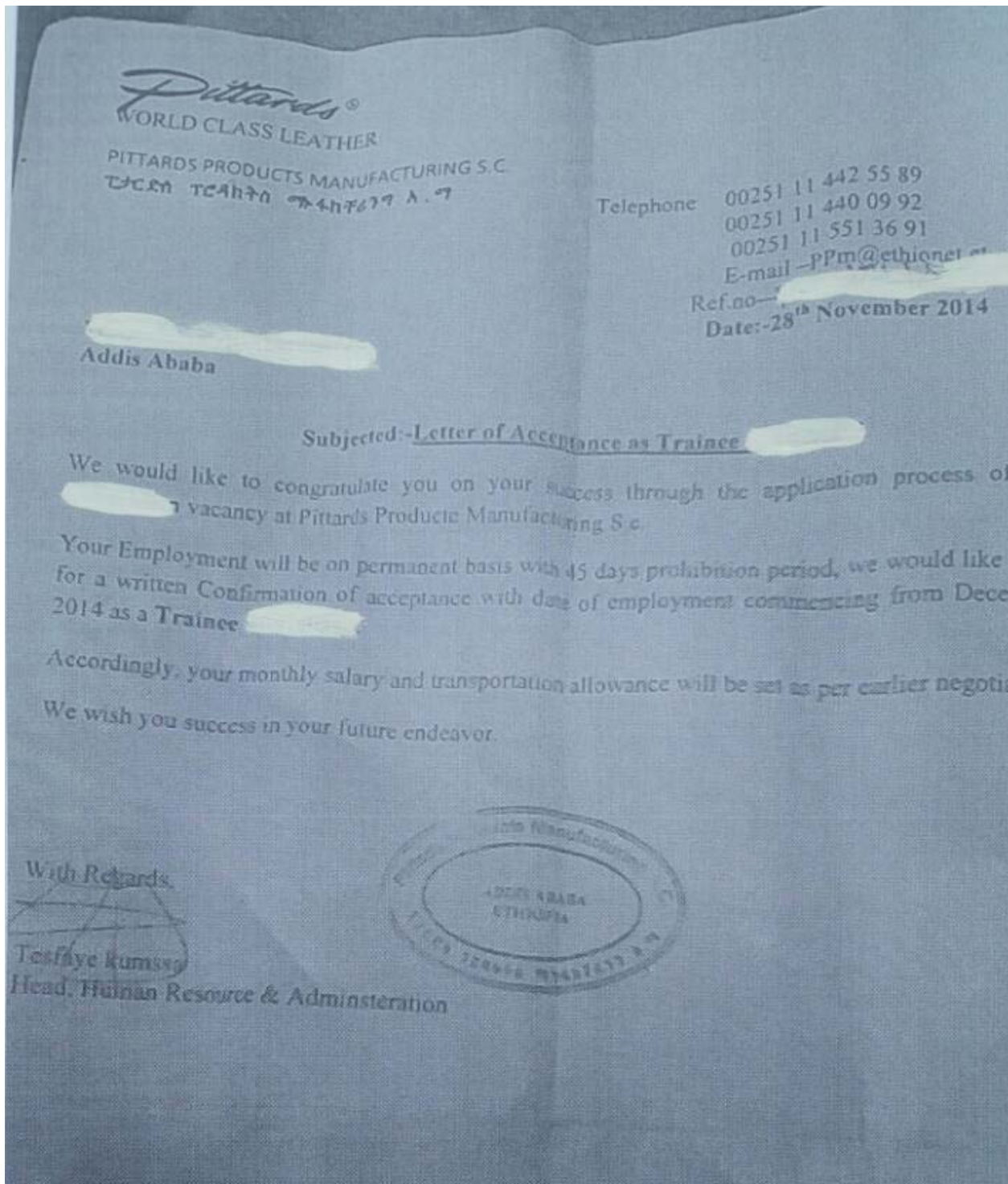


Figure 4- A Sample letter of a contract of employment given to the Employee during the 45 days probation period

There are two shifts in the factory. The first group of workers starts at 7:30Am and work to 3:30Pm. The Second shift starts at 3:30 p.m. and ends at 8:30 p.m. The usual lunch break at the factory is only for 30 minutes. The workers get Sundays off. However, despite the company representative's account about the weekly day offs, informants mentioned that they are subtly pressured to work on the weekends as well to meet deadlines which the employer claims is on consent basis. As the factory is a leather manufacturing company that exports leather products when there are orders and a deadline, the workers are expected to work overtime. The workers are paid overtime payment for the work they did in these days although the proportionality of the work they did and the payment they get is questionable. The payment for the overtime is said to be 7.5% of the gross salary when the workers do overtime on Sundays. This, however, is not clearly communicated to the employee's when hired or is not stated in the employment contract as well. This includes night hours, Saturdays, Sundays and holydays.

