

ጋዜጣ አዋጅት ኤርትራ
ብመንግስቲ ኤርትራ ዝሕተፎ

RDC
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ቅጂ.10/2001 ቁ.5 አስመራ፡ ሕዳር 15/2001 ዋጋ ናቕፋ 10.00

አዋጅ ቁጽሪ 118/2001

ሕጊ ዕዮ ኤርትራ

GAZETTE OF ERITREAN LAWS
PUBLISHED BY THE GOVERNMENT OF ERITREA

VOL. 10/2001 No.5 Asmara, November 15/2001: Price Nakfa 10.00

PROCLAMATION No. 118/2001

THE LABOUR PROCLAMATION
OF ERITREA



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ብመንግስቲ ኤርትራ ዝሕተፎ

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አዋጅ ቁጽሪ 118/2001
ሕጊ ዕዮ ኤርትራ



ቀዳማይ አርእስቲ
መፈለግታ

ዓንቀጽ 1. አጲር አርእስቲ
እዚ አዋጅ'ዚ "ሕጊ ዕዮ ኤርትራ አዋጅ ቁጽሪ
118/2001" ተባሂሉ ክጥቀስ ይከኣል።

ዓንቀጽ 2. ዝተሰረዙ ሕግታት
ሕጊ ዕዮ ኤርትራ አዋጅ ቁጽሪ 8/1991ን ብእኡ
መሰረትን ንዕኡ ንምምሕያሽን ዝወጹ ሕግታትን
ዝተገብረሉ ኩሉ ምምሕያሻትን በዚ አዋጅ'ዚ ተሰሪዞምን
ተተኪኦምን ኣለዉ።

ዓንቀጽ 3. ትርጉም
ኣተኣታትዎኡ ካልእ ትርጉም እንተዘይኣውሂብዎ ኣብዚ
አዋጅ'ዚ፡-

(1) "ሰራሕተኛ" ማለት ብመምርሒታት ወይ ቁጽጽር
ኣስራሒ ንዝተወሰነ ወይ ዘይተወሰነ ጊዜ፡ ብዝተወሰነ
ምስ ኣስራሒ ዝተሰማምዓሉ ክፍሊት፡ ጉልበታዊ
ወይ ኣእምሮአዊ ኣገልግሎት ንምግብ ብመሰረት
ውዕል ስራሕ ግዴታ ዝኣተወ ሰብ ማለት እዩ።
ውዕል ስራሕ ናይዞም ዝስዕቡ በዚ አዋጅ'ዚ
ኣይመሓደርን፡-

- (ሀ) ኣባላት ሓይልታት ሰራዊት፡ ፖሊስን ጸጥታን፤
- (ለ) ኣባላት ሲቪላዊ ኣገልግሎት መንግስቲ ኤርትራ፤
- (ሐ) ደያኑን ኣኸበርቲ ሕግን፤ ከምኡ'ውን
- (መ) ስራሕ ናይ ምክያድ ሓላፍነት ዝሓዙ፡ ኣብ
ስራሕ ትካል ኣብ ናይ ስራሕ ምክያድ

ቀንዲ ተግባራት ብቀጥታ ዝዋስኡ፡ ብሕጊ ወይ ብውዕል ስራሕ ኣብ ክንዲ ትካል ውሳኔታት ንክወስዱ ስልጣን ዝተወከሉ ሰባትን።

ዝለዓለ ጽፍሒ ምምሕዳሮም ምስ ሲቪላዊ ኣገልግሎት ይኹን'ምበር፡ ኣብ ብመንግስቲ ዝውነና ወይ ዝካየዱ ንመኸሰብ ዝሰርሓ ትካላት ወይ ኣካላት መንግስቲ ዘካየድኦ ነሮጀክትታትን ናይ ዝተቐጽሩ ስራሕተኛታት ውዕላት ስራሕ ግን በዚ ኣዋጅ'ዚ ይመሓደሩ።

- (2) "ተልመደን" ማለት ኣገልግሎት እናሃበ ሞያዊ ስልጠና ክረክብ ምስ ሓደ ኣስራሒ ውዕል ዝኣተወ ዝኾነ ሰብ ማለት እዩ።
- (3) "መንእሰይ ስራሕተኛ" ማለት ነዚ ኣዋጅ'ዚ ብዝምልከት ካብ ዓሰርተ ኣርባዕተ ዓመታት ንላዕሊ፡ ካብ ዓሰርተ ሾሞንተ ዓመታት ከኣ ንታሕቲ ዝዕድመኡ ሰብ ማለት እዩ።
- (4) "ደላይ ስራሕ" ማለት ዓሰርተው ሾሞንተ ዓመት ወይ ካብኡ ንላዕሊ ዝዕድሚኡን ምስራሕ ዓቕምን ድሌትን ዘለዎን ዝኾነ ሰብ ማለት እዩ።
- (5) "ኣስራሒ" ማለት ንዝኾነ ካልእ ሰብ ብውዕል ስራሕ ቆጶሩ ዘሰርሕ ዝኾነ ባህርያዊ ወይ ሕጋዊ ሰብነት ዘለዎ ሰብ ማለት እዩ።
- (6) "ኢንዱስትሪያዊ ዕማም" ማለት መንግስታዊ ወይ

ብሕታዊ ዕማማትን ጨናፍርምን ኮይኑ፡ ብፍላይ፡-

- (ሀ) ንሕርሻ፡ ግረባን ምግፋፍ ዓሳን፤
- (ለ) ንምዕዳንን ምፍጻሕ እምንን፤
- (ሐ) ንምስናዕ፤
- (መ) ንኤለትሪክ፡ ጋዝ፡ ማይን ጀዩተርማል ጸዓትን፤
- (ረ) ንናይ ህንጻን መንገድን ስራሓትን ካልአት ተመሳሳሊ ዕማማትን፤
- (ሰ) ብጅምላን ብንጽልን ንዝካየድ ንግድን ንኣብያተ መግብን ሆተላትን፤
- (ሸ) ንመጥፋዝያ ህዝብን አቕሑትን ብባሕሪ፡ አየርን ምድሪን፡ ንአገልግሎት ምኽዛንን ምምሕልላፍን አቕሑት ካብን ናብን ናይ መጥፋዝያ ነቕጣታትን ንካልአት ዓይነታት መራኽቢታትን፤
- (ቀ) ንፊናንሰን፡ መድሕንን ንግዳዊ አገልግሎታትን፤
- (በ) ንማሕበራውን ውልቃውን አገልግሎታትን የጠቓልል።

(7) "አድለይቲ አገልግሎታት" ማለት እዞም ዝስዕቡ ንህዝቢ ብሓፈሻ አድለይቲ አገልግሎታት ዝህቡ ትካላት ኢዮም፡-

- (ሀ) ማይ ዝዕድሉን ናይ ከተማ ጥዕናዊ ጽሬት አገልግሎታት ዘካይዱ ትካላትን፤
- (ለ) ናይ ኤለክትሪክ ጸዓት ዝዕድሉ ትካላት፤
- (ሐ) ናይ መጥፋእቲ ሓዊ አገልግሎታት፤
- (መ) ሆስፒታላት፡ ክሊኒካት፡ አከፋፈልቲ መድሃኒትን ፋርማሲታት፤ ከምኡ'ውን
- (ረ) ናይ ተሌኮሙኒኬሽን አገልግሎታት።

(8) "ውዕል ስራሕ" ማለት ኣብ መንጎ አስራሕን ስራሕተኛን ንዝተወሰነ ወይ ዘይተወሰነ ጊዜ፡ አስራሒ ንስራሕተኛ ክኸፍሎ ብዝተሰማምዑሉ ክፍሊት፡

ሰራሕተኛ አብ ትሕቲ መምርሒን ቁጽጽርን አስራሒ ጉልበታዊ ወይ አእምሮአዊ ሰራሕ ንአስራሒ ንምስራሕ ብጽሑፍ ወይ ብቻል ዝእቶ ውዕል ማለት እዩ።

(9) "ውዕል ተልመደን" ማለት ሓደ ተልመደን ብፍሉይ ሞያ እናሰልጠኝን ምስ አስራሒ ዝተሰማምዕሉ ውሱን ናይ ጁባ ገንዘብ እናተኸፈሎን አገልግሎቱ ንአስራሒ ዝህበሉ ውዕል ማለት እዩ።

(10) "ኩነታት ሰራሕ" ማለት አብ መንጎ ሰራሕተኛታትን አስራሕትን ዘሎ ጠቕላላ ዝምድና ማለት ኮይኑ፡ ገደብ ከይሃለዎ፡ ንሰዓታት ሰራሕ፡ ደሞዝ፡ ዓመታዊ ዕረፍትን ካልኣት ዓይነታት ፍቓድን፡ ናይ ስንብት ክፍሊት፡ ንድሕነትን ጥዕናን ሰራሕተኛታት ዝውሰዱ ጥንቃቄታት፡ ካሕሳ አብ ሰራሕ ሓደጋ ወይ ሕማም ንዘጋጠሞም ሰራሕተኛታት፡ ሰራሕተኛታት ብምኸን ያት ምብዛሕ ሰራሕተኛታት ካብ ሰራሕ ዝግለልሉ ኩነታት፡ ናይ ዲሲፒሊንን አቀራርባ ጥርዓን ቅሬታን ስርዓትን ንዝኾነ ካልእ ሰራሕተኛ-ጠቀስ ረብሓታትን ግቡአትን የጠቓልል።

(11) "ምዱብ ሰዓታት ሰራሕ" ማለት ሰራሕተኛን አስራሕን ብውዕል ሰራሕ አብ ዓናቕጽ 48 ክሳብ 50 ናይዚ አዋጅ'ዚ ብምምርኳስ ዝሰማሙዑሉ ናይ ሰራሕ ሰዓታት ማለት እዩ።

(12) "ሕልፊ-ግዜ ሰራሕ" ማለት ካብ ምዱብ ሰዓታት ሰራሕ ንላዕሊ ዝተሰርሐ ሰራሕ ማለት እዩ።

(13) "አበል" ማለት ንሰራሕተኛ ካብ ምዳብ ናይ ስራሕ ቦታኡ ወጻኢ ንዘሰርሖ ስራሕ ንናይ መጥጋቢያ፣ መግብን መዕረፍን ወጻኢታት ዝኸፈሎ መዓልታዊ ገንዘብ ማለት እዩ።

(14) "ዓመታዊ ዕረፍቲ" ማለት ስራሕተኛ ደሞዩ እናተኸፍሎ ንውሱናት ናይ ስራሕ መዓልታት ኣብ ዓመት ዘዕርፈሎ ግዜ ማለት እዩ።

(15) "ክፍሊት" ማለት ስራሕተኛ ብምኸንያት ንአስራሒ ዝህቦ ኣገልግሎት ዝኸፈሎ ኩሉ ገንዘብ ኮይኑ፡-

(ሀ) ስራሕተኛ አስራሒ ዝኣዘዘ ስራሕ ንኸሰርሖ ዘውጽእን ንአስራሒ ተመላሲ ዝኾነሉን ገንዘብ፣ ከምኡ'ውን

(ለ) ንእስትሕጋግ ዝኸፈሎ ገንዘብን ካልእ ብምኸንያት ምቁራጽ ውዕል ስራሕ ዝኸፈሎ ካሕሳን ግን ኣየጠቓልልን።

(16) "ደሞዝ" ማለት ኣደ ስራሕተኛ ብመሰረት ዝኣተዎ ናይ ስራሕ ውዕል ኣብ ምዳብ ናይ ስራሕ ሰዓታት ንዝህቦ ኣገልግሎት ዝኸፈሎ ጥረ ገንዘብ ኮይኑ፡-

(ሀ) ምስ አስራሒ ብዝተሰማምዕሉ መሰረት ስራሕተኛ ናይ'ቲ ዝሰርሖሉ ዋሊን ትካል ኣቕሑት ብዝሸጠሉ ዓቕን ወይ ብዝተሰማምዕሉ ናይ ስራሕ ፍሉይ ተልእኾ ብሚእታዊት እናተሓሰበ ዝኸፈሎ ኮሚሽንን።

(ለ) ንሰራሕተኛ ካብ'ቲ ብውዕል ዝፍለጥ ደሞዩ ንላዕሊ ብምኸንያት ኩነታቱ ብመንግስቲ ከምጽንኩር ከባቢታት ተቐጺሩ ዝያዳ ክፍሊት ይግብኦም ተባሂሉ ኣብ ዝተወሰነ ቦታታት ብምስርሖ ንዝኸፈሎ ኣበልን የጠቓልል።

(17) "ግዳድ ዕዮ" ማለት ዝኾነ ሰብ ብዘይ ናቱ ወለንታ ብኻልእ ሰብ ተገዲዱ ዝፍጽሞ ዝኾነ ኣገልግሎት ማለት ኮይኑ፡-

(ሀ) ነዚ ኣዋጅ ዚ ብዝጸረር ኣገባብ ብመንእ ሰይ ዝፍጸም ኣገልግሎትን፤

(ለ) በዓል ስልጣን ብምኻኑ ወይ ያታዊ ሕልቅነት ብምህላው ኣብ ልዕሊ ካልኣት ብዘጥርዮ ናይ ልዕልና ጽልዋ ጥራይ ዝፍጸም ኣገልግሎትን የጠቓልል።

ግቡእ ሃገራዊ ኣገልግሎት፣ ንቡር ሲቪካዊ ግቡ ኣት፡ ብገበናዊ ሕጊ ዝተደንገገ ግዳድ ዕዮ፡ ኮማዊ ኣገልግሎትን ኣብ ህጹጽ ኩነታት ዝግበር ኣገልግ ሎትን ግን ከም ግዳድ ኣይውሰድን፤

(18) "ናይ ስራሕ ወርሒ" ማለት ዕስራን ሽዱሽተን ናይ ስራሕ መዓልታት ማለት እዩ፤

(19) "ማሕበር ሰራሕተኛታት ወይ ማሕበር ኣስራሕቲ" ማለት ቀንዲ ዕላማኡ ንዝምድናታት ኣብ መንጎ ሰራሕተኛታትን ኣስራሕቲን ንምክትታል ዝቐውም ውዳበ ኣብ መንጎ ሰራሕተኛታት ወይ ኣስራሕቲ ኮይኑ፡ ንፈደረሽን ናይ ክልተ ወይ ዝያዳ ማሕበራት ከምኡ'ውን ንኮንፈደረሽን ናይ ክልተ ወይ ዝያዳ ፈደረሽናት የጠቓልል፤

(20) "ጠቕላሊ ማሕበር" ማለት ኣብ ነፍሲ ወከፍ ካብ ዕስራ ንታሕቲ ሰራሕተኛታት ኣብ ዘለዎን ተመሳሰልቲ ንጥፈታት ዘካይዳ ዝተፈላለዩ ትካላት ዝሰርሑ ሰራሕተኛታት ብኣባር ዘቑምዎ ማሕበር ማለት እዩ፤

(21) "ሓባራዊ ስምምዕ" ማለት አብ መንጎ አስራሐ ወይ አስራሕትን ወክልቲ አስራሕትን ሰራሕተኛታትን ናይ ስራሕ ኩነታት፡ ዝተፈላለዩ ርብሓታት፡ መሰላትን ጉቡኣትን ሰራሕተኛታትን አስራሕትን ብዝምልከት ዝእቶ ናይ ጽሑፍ ስምምዕ ማለት እዩ።

(22) "ሓባራዊ ዘተ" ማለት አብ መንጎ ወክልቲ አስራሐ ወይ አስራሕትን ሰራሕተኛታትን ዝካየድ ኩሉ ነጻ ዘተ ኮይኑ፡-
(ሀ) ንኩነታት ስራሕን ዝምድናታት ስራሕን፤
(ለ) ንኩነታት ውዕል ስራሕ፤ ከምኡ'ውን
(ሐ) ንዝምድናታት ማሕበራት ሰራሕተኛታትን አስራሕትን ዝምልከት ዘተ የጠቓልል።

(23) "ክርክር ስራሕ" ማለት አብ መንጎ ሰራሕተኛን አስራሕን፤ ሰራሕተኛታትን አስራሕትን ወይ አብ መንጎ ማሕበር ሰራሕተኛታትን ማሕበር አስራሕትን ዝለዓል፤ ንኩነታት ስራሕ ዝምልከት፡ ክርክር ማለት እዩ።

(24) "ዕርቂ" ማለት አብ ዝኾነ ናይ ስራሕ ክርክር አብ መንጎ ተኸራኽርቲ ወገናት ወለንታዊ ምድቕቕስ ናይ'ቲ ክርክር ኮይኑ፡ ብሳልሳይ ወገን ንዝካየድ ዕርቂ'ውን የጠቓልል።

(25) "ዓራቕ" ማለት ብተኸራኽርቲ ወገናት ወይ ሚኒስትሪ ዝምዘዝ አደቓቓሲ ናይ ስራሕ ክርክር ማለት እዩ።

(26) "ድንኳት ሽምግልና" ማለት ክልተ ተኸራኽርቲ ወገናት ብድልዮቶም ዝመረጹዎ ብዝመረጹዎም

ሳልሳይ ወገን ወይ ወገናት ጌሮም ክርክሮም ብመትከላት ናይ ሕጊ ንክውሰነሎም ዝሰማምዕሉ መስርሕ ማለት እዩ፤

(27) "ውልቃዊ ናይ ስራሕ ክርክር" ማለት ካብ ምጥሓስ ወይ ምልዋጥ ሕግታት፣ ሕጋጋት፣ ወይ ናይ ስራሕ መምርሒታት፣ ውልቀ ውዕል ወይ ናይ ስራሕ ልምድታት ብኣስራሒ ብዘይምትግባሮም ዝብገስ ተበዲለ ናይ ዝብል ሰራሕተኛ ውልቀ ጥርፃን እዩ፤

(28) "ሓባራዊ ናይ ስራሕ ክርክር" ማለት ዝኾነ ካብ ትርጉም ወይ ምምሕያሽ ህልው ኩነታት ወይ ጥቕሚ ኣብ ሕግታት ወይ ሕጋጋት ወይ ናይ ሓባር ስምምዕ ወይ ናይ ስራሕ መምርሒታት ዝብገስ ከምኡ'ውን ንሕቶ ውክልና ሰራሕተኛታት ወይ ኣስራሒ ኣብ መስርሕ ናይ ሓባራዊ ዘተ ዘልዕል ክርክር ማለት እዩ፤

(29) "ካብ ስራሕ ዝብገስ ጉድኣት" ማለት ብምክንያት ስራሕ ዘጋጥም ሓደጋ ወይ ሕማም ዘኸትሎ ጉድኣት ማለት እዩ፤

(30) "ናይ ኣካል ጉድለት" ማለት ካብ ስራሕ ዝብገስ ጉድለት ኣካል ማለት እዩ፤

(31) "ስራሕ ጠጠው ምባል" ማለት ሰራሕተኛታት ብሓባር ንናይ ስራሕ ክርክር ብዝምልከት ኣስራሒ ኣም ገለ ናይ ስራሕ ኩነታት ንክቐበል ክጸልጪ ዝወስድዎ ናይ ስራሕ ደው ምባል ስጉመቲ ማለት እዩ፤

- (32) "ምዕጻው ስራሕ" ማለት አስራሒ ንናይ ስራሕ ክርክር ብዝምልከት ስራሕተኛታት ገለ ናይ ስራሕ ኩነታት ንክቐበሉ ንምጽላው ዋሊኒ ትካል ብምዕጻው ወይ ስራሕ ብምቁራጽ ንሰራሕተኛታት ብሙሉ-ኣም ወይ ብክፋሎም ስራሕ ናይ ምክልካል ስጉምቲ ማለት እዩ።
- (33) "ሚኒስተር" ወይ "ሚኒስትሪ" ማለት ሚኒስተር ወይ ሚኒስትሪ ዕዮን ሰብአዊ ድሕነትን ማለት እዩ።
- (34) "ጨንፈር ዕርቂ" ማለት ኣብ ሚኒስትሪ ዝርከብ ኣካል ዝምድናታት ዕዮ ኮይኑ ንናይ ስራሕ ክርክራት ብዕርቂ ንምዕራፍ ዝተመዘዘ ጨንፈር ማለት እዩ።
- (35) "ቦርድ ዝምድናታት ዕዮ" ማለት ብመሰረት ዓንቀጽ 127((1)ን (2)ን ናይዚ ኣዋጅ'ዚ ክስታትን ይግባዖትን ርእዩ ክውስን ብሚኒስተር ዝቐውም ፍርዳዊ ስልጣን ዘለዎ ቦርድ ማለት እዩ።
- (36) "በደል" ማለት ናብ ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ዝቐርብ ብገንዘብ ዘቐጽዕ ጉድለት ማለት እዩ።
- (37) "ኣማኻሪ ቦርድ" ማለት ንሚኒስተር ብዘይካ ኣብ ካልኣት ጉዳያት፡ ኣብ ፖሊሲ ዕዮ፡ ኣብ ምትግባር እዚ ኣዋጅ'ዚን፡ ኣብ ምእማም ሕግ ታትን ሕጋጋትን ዘማኻር ኣካል ማለት እዩ።
- (38) "ተቐጻጸሪ ኩነታት ስራሕ" ማለት ዝተዋሀቦ ስልጣን ከተግብር ብሚኒስተር ዝምዘዝ ሰብ ማለት እዩ።

(39) "ሕክምናዊ ቦርድ" ማለት ብሚኒስትሪ ጥዕና ዝቐውም ናይ ሓካይም ቦርድ ማለት እዩ፤

(40) ንተባዕታይ ጾታ ዘመልክት ቃል ንኣንስታይ ጾታ እውን የጠቓልል።

ዓንቀጽ 4. ደረት ተፈጻምነት

ምስ መንግስቲ ኤርትራ በንጻሩ ንጹር ስምምዕ ክላብ ዘይሃለወ፡ ኣብ ኤርትራ ስርሖም ዘካይዱ ናይ ወጻኢ ሃገራት ዲፕሎማቲክ ልኡኻት ወይ ኣህጉራዊ ውድባት ምስ ኤርትራውያን ሰራሕተኛታት ዝምስርትዎ ናይ ስራሕ ዝምድናታት ብድንጋጌታት ናይዚ ኣዋጅ'ዚ ይመሓደር።

ካልኣይ ኣርእስቲ
ምቑጻር ደለይቲ ስራሕን
ኩነታት ፍቓድ ስራሕ ንዘይዘጋታትን

ምዕራፍ 1. ምቑጻር ደለይቲ ስራሕ

ዓንቀጽ 5. መሰላት ደላይ ስራሕ

ደላይ ስራሕ ብመንገዲ ኣገልግሎት ምቑጻር ስራሕ ሚኒስትሪ ወይ ብመንገዲ ብሕታዊ ትካል ምቑጻር ስራሕ ወይ ንኣስራሒ፡ ብቐጥታ ስራሕ ንክቐጻር ከመልክት ይኸእል።

ዓንቀጽ 6. መሰል ኣስራሒ ኣብ ምቑጻር ስራሕተኛ

ዝኾነ ኣስራሒ ኣብ ዓንቀጽ 5 ናይዚ ኣዋጅ'ዚ ካብ ዝተጠቐሱ መንገድታት ብሓዲኦም ሰራሕተኛ ናይ ምቑጻር መሰሉ ዝተሓለወ እዩ።

ዓንቀጽ 7. ምሕላው መሰላት አብ ወጻኢ ናይ ዝሰርሑ ኤርትራውያን

መንግስቲ ኤርትራ ብመንገዲ ኤምባሲታቱን ቆንስላቱን ናይ ዝኾነ አብ ወጻኢ ዝሰርሑ ኤርትራዊ ዜጋ መሰልን ክብርን ንክሕሎ ይጽዕር።

ምዕራፍ 2. ኩነታት ፍቓድ ስራሕ ንዘይዘጋታት

ዓንቀጽ 8. ናይ ስራሕ ፍቓድ ንዘይዘጋታት

- (1) ዝኾነ ዘይዘጋ ብመሰረት ብሚኒስትሪ ዝወጽእ መምርሒታት ብቐዕ ናይ ስራሕ ፍቓድ ከይተዋ ህቦ አብ ኤርትራ ክሰርሑ አይፍቀድን። ዘይዘጋ ዝቑጸረሉ አገባብ ሚኒስትሪ ብዘውጽኦ መምርሒ ይውሰን።
- (2) ንዝኾነ ዘይዘጋ ዝወሃቦ ናይ ስራሕ ፍቓድ ብንጹር ዝሰርሑ ስራሕን አብ ኤርትራ ዝጸንሓሉ ግዜን ካልእ ብሚኒስትሪ ዝጥለቡ ዝርዝራትን የስፍር።
- (3) ሚኒስትሪ ናይ ዝኾነ ዘይዘጋ ናይ ስራሕ ፍቓድ ክቋረጽ፣ ክሰረዝ ወይ ክሕደስ ክእዝዝ፣ ከምኡ'ውን አብ ናይ ስራሕ ፍቓድ ክማልኡ ዘለዎም ሓደስቲ ኩነታት ከእቱ ይኸእል።
- (4) መንግስቲ ኤርትራ ብሃገር ደረጃ ምስ ዝግበር ክልተ አዊ ዝምድና ወይ ምስ ዝቐበሉምን ዘጽድቑምን አህጉራዊ ውዕላት ወይ ኮንቪንሽናት ንምቅዳው ንድን ጋጌታት ናይዚ ምዕራፍ'ዚ ከማሓይሽ ይኸእል።

ሳልሳይ አርእስቲ
ዝምድናታት ኣብ ምቕጻር ስራሕ

ምዕራፍ 1. ውዕል ስራሕ

ግንቀጽ 9. ሓፈሻዊ

- (1) ኣብ ሲቪላዊ ሕጊ ዝሰፈረ ብዘደገድስ፡ ዝኾነ ዓሰርተ ኣርባዕተ ዓመት ወይ ካብኡ ንላዕሊ ዝዕድሚኡ ሰብ ውዕል ስራሕ ክዋዓዓል ብቕዓት ኣለዎ።
- (2) ዝኾነ ንረብሓ ትሕቲ ዓሰርተው ሾመንተ ዓመት ዝዕድሚኡ ሰብ ከምዝሃሊ ዝተወሰነ ውዕል ስራሕ ተፈጻምነት ኣይህልዎን። ከምዚ ምስ ዝኸውን ከኣ ካብቲ ውዕል ንዝስዕብ ካሕሳ እቲ መንእሰይ ተሓታቲ ኣይከውንን።
- (3) ዝኾነ ንካብ ሓደ ዓመት ንላዕሊ ዝእቶ ውዕል ስራሕ ብጽሑፍ ይኸውን።
- (4) ዝኾነ ውዕል ስራሕ ዝፍርም ሰራሕተኛ፡ ነቲ ኣብ መንጎኡን ኣብ መንጎ ኣስራሒን ዝእቶ ውዕል ስራሕ ኣብ ቅድሚ ክልተ መሰኻኸርን ኣብ ጉድኒ እቲ ክታማት ናይቶም መሰኻኸርን ኣስራሒን ኣብ'ቲ ውዕል ይፍርም ወይ ኣሰር ኣጸብዕ የንብረሉ።
- (5) ውዕል ስራሕ ብጽሑፍ ስለዘይተፈጸመ መሰላት ሰራሕተኛ ኣይትንከፍን።
- (6) ብግዳድ ዕዮ ዝጥቀም ኣስራሒ ብገበናዊ ሕጊ ይቕጸዕ።

ዓንቀጽ 10. ትሕዝቶ ውዕል ስራሕ

- (1) ውዕል ስራሕ፡ ብዘይካ ንካልኣት ጉዳያት፡ ንዕድመ ውዕል፡ ዕለት ምቕጻር ስራሕ፡ ዓይነት ስራሕ፡ ቦታ ስራሕ፡ ደሞዝን ካልእ ክፍሊትን ኣገባባት ክፍሊትን ይገልጽ።
- (2) ዝኾነ ውዕል ስራሕ መሰላትን ግዴታታትን ተወዓዓ ልቲ ወገናት ብንጹር የስፍር።
- (3) ኣብ'ዚ ኣዋጅ'ዚን ኣብ ናይ ሓባር ስምምዕን ዝሰፈሩ ንሰራሕተኛ ዝጠቐሙ ኩነታት ስራሕ ከም ኣካል ውዕል ስራሕ ይቐጽሩ።
- (4) ምስ ድንጋጌታት ናይዚ ኣዋጅ'ዚ ዘየሳኒ ወይ ብሕጊ ካብ ዝተሞሁ ኩነታት ዝተሓተ ጥቕሚ ንሰራሕተኛታት ዝህብ ድንጋገ ውዕል ስራሕ ውዳቕን ፍሩስን ይኸውን።
- (5) ኣብ ትካል ኣብ ግብሪ ዝወዓሉ ናይ ስራሕ መምርሒታት ኣካል ናይ'ቲ ውዕል ስራሕ ምዃኖም ኣብ'ቲ ውዕል ስራሕ ብንጹር ይጥቀስ።
- (6) ሰራሕተኛ፡ ንምርምር ወይ ምህዞ ተባሂሉ ብንጹር እንተዘይ ተቐጺሩ፡ ኣብ ስራሕ ናይ ኣስራሒ ከገልግል ከሎ ናይ ዘምጽኦ ምህዞ ዋና ባዕሉ ይኸውን። ንምርምር ወይ ምህዞ ብንጹር ዝተቐጽረ ሰራሕተኛ ኣብ ስራሕ ኣስራሒ ከገልግል ከሎ ናይ ዘምጽኦ ምህዞ ዋና ግን ኣስራሒ ይኸውን። ዝኾነ ነዚ ዝጸረር ድንጋገ ውዕል ስራሕ ውዳቕ ይኸውን።

ዓንቀጽ 11. ዕድመ ውዕል ስራሕ

- (1) ናይ ስራሕ ውዕል ዕድመ፡-

- (ሀ) ንዘይተወሰነ ጊዜ፣ ወይ
- (ለ) ንዝተወሰነ ጊዜ፣ ወይ
- (ሐ) ዝተወሰነ ስራሕ ክሳብ ዝፍጸም፣ ወይ
- (መ) ንብብግዚኡ ዝፍጸምን እናተቐረጸ ዝቐረጸን ስራሕ፡ ክኸውን ይኸእል።

(2) ካብ ባህሪ ናይቲ ስራሕ ብዝተበገሰ፡ እቲ ስራሕ ቀጻሊ ምስዝኸውን፡ ንዝተወሰነ ጊዜ ዝተኣተወ ውዕል ስራሕ ንዘይተወሰነ ጊዜ ከምዝተኣተወ ይውሰድ።