Burtukan age 28 says

*30 minutes' lunch break is a very short time, my house is nearby and I go to check up on my child. Every time I return from lunch the time has already passed and I get warnings for it. I do overtime work which they otherwise say is voluntary. However in reality we are not given any choice, there are times where we work even during the night. Within a month there are from 5-6 night shifts. This is not right of course but we don't even have a worker's union to raise this issue to.*

Elsa age 28 says

*I am in the second shift; I start at 3:30 P.M. and leave at 8:30. Sundays are the only off days we get. However, if there is a load of work and the factory has a deadline for an order, we also work on Sundays. Lunch breaks are just 30minutes. So we mostly don't go out. The nature of the work forces us to work over time. Unless you work, you will not get the extra money you need. (Elsa, March 18, 2018)*

Hana age 30 explains

*About twenty women had once protested by producing less because the promise that was made to increase their salary was not kept. They were supposed to produce thirteen*

*gloves and they kept on producing only four. So they were fired without notice. There were not even given their letters of experience. Although I like the work I am doing, I am disappointed by the payment I get. I work on the first shift from 7:30 a.m. to 3:30p.m, I also work on Sundays. When I get an order to work past my shift I cannot say no and say I have a child to take care of. I am forced to work the overtime. The sad part is the amount of time you put in and the change that comes into your life does not match. Even after you do overtime work there is no monumental difference in your way of living. (March 13, 2018)*

The female employees report that the payment they get is very low for the job they do.

Burtukan age 28

*When I was first hired my salary was 1200 birr and after working here for 4 and half years I now get paid 2000 birr. I pay 800 birr for a baby sitter who looks after my child and I rent a house. My husband works; however, both our salaries barely sustain us.*

Currently, in the factory, there is no labor union. When workers have grievances they go to human resource. Employees state they have consistently questioned why the labor union is not active and even have gone to the Ministry of Labor and Social Affairs. They say there was no response.

The interviewees state a labor union was formed and was functioning in the factory once but it stopped functioning because the members were either fired or had passed away.

Burtukan age 28 says

*Although membership fee is still being collected for the labor union it is not functional and most of our rights are not properly addressed because of it (Burtukan, March 13, 2018)*

The human resource officer states that the fact the labor union is not functioning is a temporary matter and this happened because one of the members died and the rest left their jobs.

On the other hand the *woreda* office legal officer states this is observed in most cases and employees don't like the fact that a strong labor union exists in the factory. This is because they fear it will cause problems for them.

#### **4.1. Maternity leave and Other Rights of Women**

In relation to the 2012 ILO report there are several factors that need to be considered when providing effective maternity protection. This should take in to account reproductive and productive roles of women as well as protecting women against unequal treatment because of maternity related reasons.

Women workers are entitled to the “*right to maternity leave with pay or with comparable benefits without loss of former employment, seniority and social allowances*” (CEDAW, Article 11). In addition, pregnant women have the right to get a “*special protection during pregnancy in types of work proved to be harmful to them.*” (Hiba, Juan Carlos, 1998).

AtoSahelu, the human resource officer at the factory, says a female worker who is pregnant gets time off for medical examination connected with her pregnancy, provided that she will present a medical certificate of examination from a public hospital. When the pregnant female worker gives birth, the factory grants her 30 consecutive days of leave with pay preceding the presumed date of her confinement and a period of 60 consecutive days of leave after her confinement.<sup>52</sup>

Informants have shared their lived experiences during an interview conducted with them. One of the key informants (Lemlem, March 13,2018), mentioned that during her pregnancy she had gone to the doctor for a checkup four times. Upon her four visits to the doctor, the factory expected her to bring evidence. A medical document from a public hospital is accepted and no deduction will be made from the employee's salary.

Hana age 30 states

*I had gone for medical checkup every month. I had to bring medical evidence from a public hospital. Mostly medical evidence from a private hospital is not believable by the*

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<sup>52</sup>Interview with AtoSahelu ( June 16,2018)

*human resource so I brought medical evidence from a public hospital. There is no health benefit at the factory so I had to pay my medical expenses myself.(Hana, March 13,2018)*

Informants have mentioned that on those occasions they go to private clinics in search for better medical treatment and some basic laboratory and ultrasound checkups, their medical certificates are often turned down. This is the point which the following informants accented;

Burtukan age 28 says

*I went to the doctor once a month or twice for a checkup when I was pregnant. Our pay is cut if we brought medical examination evidence from a private health post.*

Leyela age 29 says

*Annual leave is given in a way that will not harm the work and production. During the annual leave the employee will get her/his salary but will not get the transport allowance they get usually. (Leyela, sewing, March 13, 2018, place of interview factory 3).*

The other information from the HR says that as a way of paying attention to safety during pregnancy, pregnant women are often changed to units that require less energy and mobility as a way of considering the wellbeing of the mother and the baby. However, this is a point that has been contested by informants as the account of Lemlembelow shows;

However,Lemlem age 32 says

*I was not moved to a position which was less stressful when I was pregnant. It was hard for me and I used to stand a lot. (Lemlem team leader for sewing, March 13, 2018, place factory 2)*

Although the effort made by the factory to provide the employee's with the medical access is commendable, it is contradicting of the women's rights to get the best health service there is for their health and their baby's health.

Seble age 33 says

*When I first found out I was pregnant I did not want my supervisors to know. However, as we work together it was difficult to hide it from them. Eventually the word spread out;*

*and they found out that I was pregnant. While I was pregnant I was not moved to another position because I was pregnant. Throughout my pregnancy I worked in the same position I was in. The task required me to stand a lot. I had gone for checkup once a month during my pregnancy. I had worked until the last minute before I gave birth and I took the three months' maternity leave. I had also taken a one-month annual leave after that since I had no one to take care of my baby. One of the colleagues I work with told me that the factory gave a leave without pay for six months or so and hired the women back. I thought I should also ask for that since I had no one at home. Then I asked to at least get a month leave without pay. However, I was told that I am not entitled for that. I ended up realizing they don't apply this consistently for everyone and there are double standards whereby the ones entitled for this are those who they are close to or someone who they had helped get hired. (Seble, July 2,2018)*

#### **4.2. The Multifaceted Challenges Pregnant Women face at the factory**

Most informants mentioned that the different production activities they are engaged at are quite arduous in nature which in most circumstances put the pregnant woman at risk of miscarriage. The nature of the job is stated to be very exhausting. When asked if the company has made an effort to transfer a woman from a difficult working condition to another position while she was pregnant, informants stated there was no such effort. For jobs like cutting, quality control and finishing, women have to stand for hours in the job role.

Even though the informants accented the deep seated fear they have about the potential health risk this might have on their pregnancies, they mentioned that they refrain from communicating their concerns to the authorities in charge. This shows the fact that there is fear on the side of the employees of losing their jobs or being labeled inefficient if they complained about the position they occupy or the work they are doing. Therefore, they chose to remain silent.

There is a potential health risk related to work related stress as Katz (2012:765) notes; *“Work that is stressful, physically, psychologically, or both, has deleterious effects on pregnancy. Stressful work increases the risks of miscarriage, preterm labor, preterm birth, low birth weight,*

*and preeclampsia.*” Such stressful working environment and precarious nature of the work is something that is not often addressed in studies in the Ethiopian context.

Apart from the arduous nature of the job pregnant women are working at the factory, the other issue raised relates to the work burden expecting mothers have in general. This is mainly related to the gendered division of labor which does not exclude working pregnant women. In those circumstances, pregnant women have to carry the burden of both the household duties and the responsibilities their respective jobs at their workplace require.

Lemlem age 32 describes

*A factory work is exhausting, you finish your work here and you go home. As a woman, you are expected to do the house work too. You have to take care of the kids and you have to also be part of your social life; go to funerals, weddings and social gatherings (Lemlem, March 13, 2018).*

This is a pattern observed by Amber et.al.in a study conducted in Tanzania where there is no significant different time use patterns between pregnant and non-pregnant women regarding their household duties.

The other major challenge the pregnant workers raised is pertaining to short maternity leave which in most circumstances leads pregnant women to leave their jobs after delivery. The female informants are forced to take on double roles, work in the factory and work at home. There are also challenges of not having anyone to look after the child which will stress the mother and make it more difficult to be productive and also be a good mother. Given the fact that women get paid not more than 750 *birr*, they cannot afford to hire help unless they have part of the family or relative look after the baby.

Elsa age 28 says

*The girl who was taking care of my baby had left me and during that time I had to take my child to my father’s house and at the end of the day go there and take her from my father’s house. It was very hard and it was challenging for me. My father helped a lot during those times and that was a plus ( Elsa, March 18,2018).*

Hana age 30 states

*My child gets sick often the father spends more time with her than I do. The challenges are so many. Sometimes I am called from home saying she is sick but unless my shift is over I cannot leave. Most of the time I leave her with my husband's family, they help me a lot.*

Pregnant women informants interviewed in the course of the study also expressed their deep seated fear pertaining to the post delivery period.

Hana age 30

*I was put out of work for days being accused of a change of behavior. Although my daughter was sick several times I could not get to her in time and that is frustrating (Hana, March 13, 2018)*

Abeba age 36 reports because she was absent for two days since her child was sick and she was highly scolded by her supervisors. She says “*if a manager has personal quarrels with an employee he ends up threatening to fire that person*”. Those at HR and the owners are said to only listen to the manager and it is their word against the factory workers.

Hana further stated that a woman was fired for staring at her manager and a customer from England.

*The manager had threatened to beat me while I was pregnant and even though I reported this to the legal officer I was told to apologize to him (Hana, March 2018).*

The informants further stated the fact that the overtime work done by the workers is not really voluntary since if you don't do it you will lose your job. Over time work according to them is done 5-6 days a month which is making it more and more difficult for all working women but especially for mothers with young babies who need their due attention.

The informant says some of the paternal and annual leave rights provided are not consistent and are given for some of the workers and is refused for others. The workers according to her are reluctant to request for their rights at the fear of losing their jobs.