ዓንቀጽ 12. ናይ ትዕዛብቲ ጊዜ

- (1) ዝኾነ ናይ ትዕዛብቲ ጊዜ ካብ ተስዓ ተኸታተልቲ መዓልታት ኣይዛይድን።
- (2) ብዘይካ ኣብ ዓናቕጽ 29፡ 31ን 56(8)ን ናይዚ ኣዋጅ'ዚ ዝሰፈረ ኩሉ ካልእ ናይ ስራሕ ኩነታት ኣብ ትዕዛብቲ ንዘሎ ሰራሕተኛ ተፈጻምነት ይህልዎ።
- (3) ዝኾነ ኣስራሒ፡ ኣብ ትዕዛብቲ ንዘሎ ሰራሕተኛ ብመሰረት ውዕል ስራሕ ከምዝጅመር ብዘይምግባሩ ምክንያት ዝጠፍኦ ጊዜ ከም ኣካል ናይ ትዕዛብቲ ጊዜ ይጽብጽብ።
- (4) ኣብ ትዕዛብቲ ዘሎ ሰራሕተኛ ነቲ ስራሕ ብቐዕ ኮይኑ ምስ ዘይርከብ ብዘይ ምልክታን እስትሕጋግን ብኣስራሒ ክሰናበት ይኸእል።
- (5) ሰራሕተኛ ናይ ትዕዛብቲ ጊዜ ኣብቂዑ ስራሕ ምስ ዝቐጸል ናይ ትዕዛብቲ ጊዜኡ ብኣወንታ ኣሊፉ ብመሰረት ውዕል ስራሕ ከምዝተቐጸረ ይውሰድ።

(6) ኣብ ትዕዛብቲ ዝርከብ ሰራሕተኛ ነቲ ውዕል ስራሕ ብዘይምልክታ ክቋርጽ ይኸእል።

ዓንቀጽ 13. ምሕዳስ ውዕል ስራሕ

(1) ንዝተወሰነ ጊዜ ዝተኣተወ ውዕል ስራሕ ድሕሪ ምብቕዑ ስርሑ ናይ ዝቐጽል ሰራሕተኛ ውዕል ስራሕ ንዘይተወሰነ ጊዜ ከምዝተኣደሰ ይውሰድ።

(2) ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ከምዝተኣደሰ ዝውሰድ ውዕል ስራሕ ካብ ዝተኣደሰሉ ዕለት ጀሚሩ ኣብ ውሽጢ ሰለስተ ወርሒ ብኣስራሒ ወይ ሰራሕተኛ ብዘይ ምልክታ ክቋርጽ ግን ይኸእል።

ዓንቀጽ 14. ዝተፈልዩ ስራሕ ናይ ምስራሕ ተኸእሎ

(1) ዝኾነ ሰራሕተኛ ኣብ'ቲ ብውዕል ስራሕ ዝተቐጽሮ ዓይነት ስራሕ ይሰርሕ።

(2) በንጻሩ ስምምዕ እንተዘይልዩ፡ ኣስራሒ ኣብ ዝኾነ እዋን ወሳኒ ጥቕሚ ናይ'ቲ ዋኒነ ትካል ኣብ ዝጠልቦ ንኣደ ሰራሕተኛ ካብ'ቲ ዝተቐጽረሉ ስራሕ ናብ ካልእ ስራሕ ከዛውሮ ይኸእል። እዚ ምዝውጥር'ዚ ግን ነቲ ሰራሕተኛ ናይ ደሞዝ ወይ ደረጃ ምጉዳል ኣይሰዕበሉን።

(3) ዝተዛወረ ስራሕተኛ፡ ናይ ዝተዛወረሉ ኣድሻ ስራሕ ደሞዝ ካብቲ ናይ ዝተቐጽረሉ ስራሕ ደሞዝ ዝዛይድ ምስ ዝኸውን፡ መበገሲ ደሞዝ ናይቲ ኣድሻ ስራሕ ናይ ምርካብ መሰሉ ዝተኣለወ ይኸውን።

ዓንቀጽ 15. ምቕያር ቦታ ስራሕ

አብ ውዕል ስራሕ በንጹህ ስምምዕ ምስ ዘይህሉ ኣድላይ ኮይኑ ምስዝረኽቦን ኣስራሒ ንሓደ ሰራሕተኛ ዝረኽቦ ዝነበረ ጥቕምን ደረጃ ስራሕን ከየጉድለ ናብ ካልእ ቦታ ብምዝዋር ከስርሖ ይኸክል። ኣስራሒ ነቲ ዝቕያር ሰራሕተኛን ስድራ ቤቱን ናይ ገዛ ኣቑሑቱን ናይ ምግዕዓዝ ወጻኢታት ይኸክል። ሰራሕተኛ ዝተዛወረሉ ቦታ ብመንግስቲ ዝያዳ ክፍሊት ይግብኦ ኣብ ዝተባህለ ጽንኩር ቦታ ምስ ዝኸውን ከኣ እቲ ዝተመደበ ዝያዳ ክፍሊት ይኸፈሎ።

ዓንቀጽ 16. ምምሕያሽ ውዕል ስራሕ

በዚ ኣዋጅ'ዚ ዘይተወሰነ ኩነታት ውዕል ስራሕ፡-

- (ሀ) ብሓባራዊ ስምምዕ፡ ወይ
- (ለ) ተወዓዓልቲ ወገናት ብጽሑፍ ብዝኣተወዎ ስምምዕ፡ ክመሓየሽ ይኸክል።

ዓንቀጽ 17. ምምሕልላፍ፡ ምጽንባር፡ ምምቕቓል ዋነነት ወይ ምቕያር ኣወዳድባ ዋኒነ ትካል

- (1) ድንጋጌታት ዓንቀጽ 16 ናይዚ ኣዋጅ'ዚ ዝተሓለወ ኮይኑ፡ ምምሕልላፍ፡ ዋነነት፡ ምጽንባር፡ ምምቕቓል ወይ ምቕያር ኣወዳድባ ዋኒነ ትካል ንውዕል ስራሕ ናይ ምምሕያሽ ውጽኢት ኣይህልዎን።
- (2) ኣብ እዋን ምምሕልላፍ፡ ምጽንባር፡ ምምቕቓል ዋነነት ወይ ምቕያር ኣወዳድባ ትካል፡ ኣስራሒ ወይ ወናኒ ትካል ምሉእ መሰል ሰራሕተኛታት ናይ ምርግጋጽ ግዴታ ይህልዎ።

(3) ሰራሕተኛ አቅዲሙ ብውዕል ስራሕ ዝረኸቦ ደረጃ ዕብዮት፣ ግድምና፣ ደሞዝ ወይ ዝኾነ ካልእ ሓለፋታት ድሕሪ ምምሕልላፍ፣ ምጽንባር፣ ምምቕቓል ዋነነት ወይ ምቕደር አወዳድባ ዋኒነት ካል ከምብሓዲሽ ምውግጋይ ክግበረሉ ይከኣል።

ንንቀጽ 18. ግዜያዊ ምውንባፍ ካብ ውዕል ስራሕ ናይ ዝምንጭው መሰላትን ግዴታታትን

(1) ካብ ውዕል ስራሕ ዝምንጭው መሰላትን ግዴታታትን ብመሰረት ኣብ ድንጋጌታት ንኡስ ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ ዝተዘርዘሩ ምክንያታት ንግዚኡ ክውንዘፉ ይከኣል።

(2) ካብ ውዕል ስራሕ ንዝምንጭው መሰላትን ግዴታታትን ንግዚኡ ምውንባፍ ንውዕል ስራሕ ኣየቋርጸን ወይ'ውን ኣይስርዞን፣ ይኹን'ምበር፡-

- (ሀ) ንሰራሕተኛ ናይ ምስራሕ ግዴታ፣
- (ለ) በዚ ኣዋጅ'ዚ ወይ ብናይ ሓባር ስምምዕ ቡንጻር'ዚ ብካልእ ኣገባብ እንተዘይተወሰኑ ኣስራሒ ንዘህልዎ ንሰራሕተኛ ደሞዝ ናይ ምክፋል ወይ ካልእ ጥቕሚታትን ኣበልን ናይ ምሃብ ግዴታ የቋርጽ።

(3) ካብ ውዕል ስራሕ ንዝምንጭው መሰላትን ግዴታታትን ንምውንባፍ እዞም ዝስዕቡ ቅቡላት ምክኒታት ይኹኑ፡-

- (ሀ) ብጠለብ ሰራሕተኛ ብዘይ ደሞዝ ብኣስራሒ ዝወሃብ ናይ ዕረፍቲ ፍቓድ፣
- (ለ) ሰራሕተኛ ኣብ ፈደረሽን ወይ ኮንፈደረሽን ማሕበር ሰራሕተኛታት ወይ ማሕበራዊ ኣገልግሎት ንክካፈል ኣብ ዝምረጸሉ ግዜ ነዚ ንምትግባር ዝወሃብ ፍቓድ፣

(ሐ) ሃገራዊ አገልግሎት፣ ወይ ካልእ ሃገራዊ ጸውዒት፤

(መ) አስራሒ ልዕሊ ዓቕሙ ብዙኾን ምክንያት ናይ ስራሕ ንጥፊታቱ ብመሉእ ወይ ብኸ ፊል ካብ ሸውዓተ ተኸታተልቲ መዓልታት ንላዕሊ ዝገብሮ ናይ ስራሕ ምቑራጽ፣ ከም ኡ'ውን

(ረ) ሰራሕተኛ ካብ ሰላሳ መዓልታት ንዘይዛይድ ግዜ ምስ ዝቕየድ፣ እዚ ግን ተቐባልነት ዝህልዎ አስራሒ ኣብ ውሽጢ ሸውዓተ መዓልታት ተሓቢሩ ምስ ዝገብር ወይ ብኸልእ መገዲ ክፈልጥ ምስ ዝኸእል እዩ።

ምዕራፍ 2፡ ግዴታታት ተዋዓላልቲ

ዓንቀጽ 19፡ ሓፈሻዊ

(1) አስራሕትን ሰራሕተኛታትን፡ ኣብ ርእሰ'ቲ ኩሉ ብውዕል ስራሕ ዝኣትውዎ ግዴታታት ኣብ ዓናቕጽ 20ን 21ን ናይዚ ኣዋጅ'ዚ ዝተዘርዘሩ ግዴታታት ዘዝምልከትዎም ይፍጽሙ።

(2) አስራሕን ሰራሕተኛን ምህርቲ ትካል ንምስጋን ዘኸእሉ ናይ ሓበሬታ ምስንናቕ አገባባት ንምቕም ስምምዕ ክገብሩ ይኸእሉ።

ዓንቀጽ 20፡ ግዴታታት አስራሒ

ዝኾነ አስራሒ እዞም ዝስዕቡ ግዴታታት ይህልውዎ፡-

(1) በዚ ኣዋጅ'ዚ፡ ብናይ ሓባር ስምምዕን ብመምርሒታት ስራሕን ዝዘርዘሩ ግዴታታት አስራሒ ናይ ምትግባር፤

(2) ብመሰረት ውዕል ስራሕ ንሰራሕተኛ ስራሕ ናይ

ምሃብን ኣብ ውዕል ስራሕ ብኻልእ ኣገባብ እንተዘይተጠቐሱ ኸኣ ንስራሕ ዘድልድዎ መሳርሒታትን ጥሪ ነገራትን ንስራሕተኛ ናይ ምቕራብ፣

- (3) ሰብኣዊ ክብሪ ስራሕተኛ ናይ ምሕላው፣
- (4) ዝድለ ናይ ድሕነትን ጥዕናን ምክልኻል ስጉምታታት ናይ ምውሳድን ብዛዕባ እዞም ስጉምታታት እዚኣቶም ባዚ ኣዋጅ'ዚ ዝተሓገገ ይኹን ብዝምልከቶም ሰብ መዚ ዝወሃብ መምዘኒን መምርሒታትን ናይ ምኽታልን፣
- (5) ናይ ዝኾነ ስራሕተኛ ጥዕና ንኸምርምር ሕጊ ወይ ዝምልከቶ ቦዓል መዚ ምስ ዝጠልብ፣ ወጻኢታት ናይ'ቲ መርመራ ናይ ምኽፋን፣
- (6) ስራሕተኛ ቦቲ ዝሰርሓሉ ሞያ ንኸስልጥን ስጉምታታት ናይ ምውሳድ፣
- (7) ኣብ ዓንቀጽ 10(1) ናይዚ ኣዋጅ'ዚ ናይ ዝተጠቐሱ ዝርዝራት ከምኡ'ውን ብብግዚኡ ንኩነታት ጥዕና ስራሕተኛ ተባሂሎም ናይ ዝውሰዱ ፍቓዳት፣ ካልኣት ፍቓዳትን፣ ካብ ስራሕ ናይ ዝብገስ ጉድ ኣት ስራሕተኛን ካልኣት ብሚኒስትሪ ክትሓዙ ናይ ዝተወሰኑ ዝርዝራት ሰነዳትን መዛግብትን ናይ ምሓዝ፣
- (8) ናይ ስራሕ ውዕል ምስ ዝቋረጽ ወይ'ውን ስራሕተኛ ኣብ ዝኾነ እዋን ምስ ዝጠልብ፣ ንስራሕተኛ ብዘይ ገለ ክፍሊት ዓይነት ስራሕ፣ ዕድመ ኣገልግሎት፣ ስራሕተኛ ምስ ዝሓትት'ውን፣ ዝረኽቦ ዝነበረ ደሞዝን ካብ ስራሕ ዘቋረጸሉ ምክንያትን ወይ ገምጋም ጠባዩን ስርሑን ዝገልጽ ምስክር ወረቐት ናይ ምሃብ፣
- (9) ናይ ትካል ናይ ስራሕ ቦታን ኣካባቢን መስርሕ ስራሕን ንጥዕናን ድሕነትን ስራሕተኛታት ሓደገኛ ጠንቂ ንኸይኮኑ ቅድመ ኩነት ዝድለ ስጉምታት ናይ ምውሳድ፣

- (10) ንሰራሕተኛ ንሓደጋ ዝኸውን ውልቃዊ መከላኸሊ ናውቲን ካልኣት ዘድልዩ ነገራትን ናይ ምቕራብን ንኣጠቓቕመኡም ስልጠና ናይ ምግብን፤
- (11) ሰራሕተኛ ከም ኣባል ማሕበር ሰራሕተኛታት ኣብ ዝምዘገበሉ፡ ናይ ኣባልነት ማሕበር ክፍሊት ካብ ደሞዩ ክቐረጽ ብጽሑፍ ምስ ዘፍቅድ፡ ነቲ ዝቐረጽ ገንዘብ ንማሕበር ምምሕልላፍ፤ ከምኡ'ውን
- (12) ንዝኾነ ሰራሕተኛ ምስ ዝቐጽር፡ ኣብ ውሽጢ ሰላሳ ናይ ስራሕ መዓልታት ናይ መቐጸሪ ፎርም መሊኡ ናብ ሚኒስትሪ ናይ ምቕራብ።

ዓንቀጽ 21. ግዴታታት ሰራሕተኛ

ዝኾነ ሰራሕተኛ እዞም ዝስዕቡ ግዴታታት ይህልውዎ፡-

- (1) በዚ ኣዋጅ'ዚ፡ ብናይ ኣባር ስምምዕን ብመምርሒታት ስራሕን ዝዘርዘሩ ግዴታታት ሰራሕተኛ ናይ ምትግባር፤
- (2) ብመሰረት ውዕል ስራሕን መምርሒታት ስራሕን ብኣስራሒ ዝወገዞ ትእዛዛት ናይ ምፍጻም፤
- (3) ንስራሕ ዝተዋሀበዎ መሳርሒታትን ጥሪ ነገራትን ብጥንቃቄ ናይ ምሓዝን ዘይተጠቐመሎም ጥሪ ነገራት ናይ ምምላስን፤
- (4) ኣብ ሰዓታት ስራሕ ኣእምሮኣውን ኣካላውን ዘይብቐዱነት ካብ ዘስዕቡ ንጥፊታት ናይ ምቁጣብ፤
- (5) ድሕነትን ጥዕናን ሰራሕተኛታት ንምሕላው ብኣስራሒ ይኹን ብዝምልከቶ በዓል ስልጣን ዝወጹ ኩሎም መምርሒታት ናይ ምትግባር፤
- (6) ንናቱን ናይ ካልኣት ሰራሕተኛታትን ድሕነትን ጥዕናን ንምክልኻል ዝተዋሀበ መሳርሒታትን ዝተሓበሮ ብልሓትን ብግቡእን ብጥንቃቄን ናይ ምጥቓም፤ ከምኡ'ውን

(7) ኣብ ስርሑ ኣብ ልዕሊ መሳርሕቱ ወይ ኣብ ልዕሊ ንብረት ኣስራሒ ሓደጋ ምስ ዘጋጥም ወይ ኣስጋኢ ኩነታት ምስ ዝፍጠር፡ ንኲሱ ንሓደጋ ከየቃልዐ ሓገዝ ናይ ምውፋይ።

ራብዓይ ኣርእስቲ
ምቁራጽ ውዕል ስራሕ
ምዕራፍ 1. ሓፈሻዊ

ዓንቀጽ 22. መትከል

ውዕል ስራሕ ዝቋረጽ፡ ብተበግሶ ኣስራሒ ወይ ስራሕተኛ ኮይኑ፡ ብመሰረት ኣብ ሕጊ ዝሰፈረ ድንጋጌታት፡ ብመሰረት ናይ ሓባር ስምምዕ ወይ ብስምምዕ ተዋዓልቲ ወገናት ይኸውን።

ዓንቀጽ 23. ዘይሕጋዊ ምክንያታት ንምቁራጽ ውዕል ስራሕ

እዞም ዝስዕቡ ንምቁራጽ ውዕል ስራሕ ብኣስራሒ ከም ሕጋዊ ምክንያታት ኣይውሰዱን፡-

- (1) ስራሕተኛ ወኪል ስራሕተኛታት ኮይኑ ክሰርሕ ምድላዩ ወይ ምስራሑ፤
- (2) ስራሕተኛ ኣባል ማሕበር ስራሕተኛታት ምዃኑ ወይ ኣብ ሕጋዊ ንጥፊታት ማሕበር ስራሕተኛታት ምስታፋ፤
- (3) ስራሕተኛ ኣብ ልዕሊ ኣስራሒ ጥርግን ምቕራቡ ወይ ኣንጻር ኣስራሒ ኣብ ቤት ፍርዲ ወይ ካልእ ዝምልከቶ በዓል መዚ ኣብ ዝቐረበ ክሲ ምስታፋ፤
- (4) ናይ ስራሕተኛ ዓሌት፡ ሕብሪ፡ ብሄር፡ ጾታ፡ ሃይማኖት፡ ወለዶ፡ ጥንሲ፡ ስድራቤታዊ ሓላፍነት፡ ኩነታት መርዓ፡ ፖለቲካዊ ኣመለካኸታ ወይ ማሕበራዊ ቦታ፤

- (5) ሰራሕተኛ አብ ሃገራዊ አገልግሎት ወይ ብሕገ
አብ ዝጥሉብ ንጥፊታት አገልግሎት ህዘቢ
ምስታፉ፤
- (6) ብምኸንያት ብወግዓዊ ብሓኪም ዝተመስከረ
ሕግም ወይ ማህሰይቲ ዝስዓበ ብኩራት፤
ከምኡ'ውን
- (7) ሰራሕተኛ ንሂወቱ ሓደገኛ ዝኾነ ሰራሕ ንክሰርሕ
ብአስራሓይ ተአዚዙ ምእባዩ።

ዓንቀጽ 24. ሕጋዊ ምኸንያታት ንምቁራጽ ውዕል ሰራሕ
ውዕል ሰራሕ በዞም ዝስዕቡ ምኸንያታት ክቋርጹ
ይኸእል፡-

- (1) ሰራሕተኛ ምስ ዝመውት፤
- (2) አስራሒ ብምማቱ ትካል ክቅጽል ምስ ዘይክእል፤
- (3) በንጻፍ ስምምዕ እንተዘዩልዩ ሰራሕተኛ ሰራሕ
ክቋርጽ ምስ ዝደሊ፤
- (4) ዕድመ ውዕል ሰራሕ ምስዘብቅዕ፤
- (5) ሰራሕተኛ ብዝተተምየነ ሰነድ ተጠቒመ ወይ ናይ
ሓሶት ሓበሬታ ሂቡ አብ ናይ አስራሒ ትካል
ዝተቐጽረ ምዃኑ ምስ ዝኖለጥ፤
- (6) ሰራሕተኛ አብ ስርሑ ናይ ስርቂ ወይ ምጉዳል
ተአማንነት ወይ ካልእ ምስ ስርሑ ዝዛመድ ገበን
ምስ ዝኖጽም፤
- (7) ሰራሕተኛ ምስ ስርሑ ብዘይዛመድ ሕግም ካብ
ስርሑ ልዕሊ ሽዱሽተ ወርሒ ምስ ዘብኡር፤
- (8) ሰራሕተኛ ስርሑ አብ ዘካይደሉ እቲ
ካብኡ ብርትዒ ዝጥሉብ ተክኒካዊ ፍልጠት፤
ቅልጣፊ፤ ቅንዕና፤ ተገዳስነትን ተአማንነትን ምስ
ዘዩርእ፤
- (9) ንሰራሕተኛ ብምኸንያት ምዝሓል ሰራሕ ትካል ወይ
ብምኸንያት ምትእትታው ምዕቡል መሳርሒታት

ኣብ ስራሕ ምጽናሕ ወይ ናብ ካልእ ኣገዳ ምቕ ያር ምስዘይከኣል፤

- (10) ብጥፈሻ፡ ብባህርያዊ ኣደጋ፡ ውግእ ወይ ካልእ ምኽንያት ትካል ፈጸ.ሙ ስራሕ ምስ ዘቋርጽ፡ ወይ
- (11) ስራሕተኛ ብዘይ ብቑዕ ምኽንያት ንኣሙሽተ ተኸታተልቲ መዓልታት ወይ ብድምር ንዓሰርተ መዓልታት ኣብ ውሽጢ ኣደ ዓመት ካብ ስራሕ ምስ ዘብኡር።

ዓንቀጽ 25. ምቁራጽ ውዕል ስራሕ ብስምምዕ ተወዓዓልቲ ወገናት ወይ ብኣባራዊ ስምምዕ

- (1) ውዕል ስራሕ ብስምምዕ ተወዓዓልቲ ወገናት ወይ ብመሰረት ኣባራዊ ስምምዕ ዘቋርጽ፡-
 - (ሀ) ክልቲኦም ተወዓዓልቲ ወገናት ውዕል ስራሕ ንክቋርጹ ምስ ዝሰማምዑ፡ ወይ
 - (ለ) ብመሰረት ናይ ኣባር ስምምዕ፡ ስራሕተኛ ካብ ስራሕ ዘሰናብቱ ጉድለታት ምስ ዝፍጸም እዩ።
- (2) ብስምምዕ ተወዓዓልቲ ወገናት ወይ ብመሰረት ኣባራዊ ስምምዕ ኣብ ዝቋርጹ ውዕል ስራሕ፡ ስራሕተኛ ሕጊ ንዘረጋገጸሉ መሰላት ንክኣድግ ምስምምዑ ብሕጊተቶ ባልኒት ኣይህልዎን።
- (3) ብስምምዕ ተወዓዓልቲ ወገናት ዝቋርጹ ውዕል ስራሕ ተግባራዊ ዝኸውን ብጽሑፍ ምስ ዝፍጸም ጥራሕ እዩ።

ምዕራፍ 2. ስንብት

ዓንቀጽ 26. ምኽኑይ ስንብት

- (1) ዝኸኑ ኣስራሕ፡ ስራሕተኛ ኣብ ዓንቀጽ 21 ናይዚ

አዋጅ'ዚ ዝሰፈሩ ግዴታታት ብምጥሓሱ ወይ
ብመሰረት ዓናቕጽ 24-25 ናይዚ አዋጅ'ዚ
ንሰራሕተኛ ካብ ስራሕ ከሰናብት ይኸእል።

(2) ኣብዚ አዋጅ'ዚ ንምልክታ ምቁራጽ ስራሕ
ዝምልከቱ ድንጋጌታት (ዓናቕጽ 30ን 31ን)
ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ
ንዝግበር ስንብት ተፈጻምቲ ይኾኑ።

ዓንቀጽ 27. ምክኑይ ስንብት ዝኸተሎ ኣገባብ
ብመሰረት ዓንቀጽ 26 ሰራሕተኛ ዘሰናብት ዝኾነ
አስራሒ በዞም ዝስዕቡ ግዴታታት ይቕየድ፡-

- (ሀ) ናይ ዲሲፒሊን ኣገባብ ንሰራሕተኛ ኣብ ዝቐጸረሉ
እዋን ብናይ ምፍላጡን፤
- (ለ) ደረጃታት ዘለዎም ንጹራት መጠንቐቕታታት ጉድ
ለት ንዝፈጸመ ሰራሕተኛ ብጽሑፍ ብናይ ምሃብን
መርትዖ ንጉድለታት ሰራሕተኛ ብናይ ምቕራብን።

ዓንቀጽ 28. ዘይምክኑይ ስንብት

(1) ዝኾነ አስራሒ ንዓንቀጽ 23 ናይዚ አዋጅ'ዚ
ብምጥሓስ ምስ ሰራሕተኛኡ ዝነበሮ ውዕል ስራሕ
ብድሌቱ ምስ ዘቋርጽ ወይ ምሕዳስ ምስ ዝኣቢ፡
ኑይ ሰራሕተኛ ብዘይምክንያት ከም ዘሰናብተ
ይቐጸር።

(2) ዝኾነ ብዘይ ምክኑይ ስንብት ሰራሕተኛ ዘሰናብት
አስራሒ ብድንጋጌታት ዓንቀጽ 29 ናይዚ
አዋጅ'ዚ ይቕየድ።

(3) ብምክንያት ኣላፍነቱ ኣብ ማሕበር ሰራሕተኛታት
ካብ ስራሕ ዝተሰናብተ ዝኾነ ኣላፊ ማሕበር
ሰራሕተኛታት ናብ ስርሑ ይምለስ።

ዓንቀጽ 29. ካሕሳ ንዘይምኹኑይ ስንብት

(1) ዝኾነ ውዕል ስርሑ ብዘይ ምኹኑይ ስንብት ዝተቐረጸ ሰራሕተኛ ካሕሳ ናይ ምርካብ መሰል ይህልዎ።

(2) ካሕሳ ንዘይምኹኑይ ስንብት፡-

(ሀ) ንክሳብ ክልተ ዓመታት ብቀጻሊ ንዘገልገለ ወይ ብቐጻሊ ኣብ ተጠንቀቕ ተመዲቡ ንዘነበረ ሰራሕተኛ፡ ንነፍሱ ወከፍ ናይ ኣገልግሎት ወርሒ ናይ ሓደ መዓልቲ ደሞዝ፡ ብመሰረት ናይታ መጨረሻታ ዝሰርሓላ ወርሒ ደሞዝ ይኸፈሎ፤ ከምኡ ውን

(ለ) ካብ ክልተ ዓመታት ንላዕሊ ብቐጻሊ ንዘገልገለ ወይ ብቐጻሊ ኣብ ተጠንቀቕ ተመዲቡ ንዘነበረ ሰራሕተኛ፡ ንነፍሱ ወከፍ ናይ ኣገልግሎት ዓመት ናይ ወርሒ ደሞዝ ብገምጋም ናይታ መጨረሻታ ዝሰርሓላ ዓመት ይኸፈሎ።

(3) ካሕሳ ንዘይምኹኑይ ስንብት ካብ ናይ ሽዱሽተ ወርሒ ደሞዝ ሰራሕተኛ ክዛይድ ግን ኣይፍቀድን።

ዓንቀጽ 30. ምልክታ ንምቁራጽ ውዕል ስራሕ

(1) ኣብ ውዕል ስራሕ ብንጹር ሰፊፍ ምስ ዘይርከብ፡ ኣስራሒን ሰራሕተኛን ውዕል ስራሕ ንምቁራጽ ምልክታ ዝህቡሉ ግዜ ከምዚ ዝስዕብ ይኸውን፡-

(ሀ) ናይ ሸውዓተ መዓልታት ምልክታ ካብ ሓደ ዓመት ንታሕቲ ንዝጸንሐ ውዕል ስራሕ፤

(ለ) ናይ ዓስርተው ኣርባዕተ መዓልታት ምልክታ ካብ ሓደ ዓመት ክሳብ ክልተ ዓመት ንዝጸንሐ ውዕል ስራሕ፤

(ሐ) ናይ ዕስራን ሓደን መዓልታት ምልክታ ካብ

ክልተ ዓመት ንላዕሊ ክሳብ ኣሓመሽተ ዓመት ንዝጸንሐ ውዕል ስራሕ፣ ከምኡ ወን

(መ) ናይ ሰላሳ መዓልታት ምልክታ ንካብ ኣሓመሽተ ዓመት ንላዕሊ ንዝጸንሐ ውዕል ስራሕ።

(2) ኣስራሒ ንሰራሕተኛ ኣብ ክንዲ ምልክታ ማዕረ መጠን ደሞዝ ግዜ ምልክታ ንሰራሕተኛ ክፈሉ ክሰናብቶ ይኸእል።

ዓንቀጽ 31. ምልክታ ዘድልዮ ምቁራጽ ውዕል ስራሕ

(1) ኣስራሒ ኣብዞም ዝሰዕቡ ኩነታት ምልክታ ናይ ምግብ ግዴታ ኣይህልዎን፡-

(ሀ) ሰራሕተኛ ኣብ ዓንቀጽ 21(2-7) ናይዚ ኣዋጅ ዚ ዝሰፈሩ ግዴታታቱ ምስ ዘይፍጽም፣ ወይ

(ለ) ሰራሕተኛ ምስ ዝመውት፣ ወይ

(ሐ) ሰራሕተኛ ብዝተተምየነ ሰነድ ተጠቂሙ ወይ ናይ ሕዕት ኣበሬታ ሂቡ ኣብ ናይ ኣስራሒ ትካል ዝተቐጽረ ምዃኑ ምስ ዝፍለጥ፣ ወይ

(መ) ሰራሕተኛ ኣብ ስርሑ ናይ ስርቂ፣ ምጉዳል ተኣማንነት ወይ ካልእ ምስ ስርሑ ዝተኣሳሰር ዝበን ምስ ዝፍጽም፣ ወይ

(ረ) ሰራሕተኛ ብዘይ ብቐዕ ምክንያት ንኣሓመሽተ ተኸታተልቲ መዓልታት ወይ ብድምር ንዓሰርተ መዓልታት ኣብ ውሽጢ ኣደ ዓመት ካብ ስራሕ ምስዘብኩር፣ ወይ

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(ሰ) ብመሰረት ናይ ኣባር ስምምዕ፡ ሰራሕተኛ ካብ ስራሕ ዘሰናብቱ ጉድለታት ምስ ዝፍጽም፣ ወይ

(ሸ) ሰራሕተኛ ክዕቅቦ ዝግባእ ናይ ትካል ሚስጥር ምስ ዘውጽእ።

(2) ሰራሕተኛ አብዞም ዝስዕቡ ኩነታት ምልክታ ናይ ምግብ ግዴታ ኣይህልዎን፡-

(ሀ) ኣስራሒ ኣብ ዓንቀጽ 20 (1-6)ን (10)ን ናይዚ ኣዋጅ'ዚ ዝሰፈሩ ግዴታታቱ ምስ ዘይፍጽም፣ ወይ

(ለ) ኣስራሒ ብገበናዊ ሕጊ ዘቐጽዕ ተግባር ኣብ ልዕሊ ሰራሕተኛ ምስ ዝፍጽም፣ ወይ

(ሐ) ቡቲ ሰራሕ ከንንፎ ዘይኣመቶ ንዕኡ ይኸኡን ንጽግዕተኛታቱ ከስግእ ንዝኸለል ዓይነት ኣደጋ ወይ ሕማም ምስ ዝቃላዕ፣ ወይ

(መ) ደሞዝ ዝኸፈሎ መዓልቲ ካብ ሰሙን ንላዕሊ ምስ ዝሓልፍ።

ዓንቀጽ 32. እስትሕጋግ

1 (1) ብመሰረት ድንጋጌታት ናይዚ ኣዋጅ'ዚ ውዕል ስርሑ ዘቋረጸ ሰራሕተኛ ንኣገልግሎቱ ዝክሕስ እስትሕጋግ ናይ ምርካብ መሰል ይህልዎ።

(2) ዝኾነ ናይ ኣደ ዓመት ወይ ዝያዳ ኣገልግሎት ዝፈጸመ ካብ ስርሑ ዝተሰናበተ ሰራሕተኛ በዚ ዝስዕብ ኣገባብ እስትሕጋግ ብኣስራሒ ይኸፈሎ፡-

(ሀ) ኣብተን ቀዳሞት ኣሙሽተ ዓመታት ስራሕ፡ ናይ ክልተ ሳምንታት ደሞዝ ንነፍሲ ወከፍ ዘገልገለላ ዓመት፣

(ለ) ኣብተን ድሕሪ ኣሙሻይን ክሳብ መወዳእታ ዓስራይን ዓመታት ስራሕ፡ ናይ ሰለስተ ሳምንታት ደሞዝ ንነፍሲ ወከፍ ዘገልገለላ ዓመት፣ ከምኡ'ውን

(ሐ) ድሕሪ ዓስራይ ዓመት ስራሕ ናይ ኣርባዕተ ሳምንታት ደሞዝ ንነፍስ ወከፍ ዘገልገለላ ዓመት።

ትሕቲ ኣደ ዓመት ናይ ዘገልገለ ሰራሕተኛ

እስትሕጋግ ከአ ብሕሳብ ናይ ክልተ ሳምንታት ደሞዝ ንናይ ሓደ ዓመት አገልግሎት ይቐመር።

(3) ኣብ ንኡስ ዓንቀጽ (2) (ሀ)፣ (ለ) ን (ሐ)ን ናይዚ ዓንቀጽ'ዚ ተጠቐሱ ዘሎ ደሞዝ፣ ሰራሕተኛ ውዕል ስራሕ ኣብ ዘቋርጹሉ ግዜ ብዝነበሮ ናይ መወዳእታ ደሞዝ ይሕሰብ።

(4) ዝኾነ ሰራሕተኛ፣ ብዝኾነ ምክንያት ካብ ስራሕ ይሰናበት ብዘገደስ፣ ናይ እስትሕጋግ መሰሉ ኣይንፈግን።

ሓሙሻይ ኣርእስቲ
ፍሉይት ውዕላት

ምዕራፍ 1. ውዕል ተልመዔን

ዓንቀጽ 33. ተልመዔን ዝቐጸረሉ ኩነታት

ውዕል ተልመዔን ብጽሑፍ ይኸውንን ብውሑዱ ኸአ ነዞም ዝስዕቡ የጠቓልልን፡-

(ሀ) ንተልመዔን ዝወሃብ ናይ ሞያ ትምህርቲ፣

(ለ) ተልመዔንነት ዘበቅዓሉ ግዜ፣ ከምኡ'ውን

(ሐ) ንተልመዔን ናይ ጁባ ገንዘብ ዝወሃብ ምዃኑን ዘይምዃኑን።

ዓንቀጽ 34. ምቁራጽ ውዕል ተልመዔን

(1) ውዕል ተልመዔን ብመሰረት ኣብ ዓናቕጽ 24-25 ናይዚ ኣዋጅ'ዚ ዝሰፈሩ ድንጋጌታት ወይ ብርእይቶ ኣስራሒ ተልመዔን ኣብ ስልጠንኡ ኣዕጋቢ ውጺኢት ምስ ዘዩርኢ ይቋርጽ።

(2) ውዕል ተልመዔን ምስ ዝቋርጸ ተወዓዓልቲ ወገናት

አብዚ አዋጅ'ዚ ንምልክታ ምቁራጽ ውዕል ስራሕ ብዝምልከቱ ድንጋጌታት ይቕየዱ።

- (3) ድንጋጌታት ዓናቕጽ 29ን 32ን ከምኡ'ውን 55 ናይዚ አዋጅ'ዚ ብመሰረት ንኡሳን ዓናቕጽ (1)ን (2)ን ናይዚ ዓንቀጽ'ዚ አብ ልዕሊ ዝተቐረጸ ውዕል ተልመዬን ተፈጻምነት አይህልዎምን።

ዓንቀጽ 35. ተፈጻምነት ናይ ስራሕ ኩነታት አብ ልዕሊ ተልመዬን

- (1) አብዚ አዋጅ'ዚ በንጻሩ እንተዘይሰፈሩ፣ አብዚ አዋጅ'ዚ፡ አብ ናይ ሓባር ስምምዓትን አብ ናይ ስራሕ መምርሒታትን ዝተደንገጉ ኩነታት ስራሕ አብ ልዕሊ ተልመዬን እውን ተፈጻምነት ይህልዎም።

- (2) ንተልመዬን ዝወሃብ ናይ ጁባ ገንዘብ እንተልዩ ብስምምዕ ተውዓዓ ልቲ ወገናት ይውሰን።

- (3) ዝኾነ ተልመዬን አብ ኣደገኛ ስራሕ በይኑ ክሰርሕ አይምደብን።

ዓንቀጽ 36. ግዴታታት አስራሒ

ዝኾነ ተልመዬን ዝቕጽር አስራሒ እዞም ዝስዕቡ ግዴታታት የማልእ፡-

- (ሀ) ውዕል ተልመዬን ዝጠልዐ ስልጠና ንተልመዬን ምሃብ፣
- (ለ) ንተልመዬን አብቲ ብመሰረት ውዕል ተልመዬን ዝስልጥነሉ ሞያ ጥራሕ ምውፋር፣
- (ሐ) ካብ ስራሕ ዝብገስ ጉድኣት ከይወርዶ ንተልመዬን መምርሒታት ምሃቡን ዘድሊ ጥንቃቕ ምግባርን፣
- (መ) ናይ ተልመዬን ጥዕናዊን ስነምግባራውን ድሕነት

ንምሕላው ኩሉ ቅቡል ዝኾነ ስጉምታት ምውሳድ፤
ከምኡ'ውን

(ረ) ስልጠና ተልመዴን ምስ ኣብቅዕ ወይ ከዩብቅዕ ምስ
ዝቋረጸ ንተልመዴን ከከም ኩነታቱ ወረቐት
ምስክር ምሃብ።

ዓንቀጽ 37. ናይ ተልመዴን ግዴታታት

ዝኾነ ተልመዴን እዞም ዝስዕቡ ግዴታታት የማልእ፡-

- (1) ኣብ ውዕል ዝሰፈረ ግዴታታቱ ምፍጻምን፤
- (2) ኣብ መስርሕ ስልጠና ዝወሃቦ ትምህርትን
መምርሒታትን ብትግሃት ምክትታልን ስልጠንኡ
ብዓ ወት ንምዝዛም ምጽዓርን።

ዓንቀጽ 38. ስልጣን ሚኒስትር

ሚኒስትር ኩነታት ስልጠና ተልመዴን ንምቁጽጸር
ሕጋዊ ከውጽእ ይኸእል።

ምዕራፍ 2. ዘቤታዊ ሰራሕተኛታት

ዓንቀጽ 39. ዘቤታዊ ሰራሕተኛ

ዘቤታዊ ሰራሕተኛ ማለት ብቐንዱ ናይ ገዛ ዕማማትን
ስራሓትን ከሰላስልን ገዛ ክኣልን ኣባላት ስድራ ቤት
ክከናኸንን ዝተቐጽረ ሰብ ኮይኑ፡ ንናይ ገዛ
ኣታኸልተኛ፡ ዘብዐኛን መራሕ መኪናን እውን
የጠቓልል።

ዓንቀጽ 40. ስልጣን ሚኒስትር

ሚኒስትር ኣብ ልዕሊ ኩሎም ወይ ዝኾነ ምድብ
ዘቤታዊ ሰራሕተኛታት ተፈጻምቲ ዝኾኑ ድንጋጌታት
ናይዚ ኣዋጅ'ዚን ኣገባብ ተፈጻምቲምን ብሕጋዊ
ክውስን ይኸእል።

ሻድሻይ አርእስቲ
ዝተሓተ ናይ ስራሕ ኩነታት

ምዕራፍ 1. ደሞዝ

ዓንቀጽ 41. ሓፈሻዊ

- (1) ዝኾነ አስራሒ ንሓደ ዓይነት ስራሕ ማዕረ ዝኾነ መበገሲ ደሞዝ ይኸኛል።
- (2) ደሞዝ ብተወዓዓልቲ ወገናት ዝውሰን ኮይኑ፣ ኣብ ትካል ብሓባራዊ ስምምዕ ካብ ዝተወሰነ ዝተሓተ ደሞዝ ዝትሕት ግን ኣይከውንን።

ዓንቀጽ 42. አገባብ ኣከፋፍላ ደሞዝ

ደሞዝ ብሓደ ካብዞም ዝስዕቡ አገባባት ክኸፈል ይኸእል፡-

- (ሀ) ብመጠን ግዜ፣ ማለት ብዓቕን ግዜ ኮይኑ ውጺኢት ናይ ስራሕ ፍሉይ ቆላሕታ ከይተገብረሉ፣ እቲ ግዜ ብሰዓታት፣ ብመዓልቲ፣ ብሰሙን፣ ብኸልተ ሰሙን፣ ወይ ብወርሒ ክኸውን ይኸእል።
- (ለ) ብጥቕሉል፣ ማለት ስራሕ ዝወሰደ ጊዜ ኣብ ግምት ከይኣተወ ንዝተወሰነ ስራሕ ዝኸፈል ደሞዝ።
- (ሐ) ብዓቕንን ዓይነትን፣ ማለት ዓቕንን ዓይነትን ናይ ዝተፈጸመ ስራሕ ኣብ ግምት ብምእታው ዝኸፈል ደሞዝ።
- (መ) ብመጠን ግዜን ዓቕንን ዓይነትን፣ ማለት ኣብ ውሽጢ ዝተወሰነ ግዜን ዓይነትን ዓቕንን ናይ ዝተሰርሐ ስራሕን ኣብ ግምት ብምእታው ዝኸፈል ደሞዝ።
- (ረ) ብናይ ስራሕ ውጽኢት፣ ማለት ስራሕተኛ ኣብ

ውሽጢ ዝተወሰነ ጊዜ ንዝፍጽሞ ዝተወሰነ ስራሕ ዝኸፈል ደሞዝ፣ ከምኡ'ውን

- (ሰ) ኮምሽን፡ ሓደ ስራሕተኛ ንነፍሲ ወከፍ ዝተሰማምዓሉ ናይ ስራሕ ተልእኾ ዝኸፈሎ ሚኒስትራት ወይ ውሱን ገንዘብ ኮይኑ፡ ተልእኾ ናይ ስራሕ ምስ ተፈጸመ ደሞዝ ብቅጽብት ይኸፈል። እቲ ንጥፊታት ስራሕ ዝተፈለለዩ ኮምሽናት ዘምጽእ ምስ ዝኸውን ግን ኮሚሽናት ብብእዋኑ ዝኸፈልሉ ናይ ጊዜ ሰሌዳታት ብስምምዕ ክግበር ይከኣል።

ዓንቀጽ 43. ንዘይተሰርሓሉ ጊዜ ዝኸፈለሉ ኩነታት

- (1) በዚ ኣዋጅ'ዚ ወይ ብኻልእ ዝምልከቶ ሕገ-ብኻልእ ኣገባብ እንተዘይተሓገጉ ደሞዝ ዝኸፈል ንዝተሰርሐ ስራሕ ጥራሕ ይኸውን።
- (2) ኣብ ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝሰፈረ ብዘየገድስ፡ ስራሕተኛ ንስራሕ ቁሩብ ኮይኑ ከብቅዕ ንስርሐ ዘድልይዎ መሳርሒታት ወይ ጥራ ነገራት ብዘይምቕራቦም ወይ ጉድለት ስራሕተኛ ብዘይኮነ ካልእ ምክንያት ምስ ዘይሰርሐ ደሞዙ ናይ ምርካብ መሰሉ ዝተሓለወ ይኸውን።

ዓንቀጽ 44. ኣከፋፍላ ደሞዝ

- (1) ደሞዝ ስምምዕ ኣብ ዝግበረሉ ወይ ኣስራሒ ኣብ ዝኸፍለሉ ልሙድ ዕለትን ቦታን ንስራሕተኛ ወይ ሕጋዊ ወኪሉ ይኸፈል።
- (2) ምክፋል ደሞዝ ብዘይምቁራጽ ይፍጸም። ደሞዝ ኣብ ዕለቱ ምስ ዘይክፈል፡ ምክፋል ደሞዝ ኣብ ዝቐጽል መዓልቲ ስራሕ ኣይሓልፍን።

(3) ደሞዝ ዝኸፈለሉ መዓልቲ ኣብ ሰንበት ወይ ህገባዊ በዓል ምስ ዝወዕል ደሞዝ ቅድሚኡ ኣብ ዘሎ ናይ ስራሕ መዓልቲ ይኸፈል።

ዓንቀጽ 45. ኣብ ደሞዝ ዝቐረጽ ገንዘብ

(1) ብሕገ፡ ብሓባራዊ ስምምዕ፡ ብናይ ቤት ፍርዲ ውሳኔ ወይ ብናይ ስራሕተኛ ግልጺ ናይ ጽሑፍ ስምምዕ እንተዘይኮይኑ ኣስራሒ ኣብ ናይ ስራሕተኛ ደሞዝ ከጉድል፡ ብዕዳ ክሕዝ ወይ ከዳቕስ ኣይክእልን።

(2) ኣብ ሓደ ስራሕተኛ ኣብ ሓደ ወርሒ ዝግበር ድምር ምጉዳል ኣብ ደሞዝ ወይ ምድቕስ ብደሞዝ፡ ኣብ ሓደ ሕምሲት ኣብቲ ውርሒ'ቲ ናይ ዝኸፈሎ ደሞዝ ብዝኾነ መገዲ ክዛይድ ኣይክእልን።

ዓንቀጽ 46. መዘገብ ክፍሊት

(1) ኣስራሒ ጠቐሳላን ዝተጻረየን ክፍሊት፡ ኻልእ ተወሳኺ ክፍሊታት፡ መጠንን ዓይነትን ዝተነከየ ገንዘብ፡ ካልእ ኣድለይቲ ዝርዝራትን፡ ካልእ ፍሉይ ኣገባብ ምስ ዘይህሉ ከኣ፡ ክታም ስራሕተኛ ዘመልክትን መዘገብ ክፍሊት ይሕዝ።

(2) ስራሕተኛ መዘገብ ክፍሊት ክርእ ምስ ዝሓትት ኣስራሒ ክፈቐድሉን ብዛዕባ ዝርዝር ትሕዝትኡ ከረድኦን ግዴታ ኣለዎ።

(3) ስራሕተኛ ኣብ መዘገብ ክፍሊት ዝተጠቐሰ ዝተጻረየ ክፍሊት ብዘይ ተቐውሞ ምቕባሉ ንዝግ ብኦ ዝተረፎ ክፍሊት ከምዝገደፎ ኣይቑጸርን።

ዓንቀጽ 47. መዓልታዊ ኣበል

(1) ዝኾነ ኣስራሒ ንስራሕተኛ ኣብ ምዳብ ናይ ስራሕ

ቦታኡ ወጸኢ ብግዚያውነት ብምንቅስቃስ ምስ ዘስርሐ ስምምዕ ዝተገብረሉ ናይ መግባዕ ዝያ መዓልታዊ ናይ መግብን መዕረፍን ኣበይ ይኸኖሎ።

- (2) ሰራሕተኛ ኣብቲ ብመንግስቲ ከም ጽንኩብ ከባቢታት ተቐጺሩ ዝያዳ ክፍሊት ዝተወሰነሉ ቦታታት ተንቀሳቂሱ ብግዚያውነት ምስ ዘስርሐ እቲ ዝያዳ ክፍሊት ይኸኖሎ። እቲ መዓልታዊ ኣበይ ብስምምዕ ክልተ ወገናት ክዛይድ ይኸእል።

ምዕራፍ 2. ሰዓታት ስራሕ፡ ዕረፍትን በዓላትን

ዓንቀጽ 48. ምዱብ ናይ ስራሕ ሰዓታት

- (1) ምዱብ ሰዓታት ስራሕ ካብ ሾመንተ ሰዓታት ኣብ መዓልቲን ኣርብዓን ሾሞንተን ሰዓታት ኣብ ሰሙንን ክዛይድ ኣይፍቀድን።
- (2) ሚኒስተር፡ ፍሉይ ኩነታት ስራሕ ኣብ ዘለዎ ጽላተ ቁጠባ ኢንዱስትሪ ወይ ሞያታት ሰዓታት ስራሕ ንምጉዳል መምርሒታት ከውጽእ ይኸእል። ከምዚ ዝኣመሰሉ ምጉዳል ሰዓታት ስራሕ ንደሞክሮ ስራሕተኛ ኣየጥድሎን።

ዓንቀጽ 49. ምምቕራሕ ሰሙናዊ ሰዓታት ስራሕ

- (1) ሰሙናዊ ሰዓታት ስራሕ ኣብ መዓልታት ስራሕ ብማዕረ ይመቐራሕ። ባህሪ ስራሕ ምስ ዝጠልብ ግን ሰዓታት ስራሕ ናይ ዝኾነ መዓልቲ ስራሕ ብምሕጻር ነቲ ፍልልይ ናብ ዝተረፈ መዓልታት ሰሙን ምምቕራሕ ይከኣል። እዚ ዝግበር ከኣ ንመዓልታዊ ሰዓታት ስራሕ ካብ ክልተ ሰዓታት ናይቲ ምዱብ ናይ ሾሞንተ ሰዓታት ገደብ ንላዕሊ ብዛይምንጥሕ ይኸውን።

(2) ዝኾነ ብእብረ ዝስራሕ ስራሕ በብሾሞንተ ሰዓታት ካብ ዝምቀል እብረታት ኣይዛይድን።

ንቀጽ 50. ምምቕራሕ ሰዓታት ስራሕ ኣብ ሳምንታት ብምኸንያት ስራሕ ዝካየደሉ ኩነታት ምዱብ ሰዓታት ስራሕ ኣብ ነፍሲ ወከፍ ሰሙን ብማዕረ ምምቕራሕ ምስ ዘይክእል፡ ገምጋም ምዱብ ሰዓታት ስራሕ መሰረት ብምግባር ሰዓታት ስራሕ ካብ ኣደ ሰሙን ንላዕሊ ምምቕራሕ ይክእል። ይኹን'ምበር ኣብ ውሽጢ ኣርባዕተ ሰሙናት ወይ ኣብ ውሽጢ ዝወሓደ ግዜ ስራሕተኛ ዝስርሐም ሰዓታት ተጽብጺቦም ገምጋም ሰዓታት ስራሕ ኣብ መግልጺ ካብ ሾመንተ ሰዓታት፡ ኣብ ሰሙን ደማ ካብ ኣርብዓን ሾመንተን ሰዓታት ክዛይድ ኣይፍቀድን።

ንቀጽ 51. ምቁራጽ ስራሕ ንምዝናይን መግብን

(1) ንዝኾነ ሰራሕተኛ፡ ባህርይን ቦታ ስርሑን ኣብ ግምት ብምእታው፡ ንምዝናይ ዝኸውን ኣጺር ናይ ዕረፍቲ ግዜ ኣብ መንጎ ሰዓታት ስራሕ ይህልዎ። እቲ ዕረፍቲ ከም ኣካል ናይ ምዱብ ሰዓታት ስራሕ ይወስድ።

(2) ንዝኾነ ሰራሕተኛ፡ ባህርይን ቦታ ስርሑን ኣብ ግምት ብምእታው፡ ናይ ዝምገበሉ ግዜ ዕረፍቲ ይህልዎ። ይኹን'ምበር እዚ ዕረፍቲ'ዚ ምስ ምዱብ ሰዓታት ስራሕ ኣይጽብጸብን።

ንቀጽ 52. ሕልፊ ሰዓታት ስራሕ

(1) ኣስራሒ ንሰራሕተኛ ካብ ምዱብ ሰዓታት ስራሕ ዝያዳ ክስርሐ ይኸእል። ይኹን'ምበር ናቶት ሰራሕተኛ እንተዘየልዩ፡ ኣብ መግልጺ ካብ ክልተ ሰዓታት ንላዕሊ ሕልፊ ሰዓታት ስራሕ ከስርሐ ኣይፍቀደሉን።

(2) ኣብ ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝሰራረ ብዘየገደስ፡ ሰራሕተኛ ኣብዎም ዝሰዕቡ ኩነታት ሕልፊ ሰዓታት ስራሕ ክሰርሕ ይግደድ፡-

- (ሀ) ኣብ ጊዜ ሓደጋ ወይ ስግኣት ሓደጋ፤
- (ለ) ህጹጽ ስራሕ ምስዚጋጥም፤
- (ሐ) ኣብ ዓቕሚ ሰብ ንላዕሊ ዝኾነ ኩነታት ምስ ዘንገፍ፡ ወይ
- (መ) ብዘይምቁራጽ ብቐጻሊ ኣብ ዝሰራሕ ሰራሕተመዲቡ ንዘበኮረ ሰራሕተኛ ንምትካእ።

ዓንቀጽ 53. ኣከፋፍላ ሕልፊ ሰዓታት ስራሕ

(1) ሓደ ሰራሕተኛ ኣብ ሰዓት ሽዱሽተ ወጋሕታ ክሳብ ሰዓት ዓሰርተ ምሸት ኣብ ዘሎ ጊዜ ናይ ዝሰርሕ ሕልፊ ሰዓታት ንሰዓት ብሓደን ርብዕን (1-25) ናይቲ ኣብ ምዱብ ሰዓታት ስርሑ ዝኸፈሎ ተራቢሑ ይኸፈሎ። ድሕሪ ሰዓት ዓሰርተ ምሸት ክሳብ ሰዓት ሽዱሽተ ወጋሕታ ናይ ዝሰርሕ ሕልፊ ሰዓታት ብሰዓት ብሕሳብ ሓደን ፈረቓን (1-5) ናይቲ ኣብ ምዱብ ሰዓታት ስርሑ ንሰዓት ዝኸፈሎ ተራቢሑ ይኸፈሎ።

(2) ሓደ ሰራሕተኛ ኣብ ናይ ሰሙናዊ ዕረፍቲ ናይ ዝሰርሕ ሕልፊ ሰዓታት ንሰዓት ብሕሳብ ኸልተ(2) ናይቲ ኣብ ምዱብ ሰዓታት ስርሑ ዝኸፈሎ ተራቢሑ ይኸፈሎ።

(3) ሓደ ሰራሕተኛ ኣብ ህዝባዊ በዓላት ዝሰርሕ ሕልፊ ሰዓታት ንሰዓት ብሕሳብ ክልተን ፈረቓን (2-5) ናይቲ ኣብ ምዱብ ሰዓታት ስርሑ ዝኸፈሎ ተራቢሑ ይኸፈሎ።

(4) ክፍሊት ሕልፊ ሰዓታት ስራሕ ምስ ደግዝ ይኸፈል።

ዓንቀጽ 54. ሰሙናዊ ዕረፍቲ

- (1) ደኸኑ ሰራሕተኛ አብ ውሽጢ ነፍሶ ወክፍ ሸውዓተ መዓልታት ብውሑድ ዕስረን ኣርባዕተን (24) ተኸታተልቲ ሰዓታት ሰሙናዊ ዕረፍቲ ይህልዎ።
- (2) ሰሙናዊ ዕረፍቲ ሰራሕተኛ ሰንበት ይኸውን። ብመሰረት ንኡስ ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ ሰንበት ዝሰርሓ ትካላት ግን ብኻልእ ዝጥዕም መዓልቲ ክትክእኦ ይኸእላ።
- (3) ሚኒስትር አብ ፍሉይ ዝጠባዖቱ ሰራሕ ናይ ዝሰርሑ ሰራሕተኛታት ሰሙናዊ ዕረፍቲ ብዝምልከት ሕጋት ከውጽእ ይኸእል።

ዓንቀጽ 55. ህዝባዊ በዓላት

- (1) ኩሎም ብሕጊ ዝፍለጡ ህዝባዊ በዓላት ደሞዝ ዝሕሰበሎም መዓልታት ይኾኑ። ካብ ሓደ ንሓ ዕሊ ህዝባዊ በዓላት አብ ሓደ መዓል ምስዘው ዕሉ፣ ናይ ሓደ በዓል ደሞዝ ጥራይ ይሕሰበሎም።
- (2) አብ ህዝባዊ በዓል ዝሰርሑ ሰራሕተኛ ንነፍሲ ወከፍ ዝሰርሑ ሰዓት ንሰዓት ብሕግብ ኸልተን ፈረጃን (2.5) ናይ'ቲ አብ ምዳብ ሰዓታት ሰርሑ ዝኸፈሎ ተራቤሑ ይኸፈሎ።
- (3) ሓደ ህዝባዊ በዓል በዚ ኣዋጅ'ዚ ወይ ብኻልእ ፍሉይ ሕጊ አብ ዝተወሰነ መዓልቲ ዕረፍቲ ምስ ዝውዕል፣ አብ'ዚ መዓልቲ'ዚ ዝሰርሑ ሰራሕተኛ ናይ'ቲ ህዝባዊ በዓል ክፍሊት ጥራይ ይኸፈሎ።

ዓንቀጽ 56. ዓመታዊ ዕረፍቲ

- (1) ሓደ ሰራሕተኛ ዓመታዊ ዕረፍቲ አብ ዝወስድሉ

ግዜ ናይ ዕረፍቱ ደሞዝ ይኸፈሉ።

- (2) ዝኸነ ሰረሕተኛ ዓመታዊ ዕረፍቲ ምስ ደሞዙ ናይ ምውሳኔ መሰል ሃልይዎ ከምዚ ዝስዕብ ይኸውን፡-
 - (ሀ) ዓሰርተው ኣርባዕተ ናይ ስራሕ መዓልታት ንናይ መጀመርያ ናይ ኣገልግሎት ዓመቱ፣ ከምኡ'ውን
 - (ለ) ዓሰርተው ኣርባዕተ ናይ ስራሕ መዓልታት ዝተደመሮ ሓደ ናይ ስራሕ መዓልቲ ንነፍሲ ወከፍ ተወሳኺ ናይ ኣገልግሎት ዓመቱ።
- (3) ዓመታዊ ዕረፍቲ ካብ ሰላሳን ሓመሽተን (35) ናይ ስራሕ መዓልታት ክዛይድ ግን ኣይፍቀድን።
- (4) ምምሕልላፍ ዓመታዊ ዕረፍቲ ኣይፍቀድን፡ ይኹን'ምበር ዓመታዊ ዕረፍቲ ንዘይተገመቱ ሕጽረታት ንምምላእ ወይ ንዝተበላሸዉ መሳርሒታት ንምዕራይ ክመሓላለፍ ይኸእል።
- (5) ብመሰረት ንኡስ ዓንቀጽ (4) ናይዚ ዓንቀጽ'ዚ ዝተመሓላለፈ ዕረፍቲ፡ ድሕሪ'ቲ ንምምሕልላፍ ዘገደደ ኩነታት ምብቕዑ ይቐጽል ወይ ይውሰድ።
- (6) ኣስራሒ እንተተሰማዒዑ ሰራሕተኛ ዓመታዊ ዕረፍቱ ብኸፋል ክወስድ ይኸእል።
- (7) ሰራሕተኛ ኣብ ዓመታዊ ዕረፍቱ ምስ ዝሓምም፡ ድንጋገታት ናይ ሕግም ፍቓድ ናይዚ ኣዋጅ እዚ ተፈጻሚ ይኸውን።

(8) ንነፍሱ ወከፍ ዓመታዊ ዕረፍቲ በንጸፍ ስምምዕ እንተዘይተጌፍ፡ ዓመታዊ ዕረፍቲ ንሰራሕተኛ ኣብ ዘምኛኦ ግዜ ይውሰድ።

(9) ብመሰረት እዚ ኣዋጅ'ዚ ውዕል ስራሕ ዘቋረጸ ወይ ዝተቋረጸ ሰራሕተኛ ዘይወሰደ ዓመታዊ ዕረፍቲ ብደምዘ ተተኪኡ ይኸፈሎ። ትዕዛብቱ ወዲኡ ዓመት ዘዩገልገል ሰራሕተኛ ምስ ዝኸውን ግን ኣብ ውሽጢ ዓመት ምስ ዘገልገሎ ግዜ ዝመጣጠን ንዝዘብ ብደምዘ ተተኪኡ ይኸፈሎ።

10. ኣብዚ ኣዋጅ'ዚ በንጸፍ እንተዘይተደንጊጉ ብዘይ ናይ ሰራሕተኛ ፍታውን ዓመታዊ ዕረፍቲ ብደምዘ ኣይትካእን።

ዓንቀጽ 57. ኣብ ዓመታዊ ዕረፍቲ ንዘሎ ሰራሕተኛ ምጽዋዕ

(1) ኣብ ዕረፍቲ ዝርከብ ሰራሕተኛ ኣቐዲሙ ክፍለጥ ብዘይከኣል ኩነታት ህላወኡ ኣብ ስራሕ ምስ ዝጥለብ ጥራሕ ካብ ዕረፍቱ ክጽዋዕ ይከኣል።