Hana who is aged 30 expressed *“You are forced to work although you see your child is suffering. The other day, I went home and I saw my child was injured; they told me he had fallen. For me there is no way for me to check if he has eaten right or if he could be kept safe and I get no help or support from the work place with regard to this aspect.”* (Hana, March 13, 2018)

According to her, the best part about working at the factory is the fact she has a job and a small income. However, the fact grievances are not heard and the rights of the workers are not respected is the down side.

At the factory there were reports of several miscarriages by female workers but the human resource officer denies this and the root causes of this needs further study. The female employees also reported for duty one month after giving birth, being worried about losing income if they stay at home with their babies.

## **CHAPTER FIVE**

### **INITIATIVES OF MATERNITY LEAVE PROTECTION**

#### **5.1. Support base initiatives for pregnant women**

##### **5.1.1. Efforts made by the factory owners**

The factory's Human resource officer says the company gives a female employee who just had a baby not only her maternity leave rights but a leave whenever she needs it. He states since most of the supervisors are women themselves it gives them a chance to communicate with each other whenever a problem arises.

The company has also hired a health and safety officer who is in charge of making sure all the safety regulation is properly followed. Eighty-five percent of the company's employees are said to be female. Therefore, the company makes efforts to raise awareness on health related risks for pregnant women. This, according to the officer, is done during training at the beginning of their employment.

The Human Resource officer further states that some of the female employees come to resign after they have their child because they end up not having any one to take care of them. In these times, the company offers time for the mother to find someone who can take care of the baby. They get to take their annual leave and also a temporary leave in addition to that. The temporary leave, according to him, ranges from 1 to 6 months.

However, the officer says sick leaves from a private hospital are not accepted but are taken as evidence for a leave without pay. The women are not also moved to a less hazardous position when pregnant or to a position less dangerous to the upcoming mother. According to the human resource officer this is due to the fact that the company considers most of the working positions are simple except ironing and those positions are only done by men.

In the implementation of these rights the officers say there are challenges of effective inter personal communication between each institution that is mandated to do the work. There is lack of awareness on the existing privileges and responsibilities despite the fact that the company offers orientations. The human resource office is thought of as a department that fires people and there is lack of trust to share the challenges the women face with the department. However, since the supervisors and the manager herself is a woman, the women get to share their frustrations with each other.

The officer says no one has been fired arbitrarily and some of the employees fired had discipline problems. To make sure there is no arbitrary dismissal, every supervisor and manager gives his opinion on the employee.

### **5.1.2. Initiatives by Woreda Children, Youth and Women Affairs Office Officer**

The Legal officer at the local *woreda*, Nefas silk lafto sub city, *Woreda 09, kebele 55*, is an inspection officer and he says there is a mandate for every local institution in the *kebele*, *Woreda* and sub city. The *woreda* has the mandate to overlook a private institution with 1-20 employees. The inspection officer has the responsibility of making sure employees were hired with the proper contract agreement. The officer sees the employee's documents, payroll and mode of payment. Some employers do not hire employees with a proper contract so they can get rid of them whenever they want.

The officer also states the department works on awareness raising using brochures prepared by the department. It also gives advocacy service to the employer as well as the employees. It raises awareness on proclamation 377/2003 Labor proclamation that an employee should only work eight hours a day. He states in some of the industries, the employees end up working more than eight hours and although some give extra payments for that some are observed not to do so.

When trainings are prepared in collaboration with Children Youth and Women's Affairs, industry employees are offered free legal advice. Depending on the budget, the training is held two to three times a year. However, the officer admits, although so many complaints are

brought to the department from the industry employees, the officer has no legal mandate to force the employer to abide by the rules. The officer therefore states how limiting it is for the inspecting officer.

Female employees who have been denied of their right to maternity leave come for complaints. Some employers also make the employee work for more than forty-five days as a probation period although the proclamation says a probation period shall not exceed forty-five consecutive days.

Mr. Mesfen, an Officer for working Conditions at *Woreda 09*, says: -

*Given that we are given the responsibility to evaluate working conditions, the proclamation did not give us any power for the evaluation officer to take any action what so ever. So the only thing we end up doing is showing up in person in the factory and negotiate with the employer. At times I can say we beg the employer given that we do not have a power to take action. (Mr. Mesfen, April 18,2018)*

When employees terminate contracts they are also expected to give a notice as well as a written letter notifying the employee the contract has been terminated. While the researcher was at the *woreda*, two women who have been laid off by the factory and chased off the factory compound by security officers came for complaints for unlawful termination.

Mr. Mesfen says

*In this situation I tried to call the manager or the factory but he does not pick up his phone so I will have to show up at the factory in person and try to see what the problem is. I call it modern slavery because a person should be allowed to ask about his/her right. (Mr. Mesfen, April 18,2018)*

The officer mentions issues of lack of coordination among the institutions to formally evaluate the actual implementation of rights provided by the proclamation. He says “*for example at Pittardsplc there are 1800 employees and 85% of them are female employees. This, therefore, is outside the mandate of the woreda and should be done by the institutions above it. However, those mandated do not the evaluation actually being present at the institutions.*”

When it comes to female workers who are pregnant, the proclamation 377/2003 provides on article 87 “*it is prohibited to employ women on type of work that may be listed as arduous or harmful to their health, she shall not be assigned to night work between 10.p.m. and 6 p.m. or be employed on overtime work*”. On top of this, it states an employer shall not terminate the contract of employment of a woman during her pregnancy until four months of her confinement. The officer says although the employer may not end up firing the pregnant female employee, he indirectly puts pressure on her so that she will get frustrated and leave the work.