(2) ካብ ዕረፍቱ ዝተጸወዐ ሰራሕተኛ፡ ዝተረፈ ግዜ ዕረፍቱ ክቐጽሎ ወይ ብገንዘብ ተኣሲቡ ንክኸፈሎ መሰሉ ዝተኣለወ እዩ።

(3) ሰራሕተኛ ካብ ዓመታዊ ዕረፍቱ ምስ ዝጽዋዕ፡ ብምኸንያት ምጽውዑ ዘውጽኦ ምኸኑይ ወጻኢታት እንተላይ ኣብ ግዜ ምጉዕዓዝ ናይ መንግሥትን መዓልታዊ ናይ መግብን መዕረፍን ኣበሉ ኣስራሒ ይሸፍኖ። ምስ ምጽውዑ ዝተኣሳስር ናይ ጉዕዞ ግዜ ከም ምዱብ ናይ ስራሕ ግዜ ይውሰድ።

ዓንቀጽ 58. ንጉዳይ ቤተሰብ ዝወሃብ ፍቓድ

(1) ሰራሕተኛ ምስ ዝምርጾ ወይ መጻምዱ፡ ወላዲ፡

ውሉዱ ወይ ክሳብ ካልአይ ደረጃ ናይ ስጋ ወይ መውሰድ ዝምድና ዘለዎ ካልእ ዘመድ ምስ ዝሞቶ፡ ደሞዝ ዝኸፈሎ ናይ ሰለስተ መዓልታት ናይ ስራሕ ፍቓድ ክወስድ መሰል ይህልዎ።

- (2) ሰራሕተኛ ፍሉይን ዕቲብን ፍጻሜ ምስ ዘጋጥሞ ንኣሙኸተ ተኸታተልቲ መዓልታዊዎ ዘይክፈሎ ፍቓድ ክወስድ መሰል ይህልዎ።

ዓንቀጽ 59. ንስራሕ ማሕበር ዝወሃብ ፍቓድ

መራሕቲ ማሕበር ሰራሕተኛታት ናይ ስራሕ ክርክር ንምቕራብ፡ ኣባራዊ ስምምዕ ንምስምማዕ፡ ኣብ ኣኼባ ታት ማሕበር፡ ሰሚናራትን ስልጠናን ንምስታፍ ደሞዝ ዝኸፈሎ ፍቓድ ይወሃቦም።

ዓንቀጽ 60. ፍሉይ ስራሕት ንምፍጻም ዝወሃብ ፍቓድ

- (1) ኣደ ሰራሕተኛ ናይ ስራሕ ክርክር ክሰምዑ ወይ ሕግታት ዕዮ ከተግብሩ ስልጣን ኣብ ቅድሚ ዝተሞህቦም ኣካላት ቀሪቡ ጉዳዩ ክስማሙ ናይ ዝወሰደሉ ግዜ ጥራሕ ደሞዝ ዝኸፈሎ ፍቓድ ይወሃቦ።
- (2) ኣደ ሰራሕተኛ ብሲሲላዊ መሰላቱ ክጥቀም ወይ ሲሲላዊ ግቡኣቱ ክፍጽም ንዝወስደሉ ግዜ ጥራሕ ደሞዙ ዝኸፈሎ ፍቓድ ይወሃቦ።
- (3) ናይ ትምህርቲ ወይ ስልጠና ፍቓድ ዝወሃበሉ ኣገባብን መልክዕን ዓቕን ዝወሃቦ ፊናንሳዊ ደገፍን ብኣባራዊ ስምምዕ ወይ መምርሒታት ስራሕ ይውሰን።

ዓንቀጽ 61. ናይ ምሕባር ግዴታ

ብመሰረት ደንጋጌታት ዓናቕጽ 58-60 ናይዚ ኣዋጅ'ዚ

ፍቻድ ክወስድ ዝደለ ሰራሕተኛ ንኣስራሒ ኣቐዲሙ ይሕብሮን ኣስራሒ ምስ ዝሓቶ ከኣ ዝደለ ደጋፊ መርትዖ የቐርብን።

ዓንቀጽ 62. ናይ ሕማም ፍቻድ

- (1) ሓደ ሰራሕተኛ ናይ ትዕዛዝቲ ግዜ ድሕሪ ምውድኡ ብምክንያት ካብ ስራሕ ዝብገስ ጉድኣት ዘይኮነ ብኻልእ ሕማም ስራሕ ክሰርሕ ምስ ዘይክእል ናይ ሕማም ፍቻድ መሰል ይህልዎ።
- (2) ኣብ ንኡስ ዓንቀጽ(1) ናይዚ ዓንቀጽ'ዚ ዝተጠቐሰ ፍቻድ እቲ ሰራሕተኛ ካብ ዝሓመመሉ ቀዳማይ መዓልቲ ጀሚሩ ኣብ ውሽጢ ዓሰርተው ክልቱ ኣዋርሕ፡ ብተኸታታሊ ወይ ኣብ ነንበይኑ ግዜ ተጽብጺቡ ካብ ሽዱሽተ ኣዋርሕ ክዛይድ የብሉን።
- (3) ሰራሕተኛ ብምክንያት ሕማም ካብ ስራሕ ምስዘብኡር፡ ኣስራሒ ብዛዕባ ሕማሙ ክፈልጥ ኣብ ዝክእሉ ገዲፍካ፡ እቲ ሰራሕተኛ ጽባሕታ ዘብኮረላ መዓልቲ ንኣስራሒ የፍልጥ።
- (4) ብሓባራዊ ስምምዕ ብኻልእ ኣገባብ እንተዘይተወ ሲኑ፡ እቲ ሰራሕተኛ ኣብ ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ብዘሰፈረ ናይ ሕማም ፍቻድ መሰሉ ክጥቀም ዝክእል ኣቐዲሙ ወይ ኣስዲቡ ብቐዕ ወረቐት ምስክር ሕክምና ምስዘቐርብ ኢዩ።
- (5) ኣብዚ ዓንቀጽ'ዚ ዝተጠቐሰ ናይ ሕማም ፍቻድ ብኸምዚ ዝስዕብ ኣገባብ ይዋሃብ፡-
 - (ሀ) ንቐዳማይ ወርሒ ሙሉ እ ደሞዝ እናተኸፍለ፤
 - (ለ) ንዘስዕቡ ክልተ ኣዋርሕ ፍርቂ ደሞዝ እናተኸፍለ፤ ከምኡ'ውን

(ሐ) ድሕሪኡ ንዘስዕቡ ሰለስተ አዋርሕ ብዘይ ደሞዘ።

(6) አስራሒ፡ ኣብ ትሕቲ እዚ ምዕራፍ'ዚ፡ ካብ ሽዱሽተ አዋርሕ ንላዕሊ ናይ ዝቐጸለ ሕግም ሰራሕተኛ ሓላፍነት ኣይስከምን።

ምዕራፍ 3 ናይ ስንኩላን ናይ ስራሕ ኩነታት

ዓንቀጽ 63. ሓፈሻዊ

(1) ሚኒስትሪን ማሕበራት ሰራሕተኛታትን አስራሕትን ናይ ስንኩላን ናይ ስራሕን ሞያዊ ስልጠናን ዕድል ከምዘሰፍሑን ስንኩላን ብዓቕሞም ኣብ ስራሕ ከም ዝካፈሉን ናይ ምግባር ሓላፍነት ይህልዎም።

(2) ሚኒስትር፡ ዝተፈለለዩ ደረጃታት ዓቕምን ጥዕናን ናይ ስንኩላን ኣብ ግምት ብምእታው፡ ናይ ስንኩላን ናይ ስራሕ ኩነታት ዝቆጸጸር ሕጋዊ ከውጽእ ይኸእል።

ዓንቀጽ 64. ማዕርነት ኣብ ዕድላት ወይ ኣተሓሕዛ ኣብ ስራሕን ክፍሊትን

(1) ስንኩል ሰብ ኣብ ዕድላት ወይ ኣተሓሕዛ ኣብ ስራሕን ክፍሊትን ብምኸንያት ስንክልንኡ ጥራይ ኣንጻሩ ኣድልዎ ኣይግበርን።

(2) ዝኾነ ስንኩል ሰብ ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ኣንጻራዊ ኣድልዎ ተፈጺሙ ኢሉ ምስዝጠርዕ፣ ሚኒስትር ብምኸንያት ስንክልንኡ ጥራይ ኣንጻሩ ኣድልዎ ምፍጻሙን ዘይ ምፍጻሙን ክውስን ይኸእል። ሚኒስትር ኣድልዎ

ተፈጸሙ አሎ አሉ ምስ ዝውሰን፡ ነቲ ዝምልከቶ አስራሒ ነቲ ኩነታት ንክእርም ክእዘዞ ይኸእል።

- (3) ብውሳኔ ሚኒስትር ዘይዓገበ ስንኩል ሰብ ወይ አስራሒ ቅዳሕ ናይቲ ውሳኔ ካብ ዝበጽሖ ኣብ ውሽጢ ዓሰርተ ሓሙሽተ መዓልታት ናብ ላዕለዋይ ቤት ፍርዲ ይግባይ ከቕርብ ይኸእል።

ምዕራፍ 4 ናይ ደቀንስትዮን መንእሰይ ሰራሕተኛታትን ናይ ስራሕ ኩነታት

ቀዳማይ ክፋል ማዕረ ዕድላት ወይ አተሓሕዛ ደቀንስትዮን ጥቕምታትን ዑቕባን ጥኑሳትን ሓራሳትን

ዓንቀጽ 65 ሓፈሻዊ

- (1) ደቂ ኣንስትዮ ኣብ ዕድላት ወይ አተሓሕዛ ኣብ ስራሕን ክፍሊትን ብምኸንያት ጾታኣን ኣንጻረን ኣድልዎ ኣይግበርን።
- (2) ዝኾነት ንል ኣንስተይቲ ብመሰረት ንኡስ ዓንቀጽ(1) ናይዚ ዓንቀጽ'ዚ ኣንጻሪይ ኣድልዎ ተፈጸሙ አሎ አሉ ምስትጠርዕ፡ ሚኒስትር ብምኸንያት ጾታኣ ኣንጻራ ኣድልዎ ምፍጻሙን ዘይምፍጻሙን ክውስን ይኸእል። ሚኒስትር ኣድልዎ ተፈጸሙ አሎ አሉ ምስዝውሰን፡ ነቲ ዝምልከቶ አስራሒ ነቲ ኩነታት ንክእርም ክእዘዞ ይኸእል።
- (3) ብውሳኔ ሚኒስትር ዘይዓገበት ንል ኣንስተይቲ ወይ ዘይዓገበ አስራሒ ቅዳሕ ናይቲ ውሳኔ ካብ ዝበጽሖ ኣብ ውሽጢ ዓሰርተ ሓሙሽተ መዓልቲ ናብ ላዕለዋይ ቤት ፍርዲ ይግባይ ከቕርብ ይኸእል።

ግንቀጽ 66. ጥንሰን ፍቅድ ሕርሲን

- (1) ነብሰጾር ሰራሕተኛ ንጥንሳ ዝምልከት መርመራ ንምግባር ብኣስራሒ ደሞዝ ዝኸፈሎ ፍቅድ ይሞገባ። ድሕሪ ምርመራ ግን ወግዓዊ ናይ ሕክምና ወረቓት ምስክር ምርመራ ንኣስራሒ ናይ ምቕራብ ግዴታ ይህልዋ።
- (2) ነብሰጾር ሰራሕተኛ ካብ ጸባሕ ምውላዳ ዝጅመር ንተኸታተልቲ ስሳ(60) መዓልታት ደሞዝ ዝኸፈሎ ናይ ሕርሲ ፍቅድ ይወገባ። ብናታ ምርመራ ግን ናይ ሕርሲ ፍቅዳ ቅድምን ድሕርን ሕርሳ ኣብ ክልተ መቐቓላ ክትወስዶ ትኸእል።
- (3) ናይ ሕርሲ ፍቅድ ምስ ወድኣት ንዝሓመመት ሰራሕተኛ ብመሰረት ግንቀጽ 62 ናይዚ ኣዋጅ ዚ ናይ ሕግም ፍቅድ ይወገባ።

ግንቀጽ 67. ነብሰጾር ሰራሕተኛ ትሰርሓሉ ኩነታት

- (1) ንነብሰጾር ሰራሕተኛ ካብ ምሽት ሰዓት ዓሰርተ (10:00 ድቀታ) ጀሚሩ ክሳብ ሰዓት ሸዱሽተ ወጋሕታ (6:00 ቅቀታ) ኣብ ዝካየድ ስራሕን ኣብ ናይ ሕልፊ ሰዓታት ስራሕን ምምዳብ ክልኩል እዩ።
- (2) ነብሰጾር ሰራሕተኛ ትሰርሓ ስራሕ ንጥንሳ ወይ ጥዕናኣ ሓደገኛ ምስ ዝኸውን ብዝሓዘቶ ደሞዝ ናብ ካልእ ግዜያዊ ስራሕ ብምስክርነት ወግዓዊ ሓኪም ክትቐየር ይከእል። ድሕሪ ምውዳእ ፍቅድ ሕርሳ ግን ኣብቲ ምዳብ ስርሓ ናይ ምምላስ መሰላ ዝተሓለወ ይኸውን።

- (3) አስራሒ አብ ፍቓድ ሕርሲ ወይ ካብ ጥንሲ ወይ ካብ ግዜ ሕርሲ አብ ዝነቐለ ናይ ሕማም ፍቓድ ናይ ዘላ ሰራሕተኛ ውዕል ስራሕ ከቋርጽ ወይ ናይ ስንብታ መጠንቀቕታ ክህባ አይፍቀደሉን።

ካልአይ ክፋል ናይ መንእሰይ ሰራሕተኛ ናይ ስራሕ ኩነታት

ዓንቀጽ 68. ሓፈሻዊ

- (1) ትሕቲ ዓሰርተው አርባዕተ ዓመት ንዘዕድሚኡ ሰብ ምቕጻር ክልኩል እዩ።
- (2) ንመንእሰይ ሰራሕተኛ ካብ ሰዓት ሽዱሽተ ድሕሪ ቀትሪ ክላብ ሰዓት ሽዱሽተ ወጋሕታ አብ ዘሎ ግዜ ምስርሑ ክልኩል እዩ።
- (3) ንመንእሰይ ሰራሕተኛ ካብ ሸውዓተ ሰዓታት ንላዕሊ አብ መዓልቲ ምስርሑ ክልኩል እዩ።

ዓንቀጽ 69. ንመንእሰይ ሰራሕተኛ ዝተኸልከሉ ዓይነታት ስራሕ

- (1) ሚኒስተር ንመንእሰይ ሰራሕተኛታት፡ እንተላይ ንመንእሰይ ተልመዖን፡ ናይ ዝተኸልከሉ ዓይነታት ስራሕ ዝርዝር ብሕጋጋት ክድንግግ ይኸእል፤ እቲ ዝርዝር ከአ ብፍላይ ነዞም ዝስዕቡ የጠቓልል፡-
- (ሀ) አብ ምጉዕዓዝ ሰባትን አቕሑትን ብጽርጊያ፡ ባቡር ምድሪ፡ አየርን ባሕርን ከምኡ'ውን አብ ናይ ወደባትን መኸዘናትን ከቢድ ጸር ምስካም፡ ምድፋእ፡ ምስሓብ ወይ ተመሳሳሊ ዓይነት ዕዮ አብ ዘድልዮም ስራሓት፤
- (ለ) ምስ መርዛማት ኬሚካላት፡ ሓደገኛ ማሺናት፡ ናይ ሓይሊ ኤለክትሪክ መመንጫዊ መደበራ

ትን ሓይሊ ኤለክትሪክ ዘከፋፍል ወይ ዘመሓላ ልፍ መስመራትን ኣብ ዝተሓሳሰር ስራሓት፤

(ሐ) ኣብ ትሕቲ መሬት ዝካየድ ከም ምዕዳን፤ ምፍንቃል እምንን ካልኣትን ተመሳሰልቲ ስራሓት፤ ከምኡ'ውን

(መ) ኣብ ናይ ሻምብቆታት መምሓላለፊ ርስሓት (ፎኛቱራ) ስራሓትን ናይ ትሕቲ መሬት ካናሊታት ምኽፍትን ምጉሕን ስራሓትን።

(2) ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ኣብ ትሕቲ ቁጽጽር ዝምልከቶ በዓል መዘ ንዝካየድ ዝኾነ ዓይነት ስልጠና ተፈጻሚ ኣይከውንን።

ምዕራፍ 5 ካብ ስራሕ ዝብገስ ጉድኣት

ቀዳማይ ክፋል ሓላፍነት ካብ ስራሕ ንዝብገስ ጉድኣት

ዓንቀጽ 70 ሓፈሻዊ

(1) ዝኾነ ስራሕተኛ ስርሑ ኣብ ምስልሳል ከሎ ወይ ምስ ስርሑ ብዝተታሓሓዘ ከም ሳዕቤን ናይ ስራሕ ሓደጋ ወይ ካብ ስራሕ ዝብገስ ሕማም ንዝበጽሖ ጉድኣት ኣስራሑ ብመሰረት እዚ ምዕራፍ'ዚ ይኸሕሶ።

(2) ጉድለት ኣስራሑ ኣይሃሉ ብዘደገደስ ኣብ ልዕሊ ስራሕተኛ ንዝወርድ ካብ ስራሕ ዝብገስ ጉድኣት ሓላፍነት ናይ ኣስራሑ ይኸውን፤ ሓላፍነት ኣስራሑ ብመሰረት እዚ ምዕራፍ'ዚ ዝእዘዞ ይውሰን።

(3) ዝኾነ ብቀወምቲ ማሸናት ዝጥቀም፡ ወይ ኣብ ናይ

ምዕዳን፡ ምፍጻሕ እምኒ፡ ምግዕዓዝ ከበድቲ
 ጸዕነት፡ ሰራሕ ምብታኽ አግራብ፡ አብ ምፀናጽ
 ወይ ተባራዕቲ ስርሓት ዝተዋፈረ አስራሒ
 ንሰራሕተኛታቱ አብ ናይ ሰራሕተኛታት ናይ ካሕሳ
 መድሕን የእትዎም። እዚ ምስ ዘይፍጽም ብበደል
 ተሓታቲ ይኸውን።

ዓንቀጽ 71. ካብ ሰራሕ ዝብገስ ሓደጋ

ካብ ሰራሕ ዝብገስ ሓደጋ ማለት ዝኾነ ሰራሕተኛ
 ስርሑ አብ ምስልሳል ከሎ ወይ ምስ ስርሑ
 ብዝተታሓሓዘ ካብ ቁጽጽሩ ወጻኢ ብዝኾነ ምኽንያት
 ወይ ብምኽንያት ስርሑ ንምስልሳል ዝገብሮ ጸዕሪ አብ
 አካላቱ ዝወርድ ጉድኣት ወይ አብ ዝኾነ ስርዓተ
 አካላቱ ዝስዕብ ምቅዋስ ኮይኑ፡ ነዞም ዝስዕቡ'ውን
 የጠቓልል፡-

- (1) ሰራሕተኛ ትእዛዝ አስራሒ እናፈጸመ ከሎ፡
 ዋላ'ውን ካብ ናይ ሰራሕ ቦታኡ ወይ ምዱብ
 ሰዓታት ስርሑ ወጻኢ ዘጋጥሞ ዝኾነ ጉድኣት፤
- (2) ሰራሕተኛ ምስ ስርሑ ካብ ዝተዛመደ ግዴታ
 ዝተበገሰ ቅድሚ ወይ ድሕሪ ሰዓታት ስርሑ ወይ
 ሰራሕ ንግዚኡ አብ ዝተቐረጸሉ አብ ናይ ሰራሕ
 ቦታኡ ወይ አብ ውሽጢ ቀጽሪ ትካል ወይ
 አስራሒ ብዝመደበሉ ናይ መጉዓዝያ አገልግሎት
 ካብ ወይ ናብ ስርሑ እናተጓዕዘ ከሎ ዘጋጥሞ
 ዝኾነ ጉድኣት፤
- (3) ሰራሕተኛ ስርሑ አብ ምስልሳል ከሎ ብሰንኪ
 ተግባር አስራሒ ወይ ሓደ ሳልሳይ ወገን ዘጋጥሞ
 ዝኾነ ጉድኣት፡ እዚ ማለት ግን እቲ ሰራሕ ነቲ
 አስራሒ ወይ ሳልሳይ ወገን ጉድኣት ከስዕብ
 ዕድል ስለዝሃዕ ጥራሕ፡ ጉድኣት አብ ምስልሳል
 ሰራሕ ተፈጸመ ማለት አይኮነን፤ ከምኡ'ውን

- (4) ሰራሕተኛ መምርሒ ስራሕ፡ ትእዛዛት አስራሒ ወይ ካልእ ተመሳሳሊ መምርሒታት ብምጥሓስ ሓደጋ ንምግታእ፡ ሂወት ንምድሓን፡ ጥቕሚ አስራሒ ንምሕላው ዘጋጥሞ ዝኾነ ጉድኣት።

ዓንቀጽ 72. ካብ ስራሕ ዝተበገሰ ሕማም

- (1) ሰራሕተኛ ካብ ዝሰርሖ ዓይነት ስራሕ ወይ ዝሰርሖሉ ከባቢ ዝተበገሰ ዝኾነ ናይ ጥዕና ምቕዋስ ኩነታት ብፊዚካዊ፡ ከሚካዊ ወይ ባዮሎጂካዊ አመሓላለፍቲ ምስ ዝወርዶ፡ ካብ ስራሕ ዝተበገሰ ሕማም ይውሰድ።
- (2) ስርሖ ነቲ ሕማማት ንምጥፋእ ጥራሕ ንዝኾነ በዓል ሞያ እንተዘይኮይኑ፡ ስራሕ ንዝካየድሉ ከባቢ ፍሉይ ዝኾነ ሕማማት ወይ ስራሕ ኣብ ዝካየድሉ ከባቢ ዝሕዝ ተመሓላሌ ሕማማት ብስራሕ ዝተበገሰ ሕማማት ኣይወስድን።
- (3) ሚኒስትሪ ምስ ሚኒስትሪ ጥዕና ብምምያጥ፡ በብግ ዚኡ ዝማሓየሽ ካብ ስራሕ ናይ ዝተበገሱ ሕማማት ዝርዝር ሰሌዳ የውጽእ።
- (4) ኣብ ንኡስ ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ ዝሰፈረ ድንጋጌታት ብዘዳገድሱ፡ ሰራሕተኛ ዝሓዞ ሕማም ካብ ዝሰርሖ ስራሕ ዝተበገሰ ምዃኑ እንተኣረጋገጹ ካሕሳ ንክረክብ መሰሉ ዝተሓለወ ይኸውን።

ዓንቀጽ 73. አስራሒ ብሓላፍነት ዘይሕተተሉ ኩነት

- (1) ሰራሕተኛ ኮነ ኢሉ ባዕሉ ኣብ ልዕሊ ነፍሱ ብዘውረዶ ጉድኣት አስራሒ ብሓላፍነት ኣይሕተትን።

(2) ሰራሕተኛ ብፍላይ ንዝኾነ ካብ'ዞም ዝስዕቡ ተግባራት ንዝስዕብ ጉድኣት ሰራሕተኛ ኮነ ኢሉ ባዕሉ ከምዝረጸሞ ይውሰድ፡-

(ሀ) ኣብ ዓንቀጽ 71(4) ናይዚ ኣዋጅ'ዚ ዝሰፈረ ድንጋጌታት ዝተሓለወ ኮይኑ፡ ሰራሕተኛ ብኣስራሒ ብንጹር ዝተሓበሮ ናይ ድሕነትን ጥዕናን መምርሒታት ወይ ሓደጋ ንምክልኻል ብኣስራሒ ንዝወጹ ሕጋጋት ምስ ዝጥሕስ፣ ወይ

(ለ) ኣኪም ዘይእዘዞ መደግኒት ብምውሳድ ወይ ብኣልኮላዊ መስተ ወይ ዕጸታት ፋርስ ኣእምርኡ ክቆጸጸረሉ ኣብ ዘይክኣለሉ ኩነታት ከሎ ኣብ ቦታ ሰራሕ ምስ ዝርከብ።

(3) ኣስራሒ ብዘይካ ብዓንቀጽ 75 ናይዚ ኣዋጅ'ዚ ዘለዎ ግዴታ ኩሉ ዘውጽኦ ካልእ ወጻኢታት ካብቲ ኮነ ኢሉ ባዕሉ ዝተጎድኦ ሰራሕተኛ ከምልስ መሰሉ ዝተሓለወ እዩ።

ዓንቀጽ 74. ደረጃታት ጉድለት ኣካልን ኣወሳስናኡን

(1) ናይ ኣካል ጉድለት መጠን፡ ምስ'ዚ ኣዋጅ'ዚ ኣብ ዝተተሓሓዘ ሰሌዳ ቁጽሪ 1 ተመርኩሱ፡ ብሕክም ናዊ ቦርድ ይኹን ካልእ ወግዓዊ ኣኪም ብዝገቦ ገምጋም ይውሰን። ኣብ ሰሌዳ ዘይተነጸረ ናይ ኣካል ጉድኣት ምስ ዘንገፍ ግን ብመዲካል ቦርድ ጥራይ ይግምገም።

(2) ናይ ኣካል ጉድለት ኣብ ልዕሊ ኣካል ስንዝቲ ወይ ካብ ሰራሕ ዝብገስ ጉድለት ኣቐዲመ ዘጋጠሞ ሰራሕተኛ ምስ ዝወርድ እቲ ሓድሽ ናይ ኣካል ጉድለት ዘስዓቦ ጉድለት ጥራሕ ኣብ ግምት ይኣቱ።

(3) ሓደ ሰራሕተኛ ካብ ሓደ ንላዕሊ ናይ ኣካል ጉድለታት ምስ ዘጋጥም ድምር ናቶም ይኸፈሎ፡ ይኹን'ምበር ድምርም ካብ ሚእታዊት (100%) ንላዕሊ ክኸውን ኣይፍቀድን።

(4) ካብ ሰራሕ ዝብገስ ጉድኣት ዝወረዶ ሰራሕተኛ፡ ኩነታት ጥዕንኡ ምስ ዝሓምቕ ወይ ምስ ዝመሓደሽ፡ ተገምጊሙ ዝጸንሐ ናይ ኣካል ጉድለት፡ ብመሰረት ንኡስ ዓንቀጽ (1)ን (2)ን ናይዚ ዓንቀጽ'ዚ ብጥርፍን ኣስራሒ ወይ ሰራሕተኛ እንደገና ተገምጊሙ ክውሰን ይከኣል።

ካልኣይ ክፋል

ካብ ሰራሕ ንዝብገሱ ጉድኣት ዝወግብ ኣገልግሎትን ካሕሳን

ቀዳማይ ንኡስ ክፋል ሕክምናዊ ኣገልግሎት

ዓንቀጽ 75. ቀዳማይ ረድኤትን ናይ ቀብሪ ወጻእን

ኣስራሒ ብናቱ ወጻኢ ከም ዝስዕቡ ናይ ምፍጻም ግዴታ ይህልዎ፡-

(ሀ) ጉድኣት ንዝወረዶ ሰራሕተኛ ቁልጡፍ ናይ ቀዳማይ ረድኤት ኣገልግሎት ምግብ፤

(ለ) ጉድኣት ንዝወረዶ ሰራሕተኛ ብቐፅ ብዝኾነ መጉዓዝያ ናብ ዝቐረበ መደበር ጥዕና ምብጻሕ፤ ከምኡ'ውን

(ሐ) ብኻልእ ኣገባብ ኣብ ናይ ሓባር ስምምዕ እንተዘይሰፈሩ፡ ካብ ሰራሕ ዝብገስ ናይ ሞት ሓደጋ ንዘጋጠሞ ሰራሕተኛ ርትዓዊ ዋጋ ናይ ቀብሪ ወጻኢታት ማለት ናይ ሬሳ ሳጵን፡ ናይ

መቻቸብር መሬት፡ ናይ ሬሳ ትራንስፖርት ምክፋል።

ዓንቀጽ 76. ሕክምናዊ ወጻኢታት

ሰራሕተኛ ካብ ስራሕ ዝብገስ ጉድኣት ምስገወርዶ፡ ኣስራሒ ወጻኢታት ናይዞም ሲዒቦም ዝተዘርዘሩ ሕክምናዊ ኣገልግሎታት ይኸክቡ፡-

- (ሀ) ናይ ሆስፒታልን ናይ ኣፋውስን፤
- (ለ) ናይ ሓፈሻዊን ፍሉይን ናይ ሕክምናን መጥባሕቲን ከምኡ'ውን

(ሐ) ናይ ዝኾነ ኣድላይ ሰብ-ሰርሖ መተካኒታ ወይ ናይ ጽገና ኣዕጽምቲ መሳርሒታት ዝግበር ወጻኢታት።

ዓንቀጽ 77. ዕድመ ሕክምናዊ ኣገልግሎት

ሰራሕተኛ ብዝወረዶ ካብ ስራሕ ዝብገስ ጉድኣት ዝግበረሉ ሕክምናዊ ኣገልግሎት ብመሰረት ሕክምናዊ ቦርድ ዝህቦ ውሳኔ ይቋረጽ።

ካልኣይ ንኡስ ክፋል ዝተፈላለዩ ገንዘባዊ ጥቕምታት

ዓንቀጽ 78. ናይ ጉድኣት ካሕሳ

(1) ዝኾነ ካብ ስራሕ ዝብገስ ጉድኣት ዝወረዶ ሰራሕተኛ ነገም ዝስዕቡ ጥቕምታት ናይ ምርካብ መሰል ይህልዎ፡-

- (ሀ) ግዜያዊ ናይ ኣካል ጉድኣት ክሳብ ዝውገድሉ ብብግዚኡ ናይ ዝኸፈል ገንዘብ፤ ከምኡ'ውን
- (ለ) ነባሪ ናይ ኣካል ጉድኣት ምስ ዝወርዶ ናይ ጉድኣት ካሕሳ።

- (2) ካብ ስራሕ ብዘብገስ ጉድኣት ናይ ዝሞተ ሰራሕተኛ ወረሰቲ ብመሰረት ዓንቀጽ 81 (3) (ሐ) ናይዚ ኣዋጅ'ዚ ካሕሳ ናይ ምርካብ መሰል ይጠልዎም።

ዓንቀጽ 79. በብግዚኡ ዝኸፈል ገንዘብ

(1) ኣስራሒ ኣብ ዓንቀጽ 78(1)(ሀ) ዝተደንገገ በብግዚኡ ዝወግብ ገንዘብ፡ ንሓደ ዓመት ይኸፍል፤

(2) ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝኸፈል ገንዘብ ጉድኣት ካብ ዝወረደሉ ዕለት ጀሚሩ ንዓ ሰርተው ክልተ ኣዋርሕ ጥራሕ ወርሓዊ ካብ ሰብዓን ሓሙሽተን ካብ ሚእቲ (75%) ናይ መጠረስታ ወርሒ ደሞዙ ዘይውሕድ ይኸውን።

(3) ኑቲ ሰራሕተኛ ብመሰረት ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ዝኸፈሎ ገንዘብ፡ ብሓሙሽተ ካብ ሚእቲ (5%) ንነፍሲ ወከፍ ዘገልገሎ ዓመት ዝውሰኸሉ ኮይኑ፡ እቲ ወሰኽ ግን ካብ ወርሓዊ ደሞዝ ናይ ዝተጎድኦ ሰራሕተኛ ኣይዛይድን።

(4) በብግዚኡ ዝኸፈል ገንዘብ ሓደ ካብ'ዞም ዝስዕቡ ቀዲሙ ካብ ዝተፈጸመሉ ዕለት የቐርጽ፡-

(ሀ) ንሰራሕተኛ ዝወረደ ጉድኣት ዝሓወደሉ ምዃኑ ብእክምና ምስ ዝረጋገጽ፤ ወይ

(ለ) ሰራሕተኛ ናይ ጉድኣት ካሕሳ ካብ ዝረኸበሉ ዕለት፤ ወይ

(ሐ) ሰራሕተኛ ስራሕ ጠጠው ካብ ዘበለሉ ዕለት ዓሰርተ ክልተ ኣዋርሕ ምስ ዝሓልፍ።

ዓንቀጽ 80. በብግዚኡ ዝኸፈል ገንዘብ ዝእገደሉ ኩነታት

(1) ዝኾነ በብግዚኡ ዝኸፈል ገንዘብ ክኸፈሎ ዝሓተተ

ወይ ክኸፈሎ ዝጸንሐ ዝተጎድኦ ሰራሕተኛ ንሓደ ካብዎም ዝስዕቡ ምስ ዝፍጽም ክኸፍሎ ዝሓተቶ ገንዘብ ወይ ክኸፈሎ ዝጸንሐ ገንዘብ ክእገድ ይከኣል፡-

- (ሀ) ኣብ ሕክምናዊ መርመራ ንክቐርብ ፍቓደኛ ምስ ዘይከውን ወይ ሸለል ምስ ዝብል ወይ ብዝኾነ መገዲ ኮነ ኢሉ ምርመርኡ ምስ ዘተግናቕፍ ወይ ብዘይ ምክንያት ምስ ዘይናጉ፣ ወይ
- (ለ) ነቲ ዝወረደ ጉድኣት ካብ'ቲ ክሓውዩሉ ዝግባእ ግዜ ንምድንጓይ ዝተግቀነ ጠባይ ምስ ዘርእ፣ ወይ
- (ሐ) ጉድኣት ዝወረደም ሰራሕተኛታት ብዛዕባ ክኸተልዎ ዘለዎም ዝምልከቶ በዓል መዘ ዘውጽኦም መምርሒታት ምስ ዝጥሕስ።

(2) ነቲ በብግዚኡ ዝኸፈል ገንዘብ ንምእጋድ ምክንያት ኮይኖም ዝጸንሑ ኩነታት ምስ ዝውገዱ እቲ በብግዚኡ ዝወሃብ ገንዘብ እንደገና ይቕጽል። እቲ እገዳ ጸኒቡ ኣብ ዝነበረሉ ግዜ ዘይተኸፍሉ ገንዘብ ናይ ምሕታት መሰል ግን ኣይህሉን።

ዓንቀጽ 81. መጠን ካሕሳ ናይ ኣካል ጉድለት

(1) ብመሰረት ዓንቀጽ 70(3) ናይዚ ዋጅ'ዚ ዝድንግኝ ናይ ሰራሕተኛታት ናይ ካሕሳ መድሕን ኣብ ዘተኣታተዎ ትካላት፡ ኣብ ሓባራዊ ስምምዕ ብኻልእ ኣገባብ እንተዘይሰፊሩ፡ በዚ ኣዋጅ ዝኸፈል ናይ ኣካል ጉድለት ካሕሳ ልክዕ ብመጠን ኣስራሒ ብዝኣተዎ ናይ ሰራሕተኛታት ናይ ካሕሳ መድሕን ይኸውን። ይኹን'ምበር እቲ ዝተኣተወ ናይ መድሕን ውዕል ካብ ብመሰረት ንኡስ ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ ዝተጠቐሰ

ዝኸፈል መጠን ካሕሳ ዝወሓደ ምስ ዝኸውን እቲ ናልልይ ኣስራሒ ይምልኦ።

(2) ናይ ሰራሕተኛታት ናይ ካሕሳ መድሕን ኣብ ዘየተኣታተዎ ትካላት ዝሰርሕ ናይ ኣካል ጉድኣት ዝወረደ ሰራሕተኛ ብመሰረት ንኡስ ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ ዝግብኦ መጠን ናይ ኣካል ጉድለት ካሕሳ ብኣስራሒ ይኸፈሎ።

(3) ብኣስራሒ ዝኸፈል ናይ ኣካል ጉድለት ካሕሳ መጠን ከምዚ ዝስዕብ ይኸውን፡-

(ሀ) እቲ ጉድኣት ንሰራሕተኛ ሙሉእ ነባሪ ናይ ኣካል ጉድለት ምስ ዘስዕበሉ ኣስራሒ ብኣሕሳብ ሽዱሽተ ግዜ ዓመታዊ ደሞዩ ይኸሕሶ፤

(ለ) እቲ ጉድኣት ንሰራሕተኛ ነባሪ ከፊላዊ ናይ ኣካል ጉድለት ምስ ዘስዕበሉ ኣስራሒ ብመጠን ሚእታዊት ናይ ኣካል ጉድለቱ ብኣሕሳብ ሽዱሽተ ግዜ ዓመታዊ ደሞዩ ተራቢሑ ይኸፈሎ፤ ከምኡ'ውን

(ሐ) እቲ ጉድኣት ንሰራሕተኛ ሞት ምስ ዘስዕበሉ ኣስራሒ ብኣሕሳብ ኣሙሽተ ግዜ ዓመታዊ ደሞዩ ንወረስቱ ይኸፍል፡ ይኹን'ምበር እቲ ክፍሊት ካብ ዓሰርተ ኣሙሽተ ሽሕ ናቕፋ (15.000.00) ክውሕድ የብሉን።

(4) ንተልመዬን ዝግባእ ናይ ኣካል ጉድለት ወይ ናይ ሞት ካሕሳ ዝጽብጸብ፡ እቲ ተልመዬን ስልጠናኡ ምስ ወድኦ ክኸፍሎ ዝግባእ ደሞዩ መሰረት ብምግባር ይኸውን።

ዓንቀጽ 82. ካብ ስራሕ ናይ ዝብገስ ጉድኣት ዕለተ ፍጻሜ

(1) ካብ ስራሕ ዝብገስ ኣደጋ ኣጋጢሙ ዝበሃለሉ ዕለት፡ ስራሕተኛ ብዘጋጥሞ ኣደጋ ዝተጎድኣሉ መዓልቲ እዩ።

(2) ካብ ስራሕ ዝብገስ ሕማም ኣጋጢሙ ዝበሃለሉ ዕለት እቲ ሕማም ብግልጺ ዝተፈልጠሉ ማለት ስራሕተኛ ፈለማ ናይ ምስራሕ ክእለቱ ዘጥፈኣሉ፡ ብኣኪም ተመርሚሩ ምሕማሙ ዝተረጋገጸሉ ወይ ብምኽንያት ናይቲ ሕማም ዝሞተሉ ዕለት እዩ።

ዓንቀጽ 83. ጥቕምታት ካብ ግብሪ ነጻ ምኻኑ

ብመሰረት'ዚ ምዕራፍ'ዚ ዝወሃብ ጥቕምታት ካብ ዝኾነ ግብሪ ነጻ ይኸውን።

ሻብዓይ ኣርእስቲ
ማሕበራዊ ውሕስነት

ዓንቀጽ 84. ማሕበራዊ ውሕስነት

ሚኒስተር ንማሕበራዊ ውሕስነት ዝምልከት ሕጋጋት ናይ ምውጻእ ስልጣን ኣለዎ።

ዓንቀጽ 85. ስልጣን ሚኒስተር

ሚኒስተር፡ ዘድሊ መጽናዕቲ ድሕሪ ምክያድ፡ ንምቕምን ምሕደራን መሓለውታ ማል ንስራሕተኛታት ዝምልከት ናይ ሕጊ እማመ ንሃገራዊ ባይቶ የቕርብ።

ሻምናይ ኣርእስቲ
ምቛም ማሕበራትን ምምስራት ኣባራዊ ስምምዕን

ምዕራፍ 1. ነጻነት ምቛም ማሕበራት

ዓንቀጽ 86. ኣፈሻዊ

- (1) ሰራሕተኛታትን ኣስራሕትን ነፍቶም ማሕበር ናይ ምቛምን ከም ኣባላት መጠን ኣብ ንጥፊታት ማሕበር ናይ ምስታፍን መሰላት ይህልዎም።
- (2) ማሕበራት ሰራሕተኛታትን ኣስራሕትን ቅዋም ማሕበራቶም ናይ ምሕንጻጽ፡ ወከልቶም ናይ ምምራጽ፡ ምምሕዳሮም ናይ ምውዳብን መደባቶም ናይ ምስራዕን መሰላት ይህልዎም።
- (3) ማሕበራት ሰራሕተኛታትን ኣስራሕትን ብመሰረት ኣብ ዓናቕጽ 94-97 ናይዚ ኣዋጅ'ዚ ዝሰፈሩ ድንጋጌታት እንተዘይኮይኑ ናይ ምዝገባ ምኽልካል፡ ምስራዝ ወይ ምፍራስ ስጉምቲ ኣይውሰዱምን።
- (4) ማሕበራት ሰራሕተኛታትን ኣስራሕትን ፈደረሽናትን ኮንፈደራሽናትን ናይ ምቛምን ከም ኣባላት መጠን ኣብ ንጥፊታትን ናይ ምስታፍን መሰላት ይህልዎም።
- (5) ማሕበራት ሰራሕተኛታትን ኣስራሕትን ፈደረሽናትን ኮንፈደራሽናትን ሰራሕተኛታትን ኣስራሕትን ምስ ዘዝምልከትዎም ኣህጉራውያን ማሕበራት ሰራሕተኛታትን ኣስራሕትን ናይ ምዝማድ መስል ይህልዎም።
- (6) ማሕበራት ሰራሕተኛታትን ኣስራሕትን ፈደረሽናትን

ኮንፈደራሽኖችን ሰራሕተኞችን አስራሕትን ብግቡ እምስ ተመዘገቡ ሕጋዊ ሰብነት ይህልዎም።

ዓንቀጽ 87. መሰረታዊ መትከላት ማሕበር ሰራሕተኞችን አስራሕትን

(1) ዝኾነ ሰራሕተኛ ወይ አስራሒ ናይ ዝምልከቶ ማሕበር አባል ናይ ምዃን መሰል አለዎ።

(2) መራሕቲ ማሕበር ሰራሕተኞችን አስራሕትን፡ ኣብ ዝምልከቶም ማሕበር ብነጻ ምርጫ አባላት ማሕበር ይምረጹ።

ዓንቀጽ 88. መሰላት መራሕቲ ማሕበር ሰራሕተኞች

(1) ሰራሓት ማሕበር ንክማልእ ካብ ስራሕ ትካል ናይ ዘብኩር መራሒ ማሕበር ናይ ደሞዝ ወይ ደረጃ ዕብዮት መሰል አይትገነኩፍን። ኣብ ሰራሓት ማሕበር ዘሕለፎ ግዜ ከኣ ምስ አገልግሎት ትካል ይጽብጸብ።

(2) መራሕቲ ፈደራሽን ወይ ኮንፈደራሽን ሰራሕተኞች ምሉእ ግዜ እም ኣብ ስራሕ ማሕበር ኮይኑ ደሞዞም ብፈደራሽን ወይ ኮንፈደራሽን ይኸፈሉም። ኣብ ስራሕ ማሕበር ኣብ ዘለዉሉ ግዜ ምስ አገልግሎት ዝተአሳሰሩ ጥቕምታቶም እውን ብፈደራሽን ወይ ኮንፈደራሽን ይኸፈሉም።

(3) ኣደ መራሒ ፈደራሽን ወይ ኮንፈደራሽን ሰራሕተኞች ኣብ ፈደራሽን ወይ ኮንፈደራሽን አገልግሎቱ ምስ ዝቋረጸ ወይ ዝፍጸም፡ ብወሑዱ አቕዲሙ ምስ ዝሰርሖ ዝነበረ ስራሕ ኣብ ዝመጣጠን ስራሕ ናይ ዝነበሮ ትካል ናይ ምምላስ መሰሉ ዝተሓለወ ይኸውን። ናብ ዝነበሮ ትካል

ምስ ዝምለስ ከኣ ኣብ ዘይነበረሉ ግዜ ንዝተገብረ ኣፈሻዊ ናይ ደሞዝ መወሰኸታን እንተኾኑ ከኣ፡ ናይ ጡረታ መሰላትን ናይ ምርካብ መሰሉ ዝተሓለወ ይኸውን።

(4) ብመሰረት ንኡስ ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ መራሕ ፈደረሽን ወይ ኮንፈደረሽን ሰራሕተኛታት ናብ ዝሰርሖ ዝነበረ ትካል ምስ ዝምለስ፡ ኣሰራሕኡ ዝነበረ ትካል ዘተኣታተዎም ኣደስቲ ኩነታት ስራሕ፣ ኣገባባትን ተክኤጂን ምስ ዝህልው ምስኦም የላልዮ።

(5) ንድንጋጌታት ንኡሳን ዓናቕጽ (3)ን (4)ን ናይዚ ዓንቀጽ'ዚ ብብቑዕ ምክንያት ምትግባር ኣብ ዘይከኣለሉ ግዜ፡ ቦታኡ ዝለቐቐ መራሕ ፈደረሽን ወይ ኮንፈደረሽን ሰራሕተኛታት ካብ ፈደረሽን ወይ ኮንፈደረሽን ሰራሕተኛታት ካሕሳ ይኸፈሎ። ቅድሚ ናብ ፈደረሽን ወይ ኮንፈደረሽን ሰራሕተኛታት ምኻዱ ኣብ ዝሰርሖ ዝነበረ ትካል ናይ ዝነበሮ ናይ ኣገልግሎት እስትሕጋግን ብመሰረት ሕጊ ዕዮ ዝረኸቦ ካልእ መሰላትን ግን ቦቲ ዘሰርሖ ዝነበረ ትካል ይኸፈል።

(6) ድንጋጌታት ንኡሳን ዓናቕጽ (3)-(5) ናይዚ ዓንቀጽ'ዚ ንኣደ ብምክንያት ብልኸውና፡ ስርቂ፡ ምጥፍፋእ፡ ምክዳዕ ዕላማታት ውድብ ወይ ምናጸም ገበን ስርሖ ዝለቐቐ መራሕ ፈደረሽን ወይ ኮንፈደረሽን ሰራሕተኛታት መዓላ ኣይህልዎን።

ዓንቀጽ 89. ኣመሰራርታ ማሕበራት

(1) ዕስራ ወይ ካብ ዕስራ ንላዕሊ ሰራሕተኛታት ኣብ

ዘለውሉ ትካል ማሕበራት ሰራሕተኛታት ይምሰረታ።
 ይኹንም በር ቁጽሪ አባላት ናይ ማሕበር ካብ
 ዓ ሰርተ ሓሙሽተ (15) ንታሕቲ ክኸውን
 ኣይፍቀድን።

(2) ካብ ዕስራ ንታሕቲ ሰራሕተኛታት ኣብ ዝርከብውን
 ዝተፈለለዎ ግን ተመሳሰልቲ ንጥፊታት ዘለውን
 ትካላት ሰራሕተኛታት ብሓባር ኮይኖም ጠቐላሊ
 ማሕበር ናይ ምቕም መሰል ኣለዎም። ቁጽሪ
 አባላት ናይቲ ማሕበር ካብ ዕስራ ንታሕቲ ክኸውን
 ግን ኣይፍቀድን።

(3) ማሕበራት ሰራሕተኛታት ብሓባር ኮይኖም ፈደረሽን
 ማሕበራት ሰራሕተኛታት፣ ፈደረሽናት ማሕበራት
 ሰራሕተኛታት ከኣ ብሓባር ኮይኖም ኮንፈደረሽን
 ማሕበር ሰራሕተኛታት ክምስርቱ ይኸኣሉ።

(4) ኣስራሕቲ ብሓባር ኮይኖም ማሕበር ኣስራሕቲ፣
 ማሕበራት ኣስራሕቲ ብሓባር ኮይኖም ፈደረሽን
 ማሕበር ኣስራሕቲ፣ ፈደረሽናት ማሕበር ኣስራሕቲ
 ከኣ ብሓባር ኮይኖም ኮንፈደረሽን ማሕበር ኣስራ-
 ሕቲ ክምስርቱ ይኸኣሉ።

(5) ዝኾነ ማሕበር ኣስራሕቲ ወይ ሰራሕተኛታት ፈደረ-
 ሽን ከይመስረተ ኮንፈደረሽን ክምስርት ኣይክኣልን።

(6) ዝኾነ ጽፍሒ ማሕበር ኣስራሕቲ ወይ
 ሰራሕተኛታት ከከም ኣድላይነቱ ጨንፈር ቤት
 ጽሕፈት ክቐውም ይኸኣል።

ዓንቀጽ 90. ዕማማት ማሕበራት

ማሕበራት ዕማማቶም ይሕንጽጹ፣ ዕማማቶም ከኣ
 ነገም ዝስዕቡ ከጠቓልሉ ይኸኣሉ።-

- (1) ኣብዚ ኣዋጅ'ዚ ዝሰፈሩ ናይ ስራሕ ኩነታት ምክታልን በዚ ኣዋጅ'ዚ ዝተነበረሉ ግዴታት ምፍጻም፡ መሰላትን ረብሓታትን ኣባላት ምክባርን ኣብ ዘተ ሓባራዊ ስምምዕ ወይ ኣብ ናይ ስራሕ ክርክር ዘርእዩ ኣካላት ቀሪብካ ምክርኻርን፤
- (2) ሕግታት፡ ሕጋታትን መምርሒታትን ብኣባላቱ ከም ዝፍለጡ፡ ዝኸበሩን ዝትግበሩን ምግባር፤
- (3) ንኣስራሕትን ሰራሕተኛን ዝምልከቱ ሕግታትን ሕጋታትን ምእማምን ኣብ ምድላዎምን ምምሕያሾምን ብንጥፈት ምስታፍን፤
- (4) ኣብ ቅዋም ማሕበር ዝተወሰኑ ካልኣት ዕማማት ምፍጻም፤
- (5) ስለሳዊ ዝምድና መንግስትን ሰራሕተኛታትን ኣስራሕትን ከም ዝምዕብልን ግብራዊ ከምዝኸውንን ምጽዓት፡ ከምኡ'ውን
- (6) ማእቶታውነት ትካል ንምምሕያሽ ጽቡቕ ዝምድና ኣብ መንጎ ኣስራሕን ሰራሕተኛታትን ንክቐውም ምትብባዕ፡፡

ዓንቀጽ 91. ዕማማት ፈደረሽናትን ኮንፈደረሽናትን

ፈደረሽናትን ኮንፈደረሽናትን ብዘይካ ኣብ ላዕሊ ኣብ ዓንቀጽ 90 ናይዚ ኣዋጅ'ዚ ዝተጠቐሱ ነዞም ዝስዕቡ ዕማማት'ውን ናይ ምፍጻም ሓላፍነት ይህልዎም፡-

- (1) ሓድነት ናይ ምርድዳእ መንፈስን ኣባላቶም ናይ ምሕያል፡ ብደረጃ ሞያ ወይ ኢንዱስትሪ ኩነታት ስራሕ ኣብ ምውሳኘን ምምሕያሽን ናይ ምስታፍን

ከምኡ'ውን አባላት አብ ህንጻት ቁጠባ ሃገር ተላትፎኦም ከፅዝቡ ናይ ምብርታዕን፤

- (2) ንማሕበርም አብ ዝምልከት ሃገራዊ ወይ አህጉራዊ አኼባታት ማሕበርም ብምውካል ምስታፍ፤ ከምኡ'ውን
- (3) አብ ቅዋም ማሕበርም ዝተወሰኑ ካልኣት ዕማማት ምፍጻም።

ዓንቀጽ 92. ቅዋም ማሕበራት

ማሕበራት ሰራሕተኛታትን አስራሕትን ነናይ ገዛእ ርእሶም ቅዋም ማሕበር ይሕንጽጹ። ቅዋም ማሕበር ብዘይካ ካልኣት ክጥቀሱ ዝኸኸሉ ነም ዝስዕቡ ከጠቓልል ይኸኸሉ፡-

- (1) ስም ማሕበር፤
- (2) አድራሻ ዋና ቤት ጽሕፈት ማሕበር፤
- (3) ዕላማታት ማሕበር፤
- (4) ማሕበር ዝተመሰረተሉ ዕለት፤
- (5) መሰላትን ግቡኣትን አባላት ማሕበር፤
- (6) አርማ ማሕበር፤
- (7) መምዘኒ ብቐዓት መራሕቲ ማሕበር፤
- (8) ምሕደራ ንብረትን ገንዘብን ማሕበር፤
- (9) አኼባታት ማሕበርን አገባብ አፈጻጽማ ምርጫን፤
- (10) ውጽኢት አባላት ማሕበር፤
- (11) አወሳስዳ ዲሲፕሊናዊ ስጉምትታት፤ ከምኡ'ውን
- (12) ማሕበር ዝፈርሰሉ ኩነታት።

ዓንቀጽ 93. ምዝገባ ማሕበራት

- (1) ዝኾነ ማሕበር ሰራሕተኛታት ወይ ማሕበር አስራሕቲ ብመሰረት እዚ አዋጅ'ዚ ብሚኒስትሪ ይምዝገብ።

(2) ዝኾነ ማሕበር ሰራሕተኛታት ወይ ማሕበር ኣስራሕቲ ኣብ ዝቐመጡ ነዎም ዝስዕቡ ኣተሓሕዙ ንምዝገባ ናብ ሚኒስትሪ ምልክታ የቐርቡ፡-

(ሀ) ቅዋም ማሕበር፤

(ለ) ኣስማት፡ ኣድራሻን ክታምን መራሕቲ ማሕበር ዝሰፈሮ ሰነድ፤

(ሐ) ጠቐላሊ ማሕበር ሰራሕተኛታት ምስ ዝኸውን፡ ኣባላት ናይ ዝሰርሑሎም ትካላት ኣስማት ዝሓዘ ሰነድ፤

(መ) ማሕበር ፈደረሽን ወይ ኮንፈደረሽን ምስ ዝኸውን፡ ኣስማት፡ ኣድራሻን ክታምን መራሕቲ ማሕበርን ኣስማት ናይ ፈደረሽን ወይ ኮንፈደረሽን ኣባላት ዝኾኑ ማሕበራት ሰራሕተኛታትን ወይ ማሕበራት ኣስራሕትን ዝሓዘ ሰነድ፤ ከምኡ'ውን

(ረ) ስምን ኣርማን ማሕበር።

(3) ሚኒስትሪ ዝተማልአ ምልክታ ኣብ ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ምስ ዝተዘርዘሩ ሰነዳት ካብ ዝቐረበሉ ኣብ ውሽጢ ኣደ ወርሒ ወረቐት ምስክር ምዝገባ ይህቡ። ሚኒስትሪ ኣብ ዝተጠቐሰ ግዜ መልሲ እንተዘይሂቡ እቲ ማሕበር ከም ዝተመዝገበ ይውሰድ።

(4) ብመሰረት እዚ ኣዋጅ'ዚ ዝተመዝገበ ማሕበር ሰራሕተኛታት ወይ ኣስራሕቲ ነዎም ዝስዕቡ ንምፍጻም ብቐዓት ይህልዎ፡-

(ሀ) ውዕል ክወግዓል፤

(ለ) ክኸሰስን ክኸሰስን፤

(ሐ) ዝንቀሳቐስን ዘይንቀሳቐስን ንብረት ክውንንን፡ ብንብረት ክጥቀምን ንብረት ከማኣልልፍን፤

- (መ) አብ ዝኾነ ጽፍሒ ንኣባላቱ ወኪሉ ክቐርብ፣ ከምኡ'ውን
- (ረ) ዕላማኡ ንኸወቅዕ ዘኸኸል ዝኾነ ሕጋዊ ተግባራት ክፍጽም።

(5) ዝኾነ ማሕበር ሓዲሽ መሪሕነት ማሕበር ምስ ዝመርጽ፡ አስማት፡ አድራሻን ክታምን ሓደስቲ መሪሕቱ ዝሓዘ ሰነድ ናብ ሚኒስትሪ የቐርብ።

(6) ዝኾነ ብመሰረት እዚ አዋጅ'ዚ ዘይተመዘገበ ማሕበር ኣብዚ አዋጅ'ዚ ንዝተገልጹ ተግባራት ክፍጽም አይክእልን።

ዓንቀጽ 94. ምክልኻል ምዝገባ

ሚኒስትሪ ብሓደ ካብ'ዞም ዝስዕቡ ምክንያታት ምምዘጋብ ማሕበር ክኸልክል ይኸእል፡-

- (1) እቲ ማሕበር በዚ አዋጅ'ዚ ንምዝገባ ክማልኡ ዝግብእም ጠለባት ዘየማልኡ ምስ ዝኸውን፡
- (2) ሓደ ካብ ዕላማታት ቐዋም ማሕበር ንሕጊ ዝጸረር ምስ ዝኸውን፣ ከምኡ'ውን
- (3) ስያመ ናይ ሓደ ማሕበር ምስ ስም ናይ ሓደ አቐዲሙ ዝተመሰረተ ካልእ ማሕበር ሓደ ብምኻኑ ወይ አዝዩ ተመሳሳሊ ብምኻኑ ንኣባላቱ ወይ ንግዚ ዘደናግር ምስ ዝኸውን።

ዓንቀጽ 95. ምስራዝ ምዝገባ ማሕበራት

(1) ሚኒስትሪ ብሓደ ካብ'ዞም ዝስዕቡ ምክንያታት ናይ ማሕበር መመዝገቢ ወረቐት ምስክር ክስርዝ ይኸእል፡-

(ሀ) ናይ መመዝገቢ ወረቐት ምስክር ብምትላል ወይ ብኔጋ ዝተረኸበ ምስ ዝኸውን፣

(ለ) ሓደ ካብ ዕላማታት ቅዋም ማሕበር ነዚ ኣዋጅ'ዚ ዝጸረር ኮይኑ ምስዝርከብን እቲ ማሕበር ክእርሞ ወይ ከተኻኽሎ ፍቓደኛ ምስ ዘይከውንን፤

(ሐ) እቲ ማሕበር በዚ ኣዋጅ'ዚ ዝተኸልከሉ ተግባራት ምስ ዝፍጽምን ነዞም ተግባራት ንምቁራጽ፡ ምእራም ወይ ምውጋድ ፍቓደኛ ምስ ዘይከውንን፤

(መ) ቁጽሪ ኣባላት ማሕበር ካብቲ በዚ ኣዋጅ'ዚ ንምቕም ማሕበር ዝጥለብ ብዝሒ ኣባላት ትሒቱ ንልዕሊ ሓደ ዓመት ምስ ዝጸንሕ።

(2) ሚኒስትሪ ብመሰረት ብማሕበር ዝቐረበሉ ጠለብ፡ ግቡእ ብዝብሎ ኣገባብ ማሕበር ምፍራሱ የረጋ ግጽ።

ዓንቀጽ 96. ማሕበር ንምስራዝ ዝወሃብ ምልክታ

(1) ሚኒስትሪ ንሓደ ማሕበር ቅድሚ ምስራዙ ንምስራዝ ዘኸኣልዎ ምክንያታት ብዝርዝር ብምግላጽ፡ እቲ ማሕበር ነቶም ምክንያታት ክፈልጥን ንክቃወም መሰል ከምዘለዎን ብምሕባር ናይ ሓደ ወርሒ ናይ ምልክታ ግዜ ክህቦ ኣለዎ። ሚኒስትሪ ኣብ ዓንቀጽ 95 ናይዚ ኣዋጅ'ዚ ካብ ዝተጠቐሱ ንጹራት ምክንያታት ወጻኢ ከም ምክኒታት ከቐርብ ግን ኣይፍቀደሉን።

(2) ኣብ ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝተጠቐሰ ናይ ሓደ ወርሒ ግዜ ምስ ዝሓልፍን ማሕበር ኣብ ዝተጠቐሰ ግዜ ተቓውሞ ምስ ዘቐርብ ወይ ዘቐረቦ ምክንያታት ብሚኒስትሪ ምስ ዝገጸግን፡ ሚኒስትሪ ነቲ ምዝገባ ክስርዞ ይኸእል።

ዓንቀጽ 97. ይግባይ

(1) ሚኒስትሪ ምምዘጋብ ማሕበር ምስ ዝኸልክል ወይ ዝተመዘገበ ማሕበር ምስ ዝስርዝ እቲ ዝምልከቶ ማሕበር ውሳኔ ብጽሑፍ ካብ ዝበጽሖ ግዜ ጀሚሩ ኣብ ውሽጢ ዓሰርተ ሓሙሽተ መዓልታት ይግባይ ናብ ላዕለዋይ ቤት ፍርዲ ከቕርብ ይኸእል። እቲ ይግባይ ኣብ ዝረኣዩሉ ግዜ ሚኒስትሪ ኣብ ቤት ፍርዲ ከቕርብን ምዝገባ ዝኸልከለሉ ወይ ዝስረዘሉ ምክንያት ከረድእን መሰል ኣለዎ።

(2) ላዕለዋይ ቤት ፍርዲ ሚኒስትሪ ምዝገባ ንዝኸልከለሉ ምክንያት ምስ ዝነጽጎ፡ እቲ ማሕበር ብቕጽብት ብመሰረት ትእዛዝ ቤት ፍርዲ ይምዘገብ፡ ንዝስረዘሉ ምክንያት ምስ ዝነጽጎ ከኣ እቲ ምዝገባ ርጉእ ይኸውን።