Mr. Mesfen says:

*After negotiation, if the employee wants to take the case to court we provide them with legal advice. At times we even provide them with representation at court but that is the last resort. My personal suggestion is the proclamation should be amended to be more serious and allow us the officers more discretion to take action otherwise we are powerless. For example, a police man who has his uniform on is feared by criminals, however the evaluation officer even fears for himself as some of our colleagues have been arrested at Kirkos and Kolfesub city for going in and having a confrontation with factory managers. (Mr. Mesfen, April 18,2018)*

The officer says the worst violation that was ever reported was “*at an industry called Lucy garment, a female was bitten up by her supervisor and had lost five of her front teeth*”. In this circumstance the remedy could only be found at the police office and the court. Therefore, the *woreda* had referred her to the court and had given her a legal advice.

Unlawful termination of contract usually is reported by female industry workers. She may have not received formal letter of termination or she may not have signed but some employers prepare a false documentation. In these cases, the officer says the inspection officer goes in person with the female employee to the employer and confronts him/her.

The most challenging thing for the women not to demand for their rights is lack of proper awareness on their rights.

### **5.1.3. Ministry Labor and Social Affairs**

Ministry of Labor and Social Affairs is in charge of signing international agreements and amendment of national laws. It has the power and duties to ensure the maintenance of industrial peace, encourage and support workers and employers to exercise their rights to organize collectively and bargain for their rights.

The expert from the Ministry of Labor and Social Affairs says the organization often works on raising awareness about the different rights workers have including the rights and duties of pregnant women; although it is not in the level actually needed. He mentions in every institution there should be an organ that works on the assertion of rights of female workers. This is because in most private sectors female employees' maternity leave rights are violated. They fire them when they get pregnant. They also say they will only give them a month for their maternity leave. Some employees don't pay them their monthly salaries after they give them their maternity leave. If the female workers are aware of their rights they will demand them and can seek legal redress. However, he mentions the facts that if the female employee lacks the bargaining power she is less likely to go ask for her rights.

He admits the violation of rights is rampant in the private sector and the government lacks the actual power to have an actual say in these organizations. In terms of demanding that there would be a strong organ within the institution that works to stand behind the female workers' rights. The expert further stated that these private companies even refuse the inspector during inspection visits. This has been observed in settings where there are harmful products for the health of the mother and the intuition did not provide protective devices. These women end up having to face health problems.

The informant says it is easier to monitor and evaluate the protection level in the government offices rather than in the private settings because government offices are forced to hire a work safety officer. However, this is harder to implement in the private sector. The Ministry of Labour has been mandated to observe and guarantee that workers health and safety rights are protected and observed. The Ministry has inspectors and has list of areas labeled unsafe and

unhealthy. The inspectors try to make regular visits and observe the work conditions of the female workers and if any violations of health have been committed during or after pregnancy.

The institution also tries to use the media to raise awareness. The expert admits the female workers don't come to the institution to demand for their rights. According to him, this is because they may not be aware of their actual rights or they fear that they will lose their job. He says they mostly come once they have been fired from their job in violation of their right. In these circumstances a lawyer is hired by the institution to take their case to court. They also get a legal advocacy service by the experts there.

He explains that female workers who have been fired after taking their maternity leave rights rarely come for redress at the institution; there have been instances where employees have used several other reasons to fire a female worker who have asked for maternity leave. Some institutions also make sure there is no actual contract and just pay them for the work done and fire them once the female employees are pregnant. That makes it difficult to get legal redress. Having a contract is mandatory but most employees don't abide by that rule.

In some of the institutions, the employees indirectly try to discourage the worker from working there by refusing to give the pregnant employee a leave to go for check up at the doctor.

Among the challenges faced in private institutions the expert mentions the indirect influence made by the employer to prevent the actual functioning of labor unions in the institution. This is because the employers mostly do not appreciate the hassle created by the unions in arguing for the workers' rights. The employers come up with several reasons to fire those who ask and demand for their rights.

Other than these violations female workers come to the organization with complaints of sexual harassment.

## **5.2. The amendments of the maternity leave**

The House of people's representatives on its 3<sup>rd</sup> year 7<sup>th</sup> general assembly meeting December 2, 2018 ratified the Federal Civil Servant Proclamation 1064/2017. On article 42 of the proclamation a pregnant civil servant is entitled to a paid leave for medical examination in

accordance with a doctor's recommendation and she is entitled to a period of 30 consecutive days of prenatal leave preceding the presumed date of her confinement and a period of 90 consecutive days after her confinement in total 120 days of maternity leave with pay. This means the maternity leave in the prenatal and post-partum period has been pushed up to 150 days from what used to be 120 days.<sup>53</sup>

The new proclamation has also provided the right to take leave in case of a miscarriage, which ranges from one to three months. On the same token the law grants 10 working days' paternity leave with pay for the father. This was increased from five working days.