ዓንቀጽ 98. ምስራዝ ምዝገባ ዘኸትሎ ሳዕቤን

(1) ሚኒስትሪ ምምዘጋብ ማሕበር ምስ ዝኸልክል ወይ ዝተመዘገበ ማሕበር ምስ ዝስርዝ ዝምልከቶ ማሕበር ብእዋኑ ይግባይ እንተዘይኣቕሪቡ ብሚኒስትሪ ምዝገባ ካብ ዝተኸልከለሉ ወይ ዝተሰረዘሉ ዕለት ጀሚሩ፡ ወይ ይግባይ ኣቕሪቡ ቤት ፍርዲ ንዝቕረበ ይግባይ ምስ ዝነጽጎ ቤት ፍርዲ ካብ ዝነጸገሉ ዕለት ጀሚሩ ከምዝተሰረዘ ይቕጽር።

(2) ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝተሰረዘ ማሕበር ኣብ ቅዋሙ ብዘስፈሮ ኣገባብ ይፈርስ።

ዓንቀጽ 99. ሓባራዊ ዘተ

(1) ዝኾነ ማሕበር ሰራሕተኛታት ኣብ ዓንቀጽ 102 ዝተጠቐሰ ጉዳይት ብዝምልከት ምስ ሓደ ወይ ካብ ሓደ ንላዕሊ ኣስራሒ ወይ ማሕበር ኣስራሕቲ ሓደ ሓባራዊ ስምምዕ ንምምስራት ክዛተ መሰል ይህልዎ።

(2) ዝኾነ ኣስራሒ ወይ ማሕበር ኣስራሕቲ ምስ ማሕበር ሰራሕተኛታት ወይ ወክልቲ ሰራሕተኛታት ሓደ ሓባራዊ ስምምዕ ንምምስራት ክዛተ መሰል ይህልዎ።

ዓንቀጽ 100. ውክልና

(1) ኣብ ግዜ ሓባራዊ ዘተ እዞም ዝስዕቡ ንሰራሕተኛታት ክውክሉ መሰል ይህልዎም፡-

(ሀ) ኣብ ትካል ዝቐመ ማሕበር ሰራሕተኛታት ምስ ዝህሉ ቦቲ ቅዋም ማሕበር ሓባራዊ ዘተ ንክኸብሩ ስልጣን ዝተዋህቦም መራሕቲ ማሕበር፣ ወይ

(ለ) ሰራሕተኛታት ኣባላት ጠቕላሊ ማሕበር ምስ ዝኾኑ ብመሰረት ቅዋም ጠቕላሊ ማሕበር ዘተ ንክኸብሩ ስልጣን ዝተዋህቦም መራሕቲ ማሕበር፣ ወይ

(ሐ) ትካል ማሕበር ሰራሕተኛታት ምስ ዘይህልዎ ብሰራሕተኛታት ትካል ዝተወከሉ ሰራሕተኛታት።

(2) ኣብ ግዜ ሓባራዊ ዘተ ንትካል ወኪሎም ክዛተዩ መሰል ዘለዎም፡ ጉዳዩ ዝምልከቶ ኣስራሒ ወይ ኣስራሕቲ ወይ ወክልቶም ወይ ናይ ሓደ ወይ

ካብ ሓደ ንላዕሊ ማሕበራት አስራሕቲ ወከልቲ ይኾኑ።

ዓንቀጽ 101. አማኝርቲ

ኣብ ግዜ ሓባራዊ ዘተ ዝኾነ ተዛታይ ወገን ምስ ዘሕግዞ አማኝሪ ክቐርብ ይኸእል።

ዓንቀጽ 102. ትሕዝቶ ሓባራዊ ስምምዕ

ኣብ ሞንጎ ካልኣት ጉዳያት፡ እዞም ዝስዕቡ ብሓባራዊ ስምምዕ ክውሰኑ ይከአል፡-

- (1) በዚ አዋጅ'ዚ ወይ ብካልኣት ሕግታት ብሓባራዊ ስምምዕ ክውሰኑ ዝተገደፉ ጉዳያት፤
- (2) ናይ ሰራሕተኛታት ናይ ሞያ ድሕነትን ጥዕናን ዝሕለወሉ ኩነታት፤
- (3) ተሳትፎ ሰራሕተኛታት፡ ብፍላይ ኣብ ደረጃ ዕብዮት፡ ደሞዝ፡ ምቕያር ስራሕ፡ ምንካይ ሰራሕተኛታትን ኣፈጻጸማ ዲስገሊንን፤
- (4) ኩነታት ስራሕን ኣገባብ ምውጻእ መምርሒ ስራሕን ኣገባብ ኣፈታትሓ ጥርግንን፤
- (5) ምምቕራሕ ምዱብ ሰዓታት ስራሕን ዕረፍቲ ኣብ መንጎ ሰዓታት ስራሕን፤
- (6) ምህርቲ ንምዕባይ ሜላታት ምትእትታው፤
- (7) ምምዕባል ትምህርትን ሞያዊ ክእለትን ሰራሕተኛታት፤ ከምኡ'ውን
- (8) ኣብ ትርጉም ሓባራዊ ስምምዕ ኣብ ሞንጎ ተወዓዓልቲ ወገናት ምስሕሓብ ምስ ዝለዓል ብግልግል ናይ ምፍታሕ።

ዓንቀጽ 103. ስርዓት ሓባራዊ ዘተ

- (1) ኣብ ሓባራዊ ስምምዕ ንምእታው ዝደሊ ወገን ነቲ ካልኣይ ወገን ብጽሑፍ ንዘተ ይዕድሞ። ንሓባራዊ

ዘተ ዘድሊ ንድሬ አዳልዩ ኸአ የቐርበሉ።

- (2) ዕድመ ዝቐረበሉ ወገን ዕድመ ካብ ዝበጽሖ ዕለት ጀሚሩ ኣብ ውሽጢ ዓሰርተ ሓመታት መዓልታት ንኣባራዊ ዘተ ይቐርቡ።
- (3) ኣባራዊ ዘተ ቅድሚ ምጀማሩ ክልቲኦም ወገናት ዘተ ዝመርኹሉ ስርዓት የውጽኡ።
- (4) ነፍሲ ወከፍ ተዛታይ ወገን ብቐኑዕ ልቦና ናይ ምዝታይ ግዴታ ይህልዎ።
- (5) ተዛተይቲ ወገናት ተዛተዮም ኣብ ስምምዕ ዘይበጽሑሎም ነጥብታት ናብ ዕርቂ ወይ ድንኳት ሽምግልና ወይ ናይ ስራሕ ክርክር ርእይ ክውሱን ስልጣን ናብ ዝተዋህቦ ኣካል ይቐርቡ።

ዓንቀጽ 104. ቅጥዒ ኣባራዊ ስምምዕ

- (1) ዝኾነ ኣባራዊ ስምምዕ ብጽሑፍን ነቶም ክልተ ተወዓዓልቲ ወገናት ብንጹር ዝጠቐስን ይኸውን።
- (2) ሚኒስትሪ ዘዳለዎ ቅጥዒ ምስ ዝህሉ፡ ቅጥዒ ኣባራዊ ስምምዕ ነዚ ሞዴል'ዚ ዝተኸተለ ይኸውን።
- (3) ዝኾነ ኣባራዊ ስምምዕ ዝተፈረመሉ ዕለትን ቦታን ይጠቐስ።

ዓንቀጽ 105. አመዘጋግባ ኣባራዊ ስምምዕ

- (1) ሚኒስትሪ ንዝኾነ ኣባራዊ ስምምዕ ይምዝግብ።
- (2) ኣባራዊ ስምምዕ ድሕሪ ምፍራሙ ተወዓዓልቲ

ወገናት ንሚኒስትሪ ብተወዳዳሪ ዝተፈረመ ክልተ ቅዳሓት ንምዝገባ የቐርቡ።

(3) ሓባራዊ ስምምዕ ንሕገ ዝጸረር ዓላማ ወይ ትሕዝቶ ምስ ዝህልዎ ወይ ኣብ ዓንቀጽ 104 ናይዚ ኣዋጅ'ዚ ዝጥለብ ቅጥዕታት ምስዘማልእ ሚኒስትሪ ምምዝጋብ ክኸልክል ስልጣን ይህልዎ።

(4) ሓባራዊ ስምምዕ ምምዝጋብ ዝተኸልከሉ ተሰማማዕቲ ወገናት ብሓባር ወይ ብንጽል ናብ ላዕለዋይ ቤት ፍርዲ ይግባይ ክቐርቡ ይኸእሉ። ድንጋጌታት ዓንቀጽ 97 ናይዚ ኣዋጅ'ዚ ከኣ ኣብ ከምዚ ዝኣመሰለ ይግባይ ብተመሳሳሊ ተፈጻምቲ ይኾኑ።

(5) ድሕሪ ምምዝጋብ ሓባራዊ ስምምዕ ሚኒስትሪ ንዝቐርበሉ ቅዳሓት ትኸክል ምኻኑ ኣረጋጊጹ ማሕተም ኣንቢሩ ንተሰማማዕቲ ወገናት ቀቕድሖም ይህብ።

(6) ሚኒስትሪ ቅዳሕ ናይቲ ስምምዕ ካብ ዝተቐበለሉ ዕለት ኣብ ውሽጢ ሓደ ወርሒ ምምዝጋቡ ወይ ዘይምምዝጋቡ ንኸልቲኦም ተሰማማዕቲ ወገናት ብጽሑፍ እንተዘይኣፍሊጡ እቲ ናይ ሓባር ስምምዕ ከም ዝተመዘገበ ይውሰድ።

ዓንቀጽ 106. ምርጫ ምዘጸንኡ ሓባራዊ ስምምዕ ተዛተይቲ ወገናት ተሰማሚዖም ብኸልኡት ተዛተይቲ ወገናት ተፈረመ ብሚኒስትሪ ንዝተመዘገበ ሓባራዊ ስምምዕ ተቐቢሎም ኣብ መዓላ ከውዕልዎ ይኸእሉ።

ዓንቀጽ 107. ዕድመ ሓባራዊ ስምምዕ

ዕድመ ሓባራዊ ስምምዕ ካብ ሓደ ዓመት ዘይትሕትን ካብ ሰለስተ ዓመታት ዘይዛይድን ይኸውን።

ዓንቀጽ 108. ተፈጻሚነት ሓባራዊ ስምምዕ

(1) ዝኾነ ሓባራዊ ስምምዕ ብመሰረት ዓንቀጽ 105 ናይዚ ኣዋጅ፣ ድሕሪ ምምዘጋቡ ተግባራዊ ይኸውን።

(2) ዝኾነ ሓባራዊ ስምምዕ ኣብ ልዕሊ ተሰማማዕቲ ወገናትን ካልኣት ዘይማሕበርተኛታት ሰራሕተኛታት ትካልን ተፈጻሚነት ይህልዎ።

(3) ብካልእ ሓባራዊ ስምምዕ ክሳብ ዘይተተክሉ ኣብቲ ሓባራዊ ስምምዕ ዝተጠቐሱ ኩነታት ስራሕ፣ ጥቕምታትን መሰላትን ሰራሕተኛታት ተፈጻሚነት ይህልዎም።

(4) ዝኾነ ሓባራዊ ስምምዕ ኣብ ተመሳሳልቲ ነገራት ንሰራሕተኛታት ዝህቦ ረብሓ ሕጊ ካብ ዝህቦ ረብሓ ዝለዓለ ምስ ዝኸውን እቲ ሓባራዊ ስምምዕ ጸኒዑ ይፍጸም። እቲ ሕጊ ዝህቦ ረብሓ ሓባራዊ ስምምዕ ካብ ዝህቦ ዝለዓለ ምስ ዝኸውን ግን እቲ ሕጊ ጸኒዑ ይፍጸም።

ዓንቀጽ 109. ተቐውሞ ኣብ ሓባራዊ ስምምዕ

(1) ዕድመ ሓባራዊ ስምምዕ ቅድሚ ምብቕዑ ዝኾነ ወገን ኣብ ልዕሊ ሓባራዊ ስምምዕ ተቐውሞ ከቕርብ ወይ ንምምሕያሹ ወይ ምቁራጹ ክሓትት ኣይክእልን። ኣብ ትካል ዓቢ ፈናንሳዊ ለውጢ ምስ ዘጋጥም ግን ዝኾነ ተወዳዳሪ ወገን ኣብ ልዕሊ ሓባራዊ ስምምዕ ተቐውሞ ወይ

ንምምሕያሹ ወይ ምቁራጹ ሕቶ ከልዕልን ናብ ሚኒስተር ከቕርብን ይኸእል።

- 2) ሚኒስተር ኣብ ትካል ዓቢ ፊናንሳዊ ለውጢ ከምዘጋጠመ ምስ ዝኣምነሉ ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝቕረበሉ ተቓውሞ ወይ ሕቶ ክልቲኦም ወገናት ክዛተዩሉ ሓሳብ ከቕርብ ይኸእል።
- (3) ሚኒስተር ብመሰረት ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ክልቲኦም ወገናት ክዛተዩሉ ሓሳብ ምስ ዘቕርብ ተዛተይቲ ወገናት እንተተቐበሉሎም ኣብ ሓደ መዕለቢ ክሳብ ዝበጸሑ እቲ ሓባራዊ ስምምዕ ከይተተንከፈ ይጸንሕ።
- (4) ብመሰረት ንኡሳን ዓናቕጽ (1)ን (2)ን ናይዚ ዓንቀጽ'ዚ ዝግበር ምምሕያሽ ንዕድመ ሓባራዊ ስምምዕ ኣይቅይሮን።
- (5) ተዋዓዓልቲ ወገናት ኣብ ዝኾነ እዋን ንሓባራዊ ስምምዕ ከማሓይሹ ወይ ክልውጡ ክሰማማዑ ይኸእሉ።
- (6) ዝኾነ ብመሰረት እዚ ዓንቀጽ'ዚ ኣብ ሓባራዊ ስምምዕ ዝተገብረ ምምሕያሽ ወይ ለውጢ ብመሰረት ዓንቀጽ 105 ናይዚ ኣዋጅ'ዚ ይምዘገብ።

ዓንቀጽ 110. ካብ ሓባራዊ ስምምዕ ዝብገሱ ናይ ስራሕ ክርክራት ካብ ትርጉም ድንጋጌታት ሓባራዊ ስምምዕ ዝብገሱ ናይ ስራሕ ክርክራት ብመሰረት እዚ ኣዋጅ'ዚ ዝእዘዙ ኣገባብ ይፍትሑ። ብስምምዕ ንምፍትሑ ዘኸእል ኣገባብ

ዘተ ኣብ ናይ ሓባር ስምምዕ ምስ ዝህሉ ግን ብኡ-ኡ ምጥቃም ይከኣል።

ዓንቀጽ 111. ምሕዳስ ሓባራዊ ስምምዕ

(1) ብኻልእ ኣገባብ ኣብቲ ሓባራዊ ስምምዕ እንተዘይሰፊሩ ነቲ ሓባራዊ ስምምዕ ንምምሕያሽ ንምልዋጥ ወይ ንምሕዳስ ዝደሊ ወገን ነቲ ካልእ ወገን ሰለስተ ወርሒ ችድሚ እቲ ሓባራዊ ስምምዕ ዘኸትመሉ ዕለት ብጽሑፍ የፍልጥ።

(2) ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ምልክታ ዝተዋህቦ ወገን ኣብቲ ምልክታ ዝበጽሓሉ ግዜ ኣብ ውሽጢ ዓሰርተ ሓሙሽተ መዓልታት ንዘተ ይቐርብ።

ዓንቀጽ 112. ግዴታታት ኣስራሒ ኣብ ዘተን ትግባረን ሓባራዊ ስምምዕ

ዝኾነ ኣስራሒ ኣብ ዘተን ትግባረን ሓባራዊ ስምምዕ እዚ ዝስዕብ ግዴታታት ይህልዎ፡-

(1) ኣብ ዝሕተተሉ ግዜ ንምዝታይ ምቕራብ፤

(2) ኣብ ግዜ ዘተ ዘድልዩ መርትዖታትን ሰነዳትን ምቕራብ፤

(3) ኣብ ዓንቀጽ 115 ናይዚ ኣዋጅ'ዚ ዝሰፈረ ድንጋገታት ዝተሓለወ ኮይኑ፡ ኣብ ግዜ ዘተ ኣብ ናይ ስራሕ መምርሒታት፡ ኩነታት ስራሕን ካልእ ንጥቕምታትን ረብሓታትን ስራሕተኛታት ዝምልከቱ ኩነታት ንስራሕተኛታት ዝጎድእ ሓደ-ጐድናዊ ለውጢታት ኣብ ምግባር ምቐጣብ፤

(4) ምስ ማሕበር ስራሕተኛታት ብምትሕብባር ትርጉምን ተፈጻምነትን ሓባራዊ ስምምዕ ስራሕተኛታት ከምዝርድእዎ ንምግባር ምጽዓር፤ ከምኡ'ውን

- (5) አብቲ ሓባራዊ ስምምዕ ዝሓጸረ ግዜ እንተዘይ ሰፊሩ፡ ምስ ወክልቲ ሰራሕተኛታት ገምጋም ናይቲ ሓባራዊ ስምምዕ ንምግባር ኣብ ሸሹዱ ሽተ ኣዋርሕ ኣኼባ ምክያድ።

ዓንቀጽ 113. ግዴታታት ማሕበር ሰራሕተኛታት ኣብ ዘተን ትግባረን ሓባራዊ ስምምዕ

ዝኾነ ማሕበር ሰራሕተኛታት ኣብ ዘተን ትግባረን ሓባራዊ ስምምዕ እዚ ዝስዕብ ግዴታታት ይህልዎ፡-

- (1) ኣብ ዝሕተተሉ ግዜ ንምዝታይ ምቕራብ፤
- (2) ኣብ ሓባራዊ ዘተ ቅድሚ ምቕራቡ ኣብ ንድፊ ሓባራዊ ስምምዕ ኣባላቱ ዘለዎም ርእይቶ ምውካስ፤
- (3) ምስ ኣስራሒ ብምትሕብባር ትርጉምን ተፈጻ ምነትን ሓባራዊ ስምምዕ ሰራሕተኛታት ከም ዝርድእዎ ንምግባር ምጽዓር፤
- (4) ኣብቲ ሓባራዊ ስምምዕ ዝሓጸረ ግዜ እንተዘይሰ ፊሩ፡ ምስ ኣስራሒ ወይ ወክልቱ ገምጋም ናይቲ ሓባራዊ ስምምዕ ንምግባር ኣብ ሸሹዱ ሽተ ኣዋርሕ ኣኼባ ምክያድ፤ ከምኡ'ውን
- (5) ኣብ ዓንቀጽ 115 ናይዚ ኣዋጅ'ዚ ዝሰፈረ ድንጋገታት ዝተሓለወ ኮይኑ፤ ኣብ ግዜ ዘተ ንትካል ዝጎድእ ለውጥታት ካብ ምግባር ምቕጣብ።

ዓንቀጽ 114. ፍሉይ ኩነታት

- (1) ናይ ሓደ ሓባራዊ ስምምዕ ተወዓዒ ወገን ዝኾነ ማሕበር ሰራሕተኛታት ምስ ዝፈርስ፡ እቲ

ሓባራዊ ስምምዕ አብ መንጎ አስራሕን ሰራሕተኛታትን ተፈጻምነቱ ይቕጽል።

(2) ክልተ ወይ ካብ ክልተ ንላዕሊ ዝኾኑ ትካላት ምስ ዝሓበሩ እቲ ጉዳይ ብዝምልከቶም ወገናት ብኻልእ አገባብ እንተዘይተወሰኑ፡-

(ሀ) ዝሓበሩ ትካላት ነፍሲ ወከፎም ሓባራዊ ስምምዕ ምስ ዝነበሮም፡ ቅድሚ ምሕባሮም ዝበዝሐ ቁጽሪ ሰራሕተኛታት ናይ ዝነበሮ ትካል ሓባራዊ ስምምዕ ተፈጻምነት ይህልዎ፡ ወይ

(ለ) ካብ ዝሓበሩ ትካላት ሓደ ጥራሕ ሓባራዊ ስምምዕ ዝነበሮ ምስ ዝኸውን፡ እዚ ሓባራዊ ስምምዕ'ዚ አብቲ ዝሓበረ ትካል ተፈጻምነት ይህልዎ፡ ወይ

(ሐ) ናይ ዝሓበሩ ትካላት ቁጽሪ ሰራሕተኛታት ማዕረ ምስ ዝኸውንን ነፍሲ ወከፎም ድማ ሓባራዊ ስምምዕ ምስ ዝነበሮን፡ እቲ ብሓፈሻ ዝሓሸ ጥቕሚ ንሰራሕተኛታት ዝህብ ሓባራዊ ስምምዕ አብቲ ዝሓበረ ትካል ተፈጻምነት ይህልዎ።

(3) ሓደ ትካል ምስ ዝከፋፈል ነፍሲ ወከፍ ናይ ዝተኸፋፈሉ አካላቱ ሓድሽ ሓባራዊ ስምምዕ ክሳብ ዝገብር በቲ ዝጸንሐ ናይቲ ትካል ሓባራዊ ስምምዕ ይካየድ።

ታሽዓይ አርእስቲ

ሰራሕ ጠጠው ምባልን ምዕጸው ሰራሕን ዘይቅኑዕ አሰራርሓን

ምዕራፍ 1. ሰራሕ ጠጠው ምባልን ምዕጸው ሰራሕን

ዓንቀጽ 115. ሰራሕ ጠጠው ምባልን ምዕጸው ሰራሕን

(1) ሰራሕተኛታት ኣብዚ ኣዋጅ'ዚ ወይ ኣብ ኣባራዊ ስምምዕ ዝሰፈሩ መሰላትን ጥቕምታትን ንምሕላው ዘበገስዎ ናይ ሰራሕ ክርክር ምኽንያት ብምግባር ሰራሕ ጠጠው ናይ ምባል መሰሎም ዝተሓለወ ኮይኑ፡ አስራሒ እውን ብወገኑ ብናይ ሰራሕ ክርክር ምኽንያት ንኹሎም ወይ ገለ ክፋል ናይ ሰራሕተኛታቱ ካብ ሰራሕ ዝኸለኸለሉ ናይ ሰራሕ ምዕጸው ስጉምቲ ናይ ምውሳድ መሰሎ ዝተሓለወ ይኸውን። ይኹን'ምበር ኣብ'ዞም ዝስዕቡ ኩነታት ሰራሕ ጠጠው ምባል ብወገን ሰራሕተኛታት ወይ ሰራሕ ምዕጸው ብወገን አስራሓይ ኣይፍቀድን፡-

(ሀ) ኣድለይቲ ኣገልግሎታት ኣብ ዘቕርቡ ትካላት፤

(ለ) ኣብ መንጎ አስራሕን ሰራሕተኛታትን ናይ ሰራሕ ክርክር ንምፍታሕ መስርሕ ዕርቂ ወይ ድንኳት ሽምግልና ኣብ ዝካየዱ፤ ወይ

(ሐ) ኣብ ውሽጢ ዓሰርተ ኣሙሽተ መዓልታት ዘሎ ግዜ ድሕሪ ዘይምዕዋት ዕርቂ ወይ ድሕሪ ውሳኔ ድንኳት ሽምግልና፤ ወይ

(መ) ኣብ መንጎ አስራሕን ሰራሕተኛታትን ናይ ሰራሕ ክርክር ናብ ቦርድ ዝምድናታት ዕዮ ወይ ላዕለዋይ ቤት ፍርዲ ቀሪቡ ውሳኔ ከይተዋህቦ ሰላሳን ሓደን መዓልታት እንተዘይሓለፉ፤ ወይ

(ረ) ናይ ሰራሕ ክርክር ብቦርድ ዝምድናታት ዕዮ ወይ ላዕለዋይ ቤት ፍርዲ ውሳኔ ዝተዋህበሉ እንተኾይኑ።

- (2) ኣብ ንኡስ ዓንቀጽ 1(ሀ) ክሳብ (ረ) ናይዚ ዓንቀጽ'ዚ ዝሰፈረ ድንጋጌታት ዝተሓለወ ኮይኑ፡ ሰራሕተኛታት ስራሕ ጠጠው ከምዘብሉ ወይ ኣስራሒ ናይ ስራሕ ምዕጻው ስጉምቲ ከም ዝወስድ ሓሙሽተ መዓልታት ኣቐዲሞም፡-
- (ሀ) ንሚኒስትሪ፣
 - (ለ) ንመከራኸርቶም ወገን፣ ከምኡ'ውን
 - (ሐ) ንዝምልከቶ በዓል መዘ ዩፍልጡ።

ዓንቀጽ 116. ሕጋውነት ስራሕ ጠጠው ምባል

ኣብ ዓንቀጽ 118 ናይዚ ኣዋጅ'ዚ ዝሰፈረ ድንጋጌ ታት ዝተሓለወ ኮይኑ፡ ስራሕ ጠጠው ንምባል እዞም ዝስዕቡ ኩነታት ክማልኡ ኣለዎም፡-

- (1) ስራሕ ጠጠው ምባል ቦቲ ማሕበር ዝተጸወዐን ዝተደገፈን ምዃኑ፣ ወይ
- (2) ኣብ ማሕበር ዘይቆመሉ ትካል ስራሕ ጠጠው ንምባል ምስምማዕ ካብ ፍርቂ ንላዕሊ ናይ'ቶም ሰራሕተኛታት ምህላዉ፣ ወይ
- (3) ኣብ ማሕበር ዘለዎ ግን ዘይኣባላት ማሕበር ዝዕብልልሉ ትካል፡ ስራሕ ጠጠው ንምባል ደገፍ ናይ ልዕሊ ፍርቂ ጠቐላላ ድምር ናይ ሰራሕተኛታት ምህላዉ።

ዓንቀጽ 117. ኣፈታትሓ ናይ ስራሕ ክርክር ኣብ ኣድለይቲ ኣግልግሎታት ዝህባ ትካላት

- (1) ኣብ ኣድለይቲ ኣገልግሎታት ዝህባ ትካላት ኣብ መንጎ ኣስራሕን ሰራሕተኛን ዝለዓል ናይ ስራሕ ክርክር ናብ ምዕጻው ስራሕ ወይ ስራሕ ጠጠው ምባል ዘምርሕ ምስ ዝኸውን ብሚኒስትር ብዝቐውም ኮሚተ ይፍታሕ።

(2) ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ብሚኒስተር ናይ ዝቐውም ኮሚተ ኣባላት ካብ መንግስትን ማሕበራት ሰራሕተኛታትን ኣስራሕትን ዝተዋጸኡ ይኾኑ።

(3) ዝኾነ ብመሰረት ንኡስ ዓንቀጽ (1)ን(2)ን ናይዚ ዓንቀጽ'ዚ ብሚኒስተር ብዝቐመ ኮሚተ ብዝተዋህበ ውሳኔ ዘይዓገበ ወገን፡ ኣብ ውሽጢ ዓሰርተው ሓሙሽተ መዓልታት ድሕሪ ኮሚተ ዝወሰነሉ ዕለት ናብ ቦርድ ዝምድናታት ዕዮ ይግባይ ክቐርብ ይኸእል።

ምዕራፍ 2. ዘይቅኑዕ ኣሰራርሓ

ዓንቀጽ 118. ዘይቅኑዕ ኣሰራርሓ ኣስራሒ ወይ ትካል

ሓደ ኣስራሒ ወይ ትካል ንሓደ ካብዞም ዝስዕቡ ተግባራት ምስ ዝፍጽም ዘይቅኑዕ ኣሰራርሓ ይውሰድ፡-

- (1) ብመሰረት እዚ ኣዋጅ'ዚ ናይ ሰራሕ ክርክር ወይ ዘተ ሓባራዊ ስምምዕ ኣብ መሰርሕ እንከሎ፡ ነቲ ሓደ ወገን ንምጉዳእ ንህሉው ኩነታት ሰራሕ ምልዋጥ፤
- (2) ወከልቲ ሰራሕተኛታት ኣብ ዘተ ሓባራዊ ስምምዕ ናይ ኣስራሒ ሓሳብ ከም ዝቐበሉ ንምግዳድ ወይ ንምድፍፋእ ጸቕጢ ምግባር፤
- (3) ኣባልነት ወይ ምውሳኔ ኣብ ማሕበር ሰራሕተኛታት ምኸንያት ብምግባር ኣብ መንጎ ሰራሕተኛታት ኣብ ናይ ሰራሕ ኩነታት ፍልልይ ምግባር፤
- (4) ሰራሕተኛታት ኣባላት ማሕበር ከይኮኑ ወይ

አባልነቱም ከቋርጹ ናይ ጥቕሚ መብጽዓታት ብምእታው ምጥባር፤

- (5) ኣብ ጉዳያት ማሕበር ሰራሕተኛታት ጣልቃ ምእታው፤
- (6) ኣብ ዘተ ሓባራዊ ስምምዕ ቅኑዕ ልቦና ዘይምርእይ፤
- (7) ኣብ ዓሌት፣ ሕብረ፣ ማሕበራዊ መቦቆል፣ ብሄር፣ ጾታ፣ ፖለቲካዊ አረአእያ ወይ ሃይማኖት ዝተመርኮሰ ፍልልይ ምግባር፤
- (8) ንዝኾነ ስምምዕ፣ ውሳኔ ወይ ትእዛዝ ብኡ ንብኡ ዘይምፍጻም፤
- (9) ዝድለዩ መርትዖታት ዘይምቕራብ፤
- (10) ናይ ሰራሕ ክርክራት ብስሉጥ ንኸይፍትሑ ምዕንቃፍ ወይ ናይ ምድንጓይ ምኽንያት ምኻን፤ ወይ
- (11) ዘይሕጋዊ ናይ ትካል ምዕጻው ስጉምቲ ምውሳድ።

ዓንቀጽ 119. ዘይቅኑዕ አሰራርሓ ሰራሕተኛታት

ማሕበር ሰራሕተኛታት ንሓደ ካብዞም ዝስዕቡ ተግባራት ምስ ዝፍጽም ዘይቅቡል አሰራርሓ ይውሰድ፡-

- (1) ንዝኾነ ሰራሕተኛ አባል ማሕበር ንኸኸውን ንምጥባር ጸቕጢ ወይ ናይ ጥቕሚ መብጽዓ ምግባር፤
- (2) ንሓደ ሰራሕተኛ መራሒ ማሕበር ንኸይከውን ወይ መራሒ ማሕበር ካብ ምኻን ንኸቋርጽ ምፍርራሕ ወይ ጸቕጢ ምግባር፤
- (3) አስራሒ ወይ ወከልቲ ትካል ኣብ ዘተ ሓባራዊ ስምምዕ ናይ ማሕበር ሰራሕተኛታት ሓሳብ ከምዝቕበሉ ንምግዳድ ወይ ንምድፍፋእ ጸቕጢ ምግባር፤
- (4) ኣብ ዘተ ሓባራዊ ስምምዕ ቅኑዕ ልቦና ዘይምርእይ፤

- (5) ዝኾነ ዝተበጸጸ ስምምዕ፡ ውሳኔ ወይ ትእዛዝ ብኡ ንብኡ ዘይምፍጸም፤
- (6) ዝድለዩ መርትዖታት ዘይምቕራብ፤
- (7) ናይ ስራሕ ክርክራት ብስሉጥ ንኸይፍትሑ ምዕንቃፍ ወይ ናይ ምድንጓይ ምኽንያት ምዃን፤ ወይ
- (8) ዘይሕጋዊ ናይ ስራሕ ጠጠው ምባል ስጉምቲ ምውሳድ።

ዓ ስራይ ኣርእስቲ
ናይ ስራሕ ክርክር

ምዕራፍ 1. ዓይነታት ናይ ስራሕ ክርክር

ዓንቀጽ 120. ሓባራዊ ናይ ስራሕ ክርክር

ሓባራዊ ናይ ስራሕ ክርክር ኣብ ሞንጎ ካልኣት ነዞም ዝሰዕቡ ከጠቓልል ይኸእል፡-

- (1) ደሞዝን ካልእ ጥቕምታትን፤
- (2) ምትእትታው ሓደስቲ ናይ ስራሕ ኩነታት፤
- (3) ሓባራዊ ስምምዕ ምውዕግል፡ ምምሕያሹ፡ ዕድመኡን ዝፈርሰሉ ኩነታትን፤
- (4) ንትርጉም ናይዚ ኣዋጅ፣ ሓባራዊ ስምምዕ ወይ ናይ ስራሕ መምርሒታት ዝምልከት ክርክር፤
- (5) ኣገባብ ኣወግህባ ደረጃ ዕብዩት ስራሕተኛታት፤
- (6) ብሓፈሻ ንሰራሕተኛታትን ንሰራርነት ትካልን ዝትንክፉ ጉዳይት፤
- (7) ደረጃ ዕብዩት፡ ምቕያር ስራሕን ስልጠናን ብዝምልከት ኣስራሒ ዝወስዶም ስጉምታት ብምቅዋም ዝቐርቡ ጥርግናት፤ ከምኡ'ውን

(8) ብምኸንያት ምጉዳል ሰራሕተኛታት ዝለዓሉ ጥርግናት።

ዓንቀጽ 121. ውልቃዊ ናይ ስራሕ ክርክር

ውልቃዊ ናይ ስራሕ ክርክር ኣብ ሞንጉ ካልኣት ነዞም ዝስዕቡ ከጠቓልል ይኸእል፡-

- (1) ካብ ስራሕ ንምስጓን ካልኣት ንዲሲ ፕሊናዊ ስጉምታታት ዝምልከቱን ክስታት፤
- (2) ንውዕል ስራሕ ምቁራጽ ዝምልከቱ ክስታት፤
- (3) ንሰዓታት ስራሕ፣ ደሞዝ፣ ካልእ ክፍሊታትን ዕረፍትን ዝምልከቱ ክስታት፤
- (4) ንምሃብ ናይ ስራሕ ምስክር ወረቐት ዝምልከቱ ክስታት፤ ከምኡ'ውን
- ((5) ካብ ስራሕ ንዝበጽሖ ጉድኣት ዝምልከቱ ክስታት።

ምዕራፍ 2. አፈታትሓ ናይ ስራሕ ክርክር

1ይ ክፋል. ዕርቂ ወይ ድንነት ሽምግልና ኣብ ናይ ስራሕ ክርክር

ዓንቀጽ 122. ሓፈሻዊ መትከል

ዝኾነ ናይ ስራሕ ክርክር ምስ ዝናዋሕን ዘዩድሊ መልክዓት ምስ ዝሕዝን፣ ማህሰይቲ ኣብ ረብሓ ሰራሕተኛታት፣ አስራሕቲ፣ ከምኡ'ውን ቁጠባ ሃገር ስለዘስዕብ፣ ነፍሲ ወከፍ ናይ ሰራሕተኛ ይኹን አስራሒ ተኸራኻሪ ወገን ጉዳያት ብቐኑዕ ልቦና፣ ኣብ ዝቐልጠፈ ግዜን ብናይ ምርድዳእ መንፈስን ንምፍታሕ ናይ ምጽዓት ሓላፍነት ይስከም።

ዓንቀጽ 123. ዕርቂ ኣብ ደረጃ ትካል

- (1) ዝኾነ ናይ ስራሕ ክርክር ምስ ዘጋጥም፡

ተኸራኸርቲ ወገናት ወይ ወከልቶም ተራኪቦም ብዛዕባ'ቲ ዝተላዕለ ናይ ስራሕ ክርክር ኣብ ቦታ ስራሖም ምርድዳእ ብዘለዎ መንፈስ ብዕርቂ ንምፍትሑ ዕቲብ መባእታዊ ጸዕሪ ከካይዱ ሓላፍነት ይህልዎም።

(2) መስርሕ ዕርቂ ዓራቕ ኣካል ብምቕም ይዕመም። ዓራቕ ኣካል ተኸራኸርቲ ወገናት ብብወግኖም ብዝመዘዘዎም ማዕረ ዝቐጽሮም ወከልቲን እቶም ወከልቲ ብግዲኦም ብሓባር ካብኦም ወጻኢ ብዝመርጹዎ ሓደ ኣቦ መንበርን ይቐውም።

(3) ኣብ ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ዝሰፈረ ድንጋጌታት ብዘዩገድስ ኣብ ደረጃ ትካል ዝዘውተር ቅጥዒ ዕርቂ ብሓባራዊ ስምምዕ ክውሰን ይከኣል።

(4) ኣብ ደረጃ ትካል ናይ ስራሕ ክርክር ብዕርቂ ምስ ዝዛዘም፣ ዝተዓረቑ ወገናት ብዓረቕትን ተዓረቕትን ዝተፈረመ፣ ብሓጺር መግለጺ ዝተሰጸ ሰነድ ናብ ሚኒስትሪ ንክምዘገብ የቕርቡ።

ዓንቀጽ 124. ዕርቂ ብሚኒስትሪ

(1) ጨንፈር ዕርቂ ንዕርቂ ዝቐርበሉ ናይ ስራሕ ክርክር ባዕሉ ብዘቐም ናይ ዕርቂ ኣካላት ነቲ ጉዳይ መርሚሩ ብዕርቂ ንምዝላመ ይፍትን።

(2) ናይ ስራሕ ክርክር ብዕርቂ ምስ ዝዛዘም፣ ጨንፈር ዕርቂ ነቲ ብኸልቲኦም ወገናት ዝተፈረመ ናይ ዕርቂ ስምምዕ ይምዘግብ።

(3) ንዕርቂ ዝቐረበሉ ናይ ስራሕ ክርክር ብዕርቂ ምስዘይግዘም ጨንፈር ጸብጸብ ናይቲ ጉዳይ ብዘርዘር ይሕዝ፡ ቅዳሕ ንዝሓተቶ ተኸራኻሪ ወገን ከኣ ብማሕተም ዝተረጋገጸ ቅዳሕ ይህብ።

ዓንቀጽ 125. ድንኳት ሽምግልና

ተኸራኸርቲ ወገናት ብመሰረት ኣባራዊ ስምምዖም ወይ ድሕሪ ምልዓል ናይ ስራሕ ክርክር ዝገበርዎ ስምምዕ ናይ ስራሕ ክርክሮም ብድንኳት ሽምግልና ተሰሚዑ ምስ ዝውሰኑ፡-

- (1) ኣብ ካልኣት ሕግታት ዝሰፈረ ብዘገደስ፣ ዝኾነ ውሳኔ ድንኳት ሽምግልና ዘይተሰማምዖ ወገን ናይ ውልቂ ናይ ስራሕ ክርክር እንተኾይኑ ናብ መጋባእያ ዕዮ ቤት ፍርዲ ሰባ፣ ናይ ኣባር ናይ ስራሕ ክርክር እንተኾይኑ ከኣ ናብ ቦርድ ዝምድናታት ዕዮ ኣብ ውሽጢ ዓሰርተ ኣሙሽተ መዓልታት ብይን ወይ ውሳኔ ድንኳት ሽምግልና ብጸሑፍ ድሕሪ ምውግቡ ይግባይ ናይ ምባል መሰሉ ዝተሓለወ ይኸውን።
- (2) ምክንያት ይግባይ በቲ ንውሳኔ ድንኳት ሽምግልና ብምቅዋም ብመሰረት ሕጊ ሲቪላዊ ስርዓት ክቐርብ ዝተሓገገ ምክንያታት ይግባይ ዝተሓጸረ ይኸውን።
- (3) ብድንኳት ሽምግልና ተራእዩ ዝተወሰነ ናይ ውልቂ ናይ ስራሕ ክርክር ኣብ ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ተራእዩ ከምዝተወሰነ ይውሰድ፣ ከምኡ ወን
- (4) ብድንኳት ሽምግልና ዝተወደአ ናይ ስራሕ ክርክር ውሳኔ ወይ ብይን ድንኳት ሽምግልና ካብ ዝተዋህበሉ ዕለት ጀሚሩ ኣብ ውሽጢ ኣሙሽተ መዓልታት ብተገዳሲ ወገን ኣብ ሚኒስትሪ ይምዘገብ።

ዓንቀጽ 126፡ ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ

- (1) ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ኣብዞም ዝስዕቡ ክስታት ናይ ቀዳማይ ደረጃ ክለ ስልጣን ይህልዎ፡-
 - (ሀ) ንናይ ውልቃዊ ናይ ስራሕ ክርክራት ዝምልከቱ ክስታት፡ ብዘይካ ንምቁራጽ ውዕል ስራሕ ናይ ሓደ ሓላፊ ማሕበር ዝምልከት ናይ ስራሕ ክርክር፤
 - (ለ) ካብ ስራሕ ንዝብገሱ ጉድኣት ዝምልከቱ ክስታት፤ ከምኡ ውን
 - (ሐ) ብመሰረት እዚ ኣዋጅ'ዚ ዘቐጽዑ በደላት።
- (2) ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ክሲ ካብ ዝቐረበሉ ዕለት ጀሚሩ ኣብ ውሽጢ ሰላሳ መዓልታት ውሳኔ ይህበሉ።
- (3) ዝኾነ ብውሳኔ ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ዘይዓገበ ወገን ካብቲ ውሳኔ ዝተሞገሰሉ ዕለት ጀሚሩ ኣብ ውሽጢ ሰላሳ መዓልታት ናብ መጋባእያ ዕዮ ቤት ፍርዲ ዞባ ይግባይ ከቐርብ ይኽእል።

ዓንቀጽ 127፡ ቦርድ ዝምድናታት ዕዮ

- (1) ቦርድ ዝምድናታት ዕዮ ኣዞም ዝስዕቡ ጉዳያት ብቐዳማይ ደረጃ ርእዩ ይውስኑ፡-
 - (ሀ) ንዘይቅኑፅ ኣሰራርሓ ዝምልከቱ ናይ ስራሕ ክርክራት፤
 - (ለ) ሓባራዊ ናይ ስራሕ ክርክራት፤ ከምኡ እውን
 - (ሐ) ንናይ ሓላፊ ማሕበር ስራሕተኛታት ብኣሰራሒ ካብ ስራሕ ንምስንባት ዝምልከት ክርክር።

(2) ቦርድ ዝምድናታት ዕዩ ነዞም ዝስዕቡ ጉዳያት ብይ ግባይ ርእዩ ይውስኑ:-

(ሀ) ኣብ ናይ ኣባር ናይ ስራሕ ክርክር ብይን ድንገት ሽምግልና ብምቅዋም ዝቐርብ ይግባይ፤

(ለ) ብመሰረት ዓንቀጽ 117 ናይዚ ኣዋጅ'ዚ ሚኒስትር ብዘቐየሎ ኮሚተ ንዝተዋህቦ ውሳኔ ብምቅዋም ዝቐርብ ይግባይ፤ ከምኡ'ውን

(ሐ) ሚኒስትር ወይ ኢንስፐክተር ብመሰረት ዓንቀጽ 144(3) ናይዚ ኣዋጅ'ዚ ንዝሃብዎ ትእዛዝ ወይ ዝወስድዎ ስጉምቲ ብምቅዋም ብኣስራሒ ዝቐርብ ጥርግን።

(3) ቦርድ ዝምድናታት ዕዩ ብመሰረት ንኡስ ዓንቀጽ

(1) (ሀ)ን (ለ)ን ናይዚ ዓንቀጽ'ዚ ንዝቐርበሉ ናይ ስራሕ ክርክር ርእዩ ውሳኔ ቅድሚ ምሃቡ፡ ኣብ ውሽጢ ዓሰርተ ኣሙሽተ መዓልታት ድሕሪ'ቲ ጉዳይ ምቕራቡ ብቐግት ኣለዎም ብዝብሎም ሞንጎ ጅታት ናይ ዕርቂ ፈተነ ከካይድ ይኸእል።

(4) ቦርድ ዝምድናታት ዕዩ ኣብ መስርሕ ክርክር ዘረጋገጸም ኩሎም ኣቅታት ናይ መወዳእታን ክርክር ዘይለዓለሎምን ይኾኑ።

(5) ብዘይካ ብመሰረት ዓንቀጽ 145(3) ናይዚ ኣዋጅ'ዚ ብዝተዋህቦ ውሳኔ ቦርድ ዝምድናታት ዕዩ ብዝሃቦ ካልእ ናይ መወዳእታ ውሳኔ ቅር ዝበሎ ወገን ነቲ ናይ ቦርድ ውሳኔ ብቐንዱ ኣብ ዝትንክፉ ናይ ሕጊ ሕቶታት ጥራሕ ተመርኩሱ እቲ ውሳኔ ንተኸራኸርቲ ወገናት ካብ ዝተዋህበሉ ዕለት ጀሚሩ ኣብ ውሽጢ ሰላሳ መዓልታት ይግባይ ናብ ላዕለዎይ ቤት ፍርዲ ከቐርብ ይኸእል።

ዓንቀጽ 128. ላዕለዋይ ቤት ፍርድ

- (1) ላዕለዋይ ቤት ፍርድ ካብ ቦርድ ዝምድናታት ዕዮ ይግባይ ንዝተባህለሎም ንናይ ቦርድ ውሳኔ ብቐንዲ ካብ ዝትንክፉ ናይ ሕጊ ሕቶታት ጥራይ ናይ ምድናይ ስልጣን ይህልዎ።
- (2) ላዕለዋይ ቤት ፍርድ ኣብ ናይ ሕጊ ትርጉም ተመርኩሱ እቲ ጉዳይ ብኸመይ ክርእ ከምዝነበሮ ርእይቶ ብምግብ ጥራይ ነቲ ጉዳይ ንቦርድ ዝምድናታት ዕዮ በቲ ኣበሬታት ተመራሖ ባዕሉ ውሳኔ ንክህበሉ ይመልሰሉ።
- (3) ላዕለዋይ ቤት ፍርድ ብይግባይ ካብ ቦርድ ዝምድናታት ዕዮ ንዝቐርበሉ ጉዳይ ኣብ ውሽጢ ሰላሳ መዓልቲ፡ ብመሰረት ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ርእይቶኡ ሂቡ ንቦርድ ዝምድናታት ዕዮ ይመልሰሉ።
- (4) ላዕለዋይ ቤት ፍርድ ብመሰረት ዓናቕጽ 64(3)፡ 65(3) 97፡ 105(4) ናይዚ ኣዋጅ'ዚ ንዝቐርበሉ ይግባይ ዝህቦ ውሳኔ ናይ መወዳእታን ይግባይ ዘይበሃለሉን ይኸውን።

ምዕራፍ 3. ኣቃውማን ኣሰራርሓን ስልጣንን ቀዳማይ
 ቤት ፍርድ
 ዕዮን ቦርድ ዝምድናታት ዕዮን

ቀዳማይ ክፋል፡ ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ

ዓንቀጽ 129. ኣቃውማን ኣወዳድባን ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ

- (1) ሚኒስትር ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ

የቅድመ-ምጽግ።

- (2) ሚኒስትር ምስ ሚኒስትሪ ፍትሐ ብምምይያጥ ዳያኑ ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ይምዝዝ።
- (3) ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ፍርዳዊ ነጻነቱ ከምተን ልሙዳት ካልኣት ኣብያተ ፍርዲ ሃገር ዝተሓለወ ኮይኑ፡ ከም ኣካል ሚኒስትሪ ብሚኒስትር ይመሓደር።
- (4) ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ከከም ኣድላይነቱ በብሰለስተ ደያኑ ወይ በብሓደ ዳኛ ዝቐመ ይኸውን።
- (5) ሓደ ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ንሓደ ወይ ንኸልተ ወይ ካብኡ ንዝዛይዱ ንኡስ ሰባታት ከም ዘገልግል ኮይኑ ክቐውምን ተንቀሳቓሲ ክኸውንን ይኸእል።
- (6) ኣብ ናይ ስራሕ ክርክር ዝጽዕቀሉ ቦታታት ብዝሕ ዝበሉ መጋባእያታት ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ክቐሙን ብሓደ ወይ ዝያዳ ረጅስራራትን ተሓጋዝቱን ክድገፉን ይከኣል።
- (7) ሚኒስትር ንቐዳማይ ደረጃ ቤት ፍርዲ ዕዮ ዘድልዮ ረጅስትራራትን ተሓጋዝቶምን ይምድብ።
- (8) ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ዓመታዊ ጸብጸብ ስራሕ ንሚኒስትር የቐርብ።

ዓንቀጽ 130. ስርዓትን ስልጣንን ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ

- (1) ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ሲቪላዊ ኣብያተ ፍርዲ ዝኸተልዎ ስርዓት ይኸተል።

(2) ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ ኣብ መስርሕ ድንገቱ ምስ ሲቪላዊ ኣብያተ ፍርድ ተመሳሳሊ ስልጣን ይህልዎ።

(3) ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ በዚ ኣሞጅ'ዚ ንዘቐጽዑ በደላት ብገንዘብ ናይ ምቕጻዕ ስልጣን ይህልዎ።

(4) ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ ሚኒስትሪ ንዝመዝገቦ ዕርቂ ክፍጸም ትእዛዝ ናይ ምሃብ ስልጣን ይህልዎ።

(5) ውሳኔታት ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ ሲቪላዊ ኣብያተ ፍርድ ዝኸተለኦ ኣገባብ ይኸተል።

ዓንቀጽ 131. አፈጻጸማ ውሳኔታት ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ
ውሳኔታት ቀዳማይ ደረጃ ቤት ፍርድ ዕዮ ብፈጻሚ ፍርድ ሲቪላዊ ኣብያተ ፍርድ ይፍጸም።

ካልኣይ ክፋል፡ ቦርድ ዝምድናታት ዕዮ

ዓንቀጽ 132. አቃውማን አወዳድባን ቦርድ ዝምድናታት ዕዮ

(1) ቦርድ ዝምድናታት ዕዮ ሚኒስትር ብዝመዘዞ ኣቦ መንበር፡ ካብ ማሕበራት ሰራሕተኛታት ዝውክሉ ክልተ ኣባላት፡ ካብ ማሕበራት ኣስራሕቲ ዝውክሉ ክልተ ኣባላትን ተካእቲ ኣባላት ዝኾኑ ሓሓደ ካብ ማሕበራት ሰራሕተኛታትን ኣስራሕትን ይቐውም።

(2) ሓደ ቦርድ ዝምድናታት ዕዮ ንሓደ ወይ ንክልተ ወይ ካብኡ ንላዕሊ ዞባታት ንከገልግል ወይ'ውን ብደረጃ ሃገር ሓደ ቦርድ ዝምድናታት ዕዮ ጥራሕ ብሚኒስትር ክቐውም ይኸእል።

- (3) አባላት ቦርድ ዝምድናታት ዕዮ ዝኾኑ ወከልቲ ሰራሕተኛታትን አስራሕትን ንዝምዘቡሉ አገባብ ሚኒስትርን መራሕቲ ናይ ዝለዓለ ጽፍሒ ዘለዎ ማሕበር ሰራሕተኛታትን ማሕበር አስራሕትን ብሓባር ይሕንጽጽዎን ቅጥሲ የውጽእሉን።
- (4) ሚኒስትር ንቦርድ ዝምድናታት ዕዮ ሓደ ጸሓፊን ካልኦት አድለይቲ ሰራሕተኛታትን ይምድብ።
- (5) አባላትን ተተካእቲ አባላትን ቦርድ ዝምድናታት ዕዮን ብኸፋል ግዚአም ብዘይ ደሞዝ የገልግሉ። ሚኒስትር አባላት ናይ ዝተረኸቡሉ አኸባ ዝኸፈሎም ናይ ወጻኢታት አበል ይውሰን።
- (6) ናይ ቦርድ አባላትን ተተካእቲ አባላትን ንሰለስተ ዓመታት ናይ አገልግሎት ዕድመ ይምረጹ። ይኹንምበር አብ መጀመርያ ምርጫ አባላትን ተተካእቲ አባላትን አብ ሰለስተ ጉጅለታት ብምክፋል ንሓደ፡ ንኸልተን ሰለስተን ዓመት አገልግሎት ተፈልዮም፡ አብ ነፍሲ ወከፍ ዓመት ዕድመ አገልግሎት ዘብቅዕ ቁጽሪ አባላትን ተተካእቲ አባላትን ካብ ሓደ ሲዕ ጠቐላላ አባላት ከምዘይዛይድ ይኸውን።
- (7) ሚኒስትር፡ ንዝተዋህቦ ሰራሕ ሸለል ንዘበለ ወይ አብ ሰራሕ ከሎ ካብ ሕጊ ወጻኢ ዝኾነ ሰራሕ ክሰርሕ ንዝተረኸበ አባል ቦርድ የሰናብትን አብ ክንድኡ ንዝተረፈ ዕድመ አገልግሎት ናይ ዝተሰናበተ አባል ብመሰረት ንኡስ ዓንቀጽ (3) ናይዚ ዓንቀጽ'ዚ ብኻልእ ከምዘትካእ ይገብርን።

ዓንቀጽ 133. ስልጣን ቦርድ ዝምድናታት ዕዮ

ቦርድ ዝምድናታት ዕዮ እዚ ዝስዕብ ስልጣን ይህልዎ፡-

- (1) ብመሰረት ዓንቀጽ 127 ናይዚ አዋጅ'ዚ ዝቐርቡ ክስታትን ይግባዩትን ናይ ምድናይ፤
- (2) ስርሑ ኣብ ዝካየዱሉ ጊዜ ኣድለይቲ ዝኾኑ ሰነዳትን መረዳኢታታን ካብ ዝኾነ እቲ ጉዳይ ዝምልከቶ ሰብ ወይ ትካል ብትእዛዙ ናይ ምርካብ፤
- (3) ተኸራኽርቲ ወገናትን መሰኻኸርን ንክቐርቡ ክጽውዕን ቃሎም ክሰምዕን፤
- (4) ንኣብ ቅድሚኡ ዝቐርቡ ሰባት ቃለ ማሕላ ወይ ካልእ መረጋገጺ ከምዝህቡ ምግባርን ማሕለአም ይኹን ዝሃብዎ መረጋገጺ ምምርማርን፤ ከምኡ'ውን
- (5) ኣብ ውሽጢ ዝኾነ ናይ ስራሕ ቦታ ወይ ትካል ኣብ ጊዜ ስራሕ ኣትዩ ኣድለይቲ ዝኾኑ ሓበሬታታት ምእካብን ምስማዕን፤ ካብ ዝኾነ ኣብቲ ቦታ ዝርከብ ሰብ ሰነዳት ወይ ንምርመራ ዘድልዩ ኣቕሑት ከምዝቐርቡ ምግባርን፤ ይኹን'ምበር ህጹጽ ኩነታት እንተዘየጋጠሙ ነቲ ትካል ወይ ንወኪሉ እኹል ናይ ምልክታ ጊዜ ኣቕዲሙ ይህብ።

ዓንቀጽ 134. መምርሒታት ስራሕ

ቦርድ ዝምድናታት ዕዮ ናቱ ናይ ውሽጣዊ ኣሰራርሓ ስርዓትን ሕጋጋት ኣቀራርባ መርትዖታትን የውጽእ።

ዓንቀጽ 135. ጉዳይት ዝረኣዩሉ ኣገባብ

(1) ቦርድ ዝምድናታት ዕዮ ውሳኔ ቅድሚ ምሃቡ ንተኸራኽርቲ ወገናት ጉዳዮም ከቐርቡን ክስምዑን ዕድል ይህብ። እቲ ጉዳይ ዝረኣዩሉ ዕለትን ቦታን ኣነጺሩ ካብ ሰለስተ መዓልታት ስራሕ ዘይውሕድ

ግዜ አቅዲሙ ንተኸራኸርቲ ወገናት ናይ ጽሑፍ ምልክታ ይህብ።

(2) ካብ ተኸራኸርቲ ወገናት ኣዲኦም ወይ ግቡእ መጻዋዕታ ዝተገብረሉ ዝኾነ ሰብ ኣብ ዝተባህለ ቦታን ሰዓትን እንተዘይቀረቡ እቲ ቦርድ ጉዳይ ምርኣይ ክቐጽል ይኸእል። እቲ በዓል ጉዳይ ክቐርብ ዘይከኣለ ብብቐዕ ምክንያት ወይ ብናቱ ጉድለት ዘይምዃኑ ምስ ዘረድእ ግን ናብ ቦርድ ንክቐርብ ቦርድ ካልኣይ ዕድል ይህቦ።

(3) ቦርድ ዝምድናታት ዕዮ ሲሲላዊ ኣብያተ ፍርዲ ዝኸተለኦ ሕግታት ስርዓትን መርትዖን ክኸተል ኣይግደድን። ይኹንምበር ኣድለይቲ ኢዮም ኣብ ዝበለሉ ግዜ ክጥቀሙም ይኸእል።

(4) ማሕበር ሰራሕተኛታትን ኣሰራሕትን ካልኣትን መጻዋዕታ ዝተገብረሎም ወገናትን ቦርድ ብዝውስኖ ርትዓዊ ብዝሒ ዘለዎም ወከልቶም ወይ ሕጋዊያን ጠበቓታቶም ተወኪሎም ክቐርቡ ይኸእሉ።

(5) ቦርድ ዝምድናታት ዕዮ ዝኾነ ውሳኔ ኣብ ዝህበሉ ግዜ ኣብያተ ፍርዲ ዝምርኣሉ ሕጊ ብቐጥታ ከይተኸተለ ትሕዝቶ ናይ ዝቐርበሉ ጉዳይ ብቐንዱ ብምምዛን ጥራይ ክውስን ይኸእል።

ዓንቀጽ 136. ውሳኔታት ቦርድ ዝምድናታት ዕዮ

(1) ቦርድ ዝምድናታት ዕዮ ንዝቐርበሉ ይግባይ ኣብ ውሽጢ ሰላሳ መዓልታት ውሳኔ ይህበሉ።

(2) ውሳኔ ቦርድ ዝምድናታት ዕዮ ብድምጺ ብልጫ ኣባላት ዝተሰማምዕሉ ብፊርምኦም ዘስፈርሉ ጽሑፍ ይፍጽም። ዝተፈልየ ርእይቶ እውን ብጽሑፍ ኮይኑ በቲ ዝተፈልየ ርእይቶ ዘለዎ ኣባል ቦርድ ይፍረም።

(3) ቅዳሕ ውሳኔ ቦርድ ዝምድናታት ዕዮ ኣብ ውሽጢ ሓሙሽተ መዓልታት ድሕሪ ውሳኔ ንነፍሲ ወከፍ ተሽራኻሪ ወገን ይወሃብ።

ዓንቀጽ 137. ኣፈጻጽማ ውሳኔታት ቦርድ ዝምድናታት ዕዮ

(1) ውሳኔታት ቦርድ ዝምድናታት ዕዮ ብፈጻሚ ፍርዲ ሲቪላዊ ኣብያተ ፍርዲ ይፍጸም።

(2) ውሳኔ ቦርድ ዝምድናታት ዕዮ ንኹነታት ስራሕ ዝምልከት ምስ ዝኸውን ኣካል ናይቲ ውዕል ስራሕ ይኸውን፡ ውዕል ስራሕ በቲ ውሳኔ ይተዓራረ።

ዓንቀጽ 138. ዓመታዊ ጸብጻብ

ቦርድ ዝምድናታት ዕዮ ዓመታዊ ጸብጻብ ስራሕ ንሚኒስተር የቕርብ።

ምዕራፍ 4. ናይ ድንኳት ክፍሊት

ዓንቀጽ 139. ካብ ክፍሊት ነጻ ምኻን

ማሕበር ሰራሕተኛታት ወይ ሰራሕተኛ ብናይ ስራሕ ክርክር ይኹን ዘይቅቡል ኣሰራርሓ ናብ ቤት ፍርዲ ዘቕርብዎ ክሲ ወይ ይግባይ ካብ ናይ ድንኳት ክፍሊት ነጻ ይኸውን።

መበል ዓሰርተ ሓደ አርእስቲ
ምምሕዳር ዕዮ

ምዕራፍ 1. ስልጣን ሚኒስትር

ዓንቀጽ 140. ሕጋጋት ናይ ምውጻእ ስልጣን

ሚኒስትር ንትግባረ ናይዚ አዋጅ'ዚ ዘድልዮ ሕጋጋት ወይ መምርሒታት ከውጽእ ይኸእል። ብፍላይ ከኣ ነዞም ዝስዕቡ ብዝምልከት ሕጋጋት ወይ መምርሒታት ከውጽእ ይኸእል፡-

- (ሀ) ናይ ስራሕ ድሕነትን ጥዕናን ድሕነት አካባቢ ስራሕን፤
- (ለ) መምዘኒታት ኩነታት ስራሕ፤
- (ሐ) ምደባ ሓደገኛ ስራሓት፤
- (መ) ንጥዕናን ስርዓተ ምውላድ ደቀንስትዮን ዝገሰዩ ሓደገኛ ዓይነታት ስራሕ፤
- (ረ) አገባብ ምጉዳል ስራሕተኛታት፤
- (ሰ) ንሽቕለት አልቦነት ዝምልከት መድሕን፤
- (ሸ) መእንሰያት ስራሕተኛታት፡ ነብሰጾርን ስንኩላንን ዝሰርሕሉ ዝርዝር ኩነታት፤
- (ቀ) ዓይነት፡ መደባትን ፈተናታትን ስልጠና ሞያ፤
- (በ) ናይ ህንጻ ስራሕተኛታት ናይ ስራሕ ኩነታት፤
- (ተ) ብመንግስቲ ናይ ዝውነኑ ትካላት አካዮድቲ ስራሕን ስራሕተኛታትን ዝፍለይሉ አገባብ ምደባ፤ ከምኡ እውን
- (ቸ) አብ ምቕምን አካይዳን ብሕታዊ ትካላት ምቕጻር ስራሕ ክማልኡ ዘለዎም ጠለባት።