The legal instrument seems to have also made a great effort to improve the working conditions for female civil servants with the aim of empowering women and help them assume decision making positions article 48 of the proclamation states a woman shall be entitled to affirmative action's recruitment, promotion, transfer, redeployment, education and training. The pregnant civil servant is also protected from being discharged during her pregnancy or within four months after delivery. If a medical document confirms her child is sick and he has not attained the age of one year. She is now entitled by law to take a leave with pay. The government institution is also now obliged by law to provide its female civil servants with nursery where they can breastfeed and take care of their babies.

Mr. Abebe a Director General for plan and Budget at the Ministry of Public Service and Human Resource Development states: -

*This proclamation has been in the works for a long time now; several stakeholders had met to discuss how long it should be extended. The House of people's representatives has suggested six months and we said although it would be good for the mother it will be a down side because employees will be very reluctant to hire female potential child bearers. Therefore, after a long negotiation it was decreased to four months. (Mr. Abebe, July 16, 2018)*

Dr. DerejeNegusse the president for Ethiopian Society of Obstructions and Gynecologists says:-

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<sup>53</sup> Federal Civil Servant proclamation 1064/2017

*Looking at it from the health perspective it is crucial for the health of the baby and the mother to get enough rest after giving birth. This is very important for healthy recovery of the mother and to breast feed the child properly. Extended maternity leaves have been associated with lower prenatal, neonatal and postnatal mortality rates as well as lower child mortality. That is why I had personally supported the extension of Maternity Leave in Ethiopia to be six months. (Dr. Dereje, July 17, 2018)*

Ministry of Women and Children's Affairs Legal Officer Mr. Derejesays: -

*A committee that included the Ministry of Public Service and Ministry of labor had several meetings discussing how long the maternity leave should be as it is our mandate to lobby change of laws and improve. Therefore, we had lobbied for the increase of maternity leave. (Mr. DerejeTegeyebelu, July 2, 2018)*

The legal officer states the fact that other employee's in the private sector are also raising the issue and asking why it does not apply to them.

*Different private employees are also inquiring on the issue and have asked are we not entitled to the same rights as well. (Mr. DerejeTegeyebelu, July 2, 2018)*

The law makers according to the Mr. Dereje have not closed the door on the amendment of the labor proclamation. In fact, he says, the draft for the amendment is ready and several stakeholders are still commenting on it.

*The draft is ready but decision is being made and different labor unions have raised questions on the draft that is why it is being delayed. (Mr. DerejeTegeyebelu, July 2, 2018)*

Confederation of Labor Unions Women's Affairs officer Mrs. Rahelsays: -

*Although the change in the civil service proclamation is commendable the Union is highly working to also get the labor proclamation amended. It makes no sense to grant the right to civil servants and deny it to private employees. (Mrs. Rahel, July 20, 2018)*

The amendment of the Labor proclamation according to Mrs. Rahel is under way and the draft is ready. However the Union had raised several issues with regard to the draft. The Union has even

threatened to go on strike if the proclamation is ratified without respecting the rights the union says have been violated. Among them are:-

- The draft law states if an employee leaves his job voluntarily the proclamation says he/she will not get a severance pay.
- The days of annual leave of workers also is said to be increased every five years instead of every year.
- The draft proclamation raises probation period from 45 days to 90 days to the detriment of the employee.
- The draft states if an employee is absent for two days from work he/she will automatically be failed.
- The notice period the employee must give to his employer was one month if he/she was to leave his job, however the draft has increased it to three months.

Mrs.Rahel says these are major violations and the union will keep on asking for better rights on this regard. This includes improving maternity leave rights to private employees.

## CHAPTER SIX

### CONCLUSION AND RECOMMENDATION

#### 6.1 Conclusion Remarks

One of the major objectives of the study was to understand if maternity leave rights are actually respected and protected for female workers in the manufacturing sector with a specific focus on the private sector. The study has found out that the maternity rights of women in private manufacturing sectors in Ethiopia are violated in different ways. This is against the existence of different legal instruments at international, regional and national level that clearly state these rights. International documents such as Universal Declaration of Human Rights (UDHR) 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979 and the Convention on the Rights of the Child (CRC) 1989 have clearly stated specific rights pertaining to the importance of maternity protection to human rights

However, the findings of the study show clearly the fact that some of these rights are violated tacitly or explicitly by employers. Such violations of rights found out in the study contradict with the basic principles stated in the aforementioned legal documents.

The maternity leave packages offered for female employees at Pittards Plc include time off for medical examination connected with pregnancy, provided that the mother will present a medical certificate of examination from a public hospital. When the pregnant female worker gives birth, the factory grants her 30 consecutive days of leave with pay preceding the presumed date of her confinement and a period of 60 consecutive days of leave after her confinement.

Although the women admit they had been given the 90 day maternity leave, the finding of the study shows the fact that there are no efforts made to move them to less hazardous positions while they were pregnant.

The other major finding of the study hints on the psychological stress pregnant women are going through. This psychological distress is mainly related to the fear for potential layoff which forces

pregnant women to conceal about their pregnancy and this has direct and indirect impact on their general wellbeing. Furthermore, the study also found out that there is inconsistency in granting leave for workers to take care of their children after they give birth. Some packages are granted given the fact that the employee is closer to the manager or human resource officer.

There are also several challenges mentioned by the female workers such as the incompatibility of the nature of the work and women's biological responsibilities (giving birth), short maternity leaves and domestic responsibilities. The informants mentioned that the different production activities they are engaged at are quite arduous in nature and exhausting. In these conditions they are forced to go home and do the chores while also doing the factory work.

The pressure and the stress of trying to make both their bosses and their children happy forces to choose from one or the other. However, there are obviously ways women can be given a helping hand and make it easier for them to better handle and balance their work and raising children. This could be by just being more considerate, giving women flexible working options, having "family friendly" work places or more broadly work environments that enable "work-life balance".

The awareness regarding the rights and needs of pregnant workers remains low. The pregnant workers are not always accommodated at their jobs with lighter workloads. They don't even ask because they are afraid they may lose their jobs. The study also found out that maternity benefits are not always part of the induction training and workers do not receive adequate explanation of their benefits. The women are not informed of and are not often aware of the safety and health risks at their workplace that could harm their unborn child.

When women are under pressure to get a job done and also be there for their family and children, the stress created from being pulled in multiple directions has a negative consequence for their psychological as well as physical wellbeing (Kinman & Jones, 2004). When they juggle several tasks, it will result in not being able to complete any task to the best of their ability, causing all their roles to suffer. Not being able to give 100 percent at work and at home can result in women's physical health like poor nutrition, lack of exercise and high levels of stress that result from poor work/life balance.

The women overcome the challenges they face through help from their family, friends and at times paid help.

Several challenges also exist in the effort by the *woreda* to implement the maternity leave rights the factory female workers are given. The officer is limited in mandate to force the employee to abide by the rules. Instead the officer is forced to negotiate with the employer to follow the rules. This is mentioned as a major challenge by the officer in doing their daily activities.

The worker's union has been made to be dysfunctional in the factory which makes it difficult for the workers to access anyone who can resolve their issues by being relatively neutral.

## **6.2. Recommendations**

- Based on the information obtained from key informants and drawing on the finding of the study, this thesis recommends a provision of an early childhood education and care space should be provided by institutions. Early childhood education and care places of care for children before they reach the age of compulsory education are a form of support for parents of young children to help them engage in paid work.
- The other recommendations forwarded by this study are developing family friendly policies at private manufacturing sectors. These could be policies or initiatives taken to heighten parenthood and create greater connection between family and professional life. It should also be acknowledging that this is not only about women although the concept of work-life balance often gets framed in the context of women who are trying to balance motherhood and working outside home there is really a much larger conversation to be had. Supporting policies that encourage balance is good for both the employer and the employee.
- Although laws exist that safeguard rights of workers it is very key to establish a monitoring mechanism by the government that enable the actual implementation of these rights.

- The government and other stakeholders should work in raising awareness of the female factory workers on their rights and employers on their duties to uphold the employee's rights when it comes to maternity leave. There should also be access to justice to the female factory workers who have been aggrieved.
- An active role should also be played by the district bureau of social affairs in making sure that the workers union and trade union are set in place as a voice for workers and have regular supervision system that monitors its continuity.
- A system should also be in place that allows for the *woreda* officer to monitor the implementation of these rights but also to take action when there are actual violations of rights. All sectors and institutions should also work in collaboration and do their part.
- As stated above the Proclamation for the public civil servants have been amended and have included several provisions which could be a good model like providing a nursery at the work place for the new mother. The labor proclamation should also be amended accordingly and provide the same rights as the public civil servants as the nature of being a mother applies to every woman.

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## **Appendix-I**

### **Interview Guidelines**

#### Category 1- Interview Guideline for Key Informants' at PITTARDS PLC

The researcher has designed the questions for a detailed interview to be conducted with female employees of Pittards plc. The research is done for the partial fulfillment of MA Degree in Human Rights. The researcher therefore kindly asks for genuine answers. Your responses are highly valued and it will be kept anonymous/ confidential. The researcher will use tape recorder to get the original account of your response.

Questions for the female employees

Section I – General questions pertaining to working environment.

1. When did you join the factory?
2. Why did you take the job and how did you get to know about the employment opportunity?
3. What was your first position and salary?
4. What were the criteria for the employment?
5. In which unit are you currently working?
6. What is the status of your employment? (temporary or permanent)
7. Did you sign a letter or a contractual agreement when you were employed?
8. Did you ever feel like your employer might dismiss you from your job at any time without any warning? And why?
9. What are the situations that made the employer fire an employee?
10. Where there any female workers who had been fired and what was the reason?
11. What is the routine of your daily work starting from the morning until you leave?

12. Were you informed about the terms and conditions of the employment? If so how?
13. How many hours do you work per day/week?
14. Do you have rest days, break and lunch time? If yes how long are they?
15. Is there an annual leave stated in your contract?
16. Have you ever taken annual leave? If yes, How many days?
17. Do you get full payment while you are on annual leave?
18. Do you get reimbursement when you work on your annual leave?
19. Do you work overtime? If yes, is it voluntary or obligatory? How many hours a week do you work? What are the incentives? Is this stated in your contract?

#### Section II- Questions regarding Maternity leave

20. How often did you or do you go for pregnancy checkups?
21. Does your employer deduct your salary while you go for checkups?
22. Where do you get your proof of check up? Is it acceptable if you bring medical document from private health centers?
23. What effect does working in manufacturing sector has on child bearing? Explain why?
24. How long is the maternity leave that you get?
25. Do you get the regular amount of your salary during your maternity leave? If yes for how long and if not how much do you get?
26. Upon getting pregnant were you moved to other production unit that is relatively less labor demanding? If yes to which unit? If not, have you ever asked for that if yes what was the outcome?

27. Apart from the maternity leave, what are/were some special considerations you get as a pregnant employee of the factory?
28. Are you excluded from over time working after getting pregnant?
29. Is there a workers association at the factory? If yes how is it structured and what are the criteria's for membership?
30. Within the factory who is mandated to attending to workers complaints and where do you take your complaints to?
31. What are the conditions for obtaining sick leaves?
32. Is there any statement in your contract regarding this?
33. Have you ever asked for a sick leave/
34. How many days are allowed for sick leave?
35. Is it acceptable to bring a sick leave from private health center?

### III- Questions on Challenges faced by Female employees

1. What are the major challenges that women face at the factory?
2. How are those challenges specific to female employees?
3. What are the challenges you face when it comes to child bearing?
4. How did you handle them?
3. Is there any special protection given for women?
4. Do you think working in industry brings change in your life?
5. If yes what kind of change positive or negative? Could you explain?

## II- Interview Questions for Children, Youth and Women Affairs Office Officers

1. What are the programs that you work in relation to female employees in the manufacturing sector?
2. Do you work in awareness creation when it comes to rights of female labor rights?
3. What are the activities you undertake both to raise awareness of the female employees with regard to their rights? And to ensure their rights are respected?
4. Do female employees (in particular the female employees) of the manufacturing sector bring concerns and grievances on worker-employer relations?
5. If yes what were the main issues and what were the measures taken to solve their problems?
6. Were there cases related to violation of the rights provided in the proclamation brought to this office?
7. Were there any cases brought by pregnant women or women who gave birth?
8. What are the major challenges pregnant women faces in your opinion?
9. What are the major violations reported by female employees?
10. What is the reaction of employers towards your effort of awareness creation for female workers about their rights?
11. Do you have strategies, which you adopt for the protection of rights of female employees in the factory?
12. What challenges do you face in enforcing your strategies?
13. If yes how do you implement them and what challenges you faced?
14. What should be done to protect the rights of female employees?

## III- Interview Questions for Labor, Social Affairs Office Officer

1. Is there any program that you work in cooperation with the garment factory? If yes, in what areas are you working together?
2. Is there any concrete activity that you take in creating awareness on the rights of female labor rights?
3. What are the major challenges pregnant women faces in your opinion?
4. Do female employees in the manufacturing sector bring cases on worker- employer relations? How many cases are brought to this office per month on average?
5. What are the major violations reported by female employees?
6. If yes, what measures can you take to solve their problems?
7. Are there cases related to violation of the rights provided in the proclamation specifically with regard to Maternity right brought to this office?
8. Do you have a means of providing awareness creation for female employees about their rights?
9. Do you have a focal person working in relation with the manufacturing sector in the *woreda*?
10. What is the reaction of employers towards your effort of awareness creation for female workers about their rights?
11. Do you have strategies, which you adopt for the protection of rights of female employees in the factory?
12. If yes how do you implement them and what challenges do you face?
13. What challenges do you face in enforcing your strategies?
14. What should be done to improve the working conditions? Whose mandate do you think that is?

## Guideline for Focus Group Discussion for female Informants

### General profile of FGD participants

Name -----

Age-----

Place of birth-----

Marital Status-----

Academic status -----

Job description within the factory -----

1. Could you please explain the major benefits you obtain from engaging in the factory?
2. Are there challenges you face in the working place? What major challenges are you facing?
3. Are there movements by the workers to establish women committees and other workers unions? What challenges do you face in establishing committees?
5. How do you describe the working environment in relation to wage, and working hours, and safety provision?
6. What are the major challenges female workers generally face in the factory?
7. What are the major challenges pregnant women and expecting mothers face while working in the factory?
- 8) What are the major benefit packages and extra care given for pregnant women working in the factory?
- 9) How do you describe the working environment in relation to maternity leave?
- 10) How flexible is the employee after you have had your child to give you a leave whenever you need it?