ዓንቀጽ 141. ናይ ምምሕዳርን ምውዳብን ስልጣን

ሚኒስትር ነቲ ስርዓተ ምምሕዳር ዕዮ ንምውዳብ፡

- ንምውህሃድ፡ ንምክትታልን ንምትግባርን፡ ብዘይካ ካልኦት፡ ነም ዝስዕቡ የቐውም፡-
- (ሀ) ኣገልግሎት ምቕጻር ስራሕ፤
 - (ለ) ኣገልግሎት ቁጽጽር ኩነታት ስራሕ፤
 - (ሐ) ኣገልግሎት ዝምድናታት ዕዮ፤ ከምኡ'ውን
 - (መ) ኣማኅሪ ቦርድ።

ዓንቀጽ 142. ስልጣን ሚኒስትር ኣብ ጉዳይ ኣፈላላይ ዝተገብረሉ ስራሕተኛ

- (1) ሚኒስትር ብመሰረት ዓናቕጽ 64(2)ን 65(2)ን ናይዚ ኣዋጅ'ዚ ን ዝቐርበሉ ጥርግን ብዝመዘዙ ኮሚተ ድሕሪ ምጽናዕ ውሳኔ ይህበሉ።
- (2) ኣብ ዓናቕጽ 64(3)ን 65(3)ን ናይዚ ኣዋጅ እዚ ዝሰፈሩ ድንጋገታት ዝተሓለዉ ኮይኖም፣ ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝተዋህበ ውሳኔ ሚኒስትር ብፈጻሚ ፍርዲ ሲቪላዊ ኣብያተ ፍርዲ ይፍጸም።

ምዕራፍ 2. ኣገልግሎት ቁጽጽር ኩነታት ስራሕ

ዓንቀጽ 143. ኣገልግሎት ቁጽጽር ኩነታት ስራሕ

- (1) ኣገልግሎት ቁጽጽር ኩነታት ስራሕ ድንጋጌታት ናይዚ ኣዋጅ'ዚን ብመሰረት እዚ ኣዋጅ ናይ ዝወጹ ሕጋትን መምርሒታትን፡ ካልኦት ንኣስራሒን ስራሕተኛን ዝምልከቱ ሕግታት፡ ዝተመዘገቡ ሓባራዊ ስምምዓት፡ ኣብ ናይ ስራሕ ክርክራት ውሳኔ ናይ ምሃብ ሓላፍነት ዘለዎም ኣካላት ዝህብዎ ውሳኔ ወይ ትእዛዝ ምትግባሮም ናይ ምርግጋጽ ሓላፍነት ይህልዎ።

(2) አገልግሎት ቁጽጽር ኩነታት ስራሕ ብመሰረት ድንጋጌታት ናይዚ አዋጅ'ዚን ካልኣት ሕግታትን ንኩነታት ስራሕ፡ ድሕነት ስራሕ፡ ጥዕናን መምዘኒታትን ስራሕ ምቁጽጽር፡ ምትግባር መጽናዕትን ምርምርን ምክያድን ምድላውን የጠቓልል።

(3) አገልግሎት ቁጽጽር ኩነታት ስራሕ ሓዲሽ ትካል ኣብ ዝህነጸሉ እዋን ንድሕነትን ጥዕናን ስራሕተኛታት ኣስጋኢ ከምዘይኮነ ምስ ዝምልከቶም ኣካላት መንግስቲ ብምትሕብባር ይቆጸጸር።

ዓንቀጽ 144. ስልጣንን ተግባራትን ተቐጻጸርቲ

(1) ሚኒስትር ኣብዚ ዓንቀጽ እዚ ንዝተዘርዘሩ ዕማማት ኣገልግሎት ቁጽጽር ኩነታት ስራሕ ዘተግብሩ ተቐጻጸርቲ ኩነታት ስራሕ ይምድብ።

(2) ተቐጻጸሪ ኩነታት ስራሕ ድንጋጌታት ናይዚ አዋጅ'ዚ ንምትግባር ኣብ ሰዓታት ስራሕ፡ ኣብ ናይ ስራሕ ቦታታት ንኣስራሒ ወይ ወኪሉ መንነቱ ኣፍሊጡ ብምእታው ዝኾነ ኣድላይ ዝብሎ መርመራ ንምክያድ ስልጣን ሃልይዎ፡ ብፍላይ ነምዝበዕ ከኣ ክፍጽም ይኸእል፡-

(ሀ) ንዝኾነ ሰብ ንበይኑ ወይ ምስክር ኣብ ዘለወሉ ምሕታት፤

(ለ) ወረቓቕትን መዛግብትን ካልኣት ሰነዳትን ናይ ምምርማርን ቅዳኣት ምውሳድን፤

(ሐ) ኣብ ግቡእ ናይ ስራሕ ቦታ ብኣስራሒ

ክልጠፉ ዝግብእም ምልክታትን ሓበሬታታትን ምልጣፎም ምርግጋጽ፣

(መ) ኣብ ናይ ስራሕ ቦታ ናይ ዝርከብ ነገራት መርኣያ ወሲዱ ኣብ ልዕሊ ስራሕተኛታት ጉድኣት ዘስዕብ ምዃኑን ዘይምዃኑን ምምርግግ፣ ከምኡ ውን

(ረ) ድሕነትን ጥዕናን ስራሕተኛታት ንምርግጋጽ ስራሕተኛታት ዝሰርሑሉ ቦታ፡ ናውቲ መሳርሒ፡ ካልእ ኣድለይቲ ዝብሎም ነገራትን ምስኣል ምዕቃንን ምምርግግ፣ ናይ ቦታ ይኹን ናውቲ መሳርሒ ሰነዳት ምርኣይን ቅዳሕ ምውሳድን።

(3) ተቐጻጸሪ ኩነታት ስራሕ ውሽጢ ቀጽሪ ትካል፡ ፋብሪካ፡ መሳርሒታት ወይ ኣቐሑት፡ ናይ ትካል ናይ ኣሰራርሓ ኣገባብ ንጥዕናን ድሕነትን ስራሕተኛታት ኣስጋኢ ኮይኑ ምስ ዝረኸቦ ነቲ ኩነታት ንምምሕያሽ፡ ኣስራሒ ኣብ ውሽጢ ዝተወሰነ ጊዜ ናይ ምእራም ስጉምቲ ንኸወስድ ክእዘዝ ይኸእል። ህጹጽ ስጉምቲ ዝጠልብ ርኡይ ሓደጋ ምስ ዝኸውን ግን ንሚኒስተር ሓቢሩ ብኡ ንብኡ ንምውጋዱ ዘድሊ ኣዕጋቢ ስጉምቲ ከምዝውሰድ ይገብር።

(4) ሓደ ተቐጻጸሪ ኩነታት ስራሕ ኣብ ዝኾነ ጊዜ፡ ኣብ ስራሕ ከሎ ይኹን ድሕሪ ምስንባቱ፡ ብመሰረት እዚ ኣዋጅ'ዚ ተግባራቱ ክፍጽም ከሎ ክፈልጦ ንዝኸኣለ ዝኾነ ናይ ምስናዕ፡ ንግድን ካልእ ናይ ምምስራሕ ሚስጢር ከዕቅብ ኣለዎ።

- (5) ዝኾነ ተቐጻጸሪ ኩነታት ስራሕ ተግባራቱ ብትግሃትን ብዘይ ኣድልዎን ይፍጽም። ካብ ኣስራሕትን ስራሕተኛታትን ንዘቐርቡሉ ቅቡላት ርእይቶታት ኣብ ግምት ከእቱ ይግባእ።
- (6) ዝኾነ ተቐጻጸሪ ኩነታት ስራሕ ባዕሉ ዋና ንዝኾነ ወይ ረብሓኡ ኣብ ዘለዎ ትካል ክቆጻጸር ኣይፍቀደሉን።
- (7) ዝኾነ ተቐጻጸሪ ኩነታት ስራሕ ኣብ ናይ ስራሕ ክርክር ወይ ሓባራዊ ዘተ ከም ኣተግራቂ ወይ ናይ ሽምግልና ዳኛ ክሳተፍ ኣይፍቀድን።

9ንቀጽ 145. ይግባይ

- (1) ኣስራሒ ብዓንቀጽ 144(3) ናይዚ ኣዋጅ'ዚ ንዝተዋህቦ ትእዛዝ ወይ ዝተወስደ ስጉምቲ ምስ ዘይሰማምዓሉ ኣብ ውሽጢ ሓሙሽተ ናይ ስራሕ መዓልታት ናብ ቦርድ ዝምድናታት ዕዮ ይግባይ ናይ ምባል መሰል ኣለዎ። ኣብ ጥዕናን ድሕነትን ስራሕተኛታትን ጉድኣት ንዘስዕብ ኩነታት ንምክልኻል ተቆጻጸሪ ኩነታት ስራሕ ወይ ሚኒስተር ብመሰረት ዓንቀጽ 144(3) ናይዚ ኣዋጅ'ዚ ንዝሃቦ ትእዛዝ ወይ ዝወሰደ ስጉምቲ ኣስራሒ ይግባይ ስለዝበለሉ ጥራሕ ኣይእገድን።
- (2) ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ናይ ዘቐርብ ይግባይ ናይ ግዜ ገደብ ምስ ዝሓልፍ፡ ብመሰረት ዓንቀጽ 144(3) ናይዚ ኣዋጅ'ዚ ብተቐጻጸሪ ኩነታት ስራሕ ዝተዋህቦ ትእዛዝ ወይ ብሚኒስተር ዝተወስደ ስጉምቲ ብትእዛዝ ቦርድ ዝምድናታት ዕዮ ይፍጽም።

- (3) ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ንዝቐረበ ይግባይ ቦርድ ዝምድናታት ዕዮ ዝገቦ ውሳኔ ይግባይ ዘይበሃለሉን ናይ መጨረሻታን ይኸውን።

ዓንቀጽ 146. ንተቐጻጸሪ ኩነታት ስራሕ ምዕንቃፍ

በዞም ዝስዕቡ ተግባራት ንተቐጻጸሪ ኩነታት ስራሕ ስርሑ ንኸይሰርሕ ዝዓንቀፈ ኣስራሒ ብበደል ተሓታቲ ይኸውን፡-

(ሀ)ተቐጻጸሪ ኩነታት ስራሕ ኣብ ቦታ ስራሕ ንኸይኣቱ ወይ ኣብ ውሽጢ ቀጽሪ ትካል ንኸይጸንሕ ምኸልካል፤

(ለ)ተቐጻጸሪ ኩነታት ስራሕ ንስራሕ ኣድላይ ዝኾነ ሰነድ ወይ መዝገብ ንኸይምርምር ምኸልካል፤

(ሐ)ናይ ስራሕ ሓደጋን ኩነታቱን ዝምልከት ሓበሬታ ካብ ተቐጻጸሪ ኩነታት ስራሕ ምሕባእ፤ ወይ

(መ)ዝኾነ ንስራሕ ተቐጻጸሪ ኩነታት ስራሕ ብዘይ ኣገባብ ዘደናጉን ዝዓናቕፍን ተግባር ወይ ግድፈት ምናጻም።

ምዕራፍ 3. ኣማኻሪ ቦርድ

ዓንቀጽ 147. ኣማኻሪ ቦርድ

(1) ሚኒስትር ኣማኻሪ ቦርድ ዝሕዞ ቅርጽን ኣሰራርሓን ኣመዳድባ ኣባላትን ዕድመ ስርሓምን ብመምርሒ ይውስን።

(2) ኣማኻሪ ቦርድ ካብ ሚኒስትሪን ማሕበር ሰራሕተኛታትን ኣሰራሕትን ዝተዋጽኡ ኣባላት ይህልውዎ።

(3) ኣማኻሪ ቦርድ፡ ኣብ መጽናዕቲ እናተመርኩሱ፡ ኣብ

ምውጻእ ፖሊሲ ዕዮ፡ ምትግባር እዚ አዋጅ'ዚ፡
ምእማም ሕግታትን ሕጋጋትን፡ ምምዕባል
ዝምድናታት ዕዮን ካልኣት ንምምሕዳር ዕዮ ዘድልዩ
ጉዳያትን ንሚኒስትር ምክሪ የቕርብ።

መበል ዓሰርተ ክልተ ኦርገንገራት
ናይ ግዜ ገደብን ቀዳምነት ሕቶታት ዕዳን

ምዕራፍ 1. ደረት ግዜ

ዓንቀጽ 148. ደረት ግዜ

- (1) ካብ ውዕል ስራሕ ናይ ዝብገስ ዝኾነ ክሲ ናይ ግዜ ደረት በዚ አዋጅ'ዚ ወይ ብኻልእ ዝምልከቶ ሕጊ ብኻልእ ኣገባብ እንተዘይተወሰኑ፡ ካብ ክሕተተሉ ዝግባእ መዓልቲ ጀሚሩ ክሳብ ኣዲ ዓመት ምስ ዘይሕተተሉ ትሩፍ ይኸውን።
- (2) ኣብዚ አዋጅ'ዚ ደረት ግዜ ክሲ ንዘይተደንገገሉ ጉዳያት ዝምልከቶ ሕጊ ደረት ግዜ ክሲ ተፈጻሚ ይኸውን።

ዓንቀጽ 149. አቆጻጽራ ደረት ግዜ

- (1) ደረት ግዜ ምቕጻር ዝጅምረሉ ዕለት በቲ መበል ንምጥቃም ካብ ዝከኣለሉ ዕለት ቀጺሉ ካብ ዘሉ መዓልቲ ጀሚሩ ይኸውን።
- (2) ደረት ግዜ ዝውድኣሉ ዕለት ኣብ መዓልቲ ስራሕ እንተዘይወጺሉ ኣብ ዝቕጽል መዓልቲ ስራሕ ይውዕል።
- (3) ደረት ግዜ ምስ ዝቋረጽ ካብ ዝተቐረጸሉ መዓልቲ

ብመሰረት ንኡስ ዓንቀጽ (1)ን (2)ን ናይዚ ዓንቀጽ'ዚ ዝተደንገገ ከም ብሓድሽ ይጅመር።

- (4) ደረት ግዜ ከም መከላኸሊ ከቕርብ መሰል ዘለዎ ዝኾነ ተኸራኻሪ ወገን ደረት ግዜ ምስ ሓሰፊ ብናይ ግዜ ገደብ ናይ ምክልኻል መሰሉ ክገድፍ ይኸእል።

ዓንቀጽ 150. ምቁራጽ ደረት ግዜ

ደረት ግዜ በዞም ዝስዕቡ ኩነታት የቋርጹ፡-

- (1) ናይ ስራሕ ክርክር ርእይ ናብ ዝውሰን ኣካል ክሲ ቀሪቡ ናይ መወዳእታ ውሳኔ ክሳብ ዝወሃበሉ ዕለት፣ ወይ
- (2) እዚ ኣዋጅ'ዚ ከተገብርን ክፍጽምን ስልጣን ናብ ዘለዎ ኣካል ጥርዓን ቀሪቡ ናይ መወዳእታ ውሳኔ ብጽሑፍ ክሳብ ዝወሃበሉ ዕለት፣ ወይ
- (3) ብደረት ግዜ ተሓታቲ ዝኾነ ወገን ናይቲ ካልኣይ ወገን መሰል ብጽሑፍ ምስ ዝኣምነሉ ወይ ብኸፊል ምስ ዝፍጽመሉ።

ዓንቀጽ 151. ናይ ስራሕ ክርክር ርእይ ናይ ዝውሰን ኣካል ስልጣን

- (1) ናይ ስራሕ ክርክር ዝውሰን ኣካል እቲ ክሲ ዝደንገቡዎሉ ምክንያት ካብ ዓቕሚ ሰብ ንላዕሊ ምዃኑ ምስ ዘረጋግጽ፡ ደረት ግዚኡ ዝሓለፈ ክሲ ክቕበል ይኸእል። እዚ ከምዚ ዝኣመሰለ ክሲ ግን ድሕሪ'ቲ ካብ ዓቕሚ ሰብ ንላዕሊ ዝኾነ መደናን ይ ኩነታት ምክታሙ ኣብ ውሽጢ ዓሰርተ ሓሙሽተ መዓልቲ ክቕርብ ኣለዎ።
- (2) ኣብ ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ብሓፈሻኡ ዝተጠቐሰ ዝተሓለወ ኮይኑ፡ እዞም

ዝስዕቡ ደረት ግዚኡ ንዝሓለፈ ክሲ ንምቕባብ ብቐዕ ምኽንያት ይወስዱ፡-

- (ሀ) ሰራሕተኛ ምስ ዝሓምም፣ ወይ
- (ለ) ሰራሕተኛ ኣብ ሃገራዊ ጸውዒት ምዃን ምሳተፍ፣ ወይ
- (ሐ) ሰራሕተኛ ብትእዛዝ ወግዓዊ በዓል መዘኑ ኣብ ምዱብ መንበሪ ቦትኡ ወጻኢ ምዃን ምሳተፍ፣ ወይ
- (መ) ሰራሕተኛ ምስ ዝመውት።

ምዕራፍ 2. ቀዳምነት ሕቶታት ዕዳ

ዓንቀጽ 152. ቀዳምነት ኣብ ልዕሊ ካልኣት ዕዳታት ብሕጊ ብኻልእ ኣገባብ እንተዘይተደንጊጉ፡ ኣብ ውዕል ሰራሕ ዝብገስ ዝኾነ ናይ ሰራሕተኛ ናይ ክፍሊት ሕቶ ኣብ ልዕሊ ዝኾነ ካልእ ክፍሊት ወይ ናይ ዕዳ ሕቶ ቀዳምነት ይህልዎ።

ዓንቀጽ 153. ኣገባብ ኣክፋፍላ ዕዳ

- (1) ዝኾነ ትካል ምስ ዝፈርስ ወይ ብሕጊ ምስ ዝጥፍሽ፡ ፈጸምቲ ፍርዲ ወይ ነቲ ውሳኔ ንክፍጽሙ ብሕጊ ወይ ብቤት ፍርዲ ስልጣን ዝተዋህቦም ኣካላት ኣብ ዓንቀጽ 152 ናይዚ ኣዋጅ'ዚ ዝተጠቐሰ ናይ ሰራሕተኛታት ዕዳ ሕቶታት ብዝምልከት፡ ስልጣን ዘለዎ በዓል መዘኑ ውሳኔ ኣብ ዝሃበሉ ዕለት ጀሚሩ ኣብ ውሽጢ ሰላሳ መዓልታት ከም ዝኸፍሉ ናይ ምግባር ግዴታ ኣለዎም።
- (2) ኣብ ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝተጠቐሰ ናይ ሰላሳ መዓልታት ናይ ምኽፋል

ዕዳ ናይ ግዜ ገደብ ብምኸንያት ምስኣን ገንዘብ
ዘፈረሰ ወይ ዘጠፈሽ ትካል ክኸፍል ምስ
ዘይክእል ገንዘብ ኣብ ዝተረኸበሉ ግዜ ብቐዳምነት
ብቐጽቦት ይኸፈል።

መበል ዓሰርተ ሰለስተ ኦርእስቲ
መቐጻዕትን መሰጋገሪ ድንጋጌታትን

ምዕራፍ 1. መቐጻዕቲ

ዓንቀጽ 154. ሓፈሻዊ

ገበናዊ ሕጊ ዝኸበደ መቐጻዕቲ እንተዘይደ
ንጊጉ ኣብዚ ምዕራፍ'ዚ ዝተሓገጉ መቐጻዕ
ትታት ተፈጻምቲ ይኾኑ።

ዓንቀጽ 155. ብኣስራሒ ዝፍጸሙ በደላት

(1) ዝኾነ ኣስራሒ

(ሀ) በዚ ኣዋጅ'ዚ ካብ ዝተወሰነ ሰዓታት ስራሕ
ንላዕሊ ንሰራሕተኛ ምስ ዘስርሕ ወይ ብዝኾነ
ኣገባብ ንሰዓታት ስራሕ ብዝምልከት
ዝተሓገገ ምስ ዝጥሕስ፣ ወይ

(ለ) በዚ ኣዋጅ'ዚ ብዛዕባ ሰሙናዊ ዕረፍቲ፣
ህዝባዊ በዓላትን ፍቓዳትን ዝተሓገጉ ምስ
ዝጥሕስ፣
ክሳብ 500.00 ናቕፋ ብዝበጸሕ ናይ ገንዘብ
መቐጻዕቲ ይቐጻዕ።

(2) ዝኾነ ኣስራሒ

(ሀ) ኣብዚ ኣዋጅ'ዚ ኣብ ዓንቀጽ 20(4) ዝተሓገገ
ግዴታ ምስ ዘይፍጽም፣

ወይ

(ለ) አብዚ አዋጅ'ዚ ዝጥሉብ መዝገብ ምስ ዘይሕዝ፣ ክሳብ 1000.00 ናቕፋ ብዘበጽሕ ናይ ገንዘብ መቐጻዕቲ ይቐጸዕ።

ዓንቀጽ 156. ብዝኾነ ወገን ዝፍጸሙ በደላት

ዝኾነ አስራሒ ወይ ማሕበር ሰራሕተኛ፡-

(1) ብመሰረት እዚ አዋጅ'ዚ ንድሕነትን ጥዕናን ሰራሕተኛታት ዝወጹ ሕጋጋት ወይ መምርሒታት ብምጥሓስ ንሰራሕተኛ አብ ከቢድ ሓደጋ ዘቃልፀ ወይ

(2) ብመሰረት ድንጋገታት ዓናቕጽ 103፣ 112ን 113ን ናይዚ አዋጅ'ዚ ዝተነበረሉ ግዴታታት ዘይፈጸሙ ወይ ምፍጻም ዝኣበዩ፣ ወይ

(3) አብዚ አዋጅ'ዚ አብ ዓናቕጽ 118ን 119ን ዝተሓገጉ ዝጠሓሱ፣ ወይ

(4) አብዚ አዋጅ'ዚ አብ ዓንቀጽ 146 ዝሰፈረ ዝጠሓሱ፣ ወይ

(5) ብመሰረት እዚ አዋጅ'ዚ ወይ ካልኣት ዝምልከቶም ሕግታት ዝተሓገገ ተቐጻጻሪ ኩነታት ሰራሕ ዝሃቡ ትእዛዝ ዘዩኸበረ፡ ወይ ንዝምልከቶም ሰብ መዚ ኮነ ኢሉ ግጉይ ሓበሬታ ወይ መግለጺ ዝሃበ፣

ክሳብ 1200.00 ናቕፋ ዝበጽሕ ናይ ገንዘብ መቐጻዕቲ፡ ወይ እቲ በደል ዝፈጸመ ሰራሕተኛ ወይ አስራሒ ዝውክሎ ሰብ ምስ ዝኸውን ክሳብ 500.00 ናቕፋ ዝበጽሕ ናይ ገንዘብ መቐጻዕቲ ይቐጸዕ።

ዓንቀጽ 157. ነዚ አዋጅ'ዚ ብምጥሓስ ዝፍጸሙ በደላትን ገበናትን

(1) ነዚ አዋጅ'ዚን (ዓናቕጽ 155-156) ብመሰረት እዚ አዋጅ'ዚ ንዝወጹ ሕጋጋትን ብምጥሓስ ዝፍጸሙ በደላት ብቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ

ተሰማረም ይውሰኑ። ተበዳሊ ወይ ወኪሉ ወይ
ተቆጻጸሪ ኩነታት ስራሕ ንበደላት ዝምልከት ክሲ
ናብ ቀዳማይ ደረጃ ቤት ፍርዲ ዕዮ ናይ ምቕራብ
መሰል ይህልዎም።

(2) ነዚ አዋጅ'ዚን ብመሰረት'ዚ አዋጅ'ዚ ንዝወጹ
ሕጋዊትን መምርሒታትን ብምጥሓስ ዝፍጹሙ
ገበናት ስልጣን ናብ ዘለዎ ናይ ገበን አብያተ
ፍርዲ ይቐርቡ።

ዓንቀጽ 158. ናይ ግዜ ደረት

አብ ዓንቀጽ 157(1) ናይዚ አዋጅ'ዚ ዝተጠቐሰ ዝኾነ
በደል ካብ ዝተፈጸመሉ ዕለት ጀሚሩ ሓደ ዓመት
እንተሓለፉ ክሲ ምቕራብ አይፍቀድን።

ምዕራፍ 2. ሕግታት መሰጋገሪ እዋን

ዓንቀጽ 159. ናይ ስራሕ ክርክራት

እዚ አዋጅ'ዚ ቅድሚ ምእዋጅ አብ ሚኒስትሪ ወይ
አብ ዝኾነ ናይ ስራሕ ክርክራት ክጻገዩ ስልጣን
ዝተሞህቦም ካልኣት አካላት ተወንዚሮም ዝጸንሑ ናይ
ስራሕ ክርክራት እዚ አዋጅ'ዚ ቅድሚ ምእዋጅ
ብመሰረት ዝነበሩ ሕግታት በፋም አካላት ይውሰኑ።

ዓንቀጽ 160. ሓባራዊ ስምምዓት

ድንጋጌታት ዓናቕጽ 109፣ 110፣ 111 ናይዚ አዋጅ'ዚ
ዝተሓለዉ ኮይኖም፣ እዚ አዋጅ'ዚ አብ ግብሪ ቅድሚ
ምውዓሉ ክስርሓሎም ዝጸንሑ ሓባራዊ ስምምዓት፣
ብመሰረት እዚ አዋጅ'ዚ እንተዘይተመሓይሾም ወይ
ተተኪ እም፣ ግብራውነት ይህልዎም።



ዓንቀጽ 161. ማሕበራት ሰራሕተኞቻችን አስራሕትን

እዚ አዋጅ'ዚ ቅድሚ ምእዋጁ ብሕጊ ቆይመን ዝነበረ ማሕበራት ሰራሕተኞቻችን አስራሕትን ብመሰረት እዚ አዋጅ'ዚ ዳግም ክሳብ ዝቐማ ሕጋዊ ሰብነት ይህልወን።

ዓንቀጽ 162. አዋጅ ኣብ ግብሪ ዝውዕለሉ

እዚ አዋጅ'ዚ ኣብ ጋዜጣ አዋጃት ኤርትራ ተሓተመ ካብ ዝወጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል።

አስመራ፡ ሕዳር 15/2001
መንግስቲ ኤርትራ



ናይ አካል ጉድለት ሰሌዳ

<u>ጉድለት</u>	<u>ጉድለት ብሚእታዊት</u>
1. ጉድለት ክልተ የሚንቲ	100%
2. ጉድለት ሓንቲ ዓይኒ	50%
3. ጉድለት ሓንቲ ዓይኒ ናይ ሓደ ዓይኒ ተጉዲኡ ዝነበረ ሰብ	75%
4. ጉድለት ሓንቲ እዘኒ	30%
5. ጉድለት ክልተ አእዛን	60%
6. ጉድለት ሓንቲ እዘኒ ናይ ሓደ እዘኒ ተጉዲኡ ዝነበረ ሰብ	45%
7. ጉድለት ናይ ክልተ ምናት	100%
8. ጉድለት ናይ ክልተ ምናት ወይ ኩለን አጸብዕን ክልቲኤን ዓባይ-ዓባይቶን	100%
9. ጉድለት አእጋር	100%
10. ሙሉእ መልመስቲ አካል	100%
11. ምድናስ ወይ ብዓረቢያ ምጥቃም ዘስዓበ ጉድለት	100%
12. ብፍጹም ምሉእ ዘይኮነ ጉድለት ዘስዓበ ካልእ መጉዳእቲ	100%
13. ጉድለት ምናት ኣብ ትሕቲ መንኩብ	75%
14. ጉድለት ምናት ኣብ መንኳ መንኩብን ኩርናዕ ኢድን	75%
15. ጉድለት ኣብ ኩርናዕ ምናት	75%
16. ጉድለት ትሕቲ ኩርናዕ ምናት	75%

17.	ጉድኣት ኣብ መንጎ ኩርናዕን ጉንቦ ምናትን	70%
18.	ጉድኣት ጉንቦ ምናት	70%
19.	ጉድኣት ኣርባዕተ ኣጸብዕን ኣንጉሪ ዓባይ-ዓባይቶን	70%
20.	ጉድኣት ኣርባዕተ ኣጸብዕ	60%
21.	ጉድኣት ዓባይ-ዓባይቶ (ሀ) ክልተ ኣዕጽምቲ ኣጸብዕ	50%
	(ለ) ኣደ ዓጽሚ ኣጸብዕ	30%
22.	ጉድኣት መመልከቲት ኣጸብዕ (ሀ) ሰለስተ ኣዕጽምቲ ኣጸብዕ	35%
	(ለ) ክልተ ኣዕጽምቲ ኣጸብዕ	25%
	(ሐ) ኣንጉሪ ዓጽሚ ኣጸብዕ	20%
23.	ጉድኣት ማእከላይ ኣጸብዕ (ሀ) ሰለስተ ኣዕጽምቲ ኣጸብዕ	25%
	(ለ) ክልተ ኣዕጽምቲ ኣጸብዕ	20%
	(ሐ) ኣደ ዓጽሚ ኣጸብዕ	15%
24.	ጉድኣት ኣጸብዕ ቀለበት (ሀ) ሰለስተ ኣዕጽምቲ ኣጸብዕ	20%
	(ለ) ክልተ ኣዕጽምቲ ኣጸብዕ	15%
	(ሐ) ኣደ ዓጽሚ ኣጸብዕ	10%
25.	ጉድኣት ኣጸብዕ ሕንጥልሕንጥልይቶ (ሀ) ሰለስተ ኣዕጽምቲ ኣጸብዕ	20%
	(ለ) ክልተ ኣዕጽምቲ ኣጸብዕ	15%
	(ሐ) ኣደ ዓጽሚ ኣጸብዕ	10%
26.	ጉድኣት ኣብ መንጎ ጉንቦ ምናትን ኣጸብዕን (metacarpalis) (ሀ) ቀዳማይ ወይ ካልኣይ (ብድምር)	20%
	(ለ) ሳልሳይ ራብዓይ ወይ ኣመሻይ (ብድምር)	15%

27.	ምሉእ ጉድኣት እግሪ	75%
	ጉድኣት እግሪ	
	(ሀ) ኣብ ብርኪ ወይ ልዕሊ ብርኪ	65%
	(ለ) ትሕቲ ብርኪ	55%
28.	ጉድኣት ካብ ግምቦ እግሪ ንታሕቲ ዘሎ ኣካል እግሪ	50%
29.	ጉድኣት ኣጸብዕ እግሪ	
	(ሀ) ብምሉእ ኣብ ሓደ እግሪ	35%
	(ለ) ሓንቲ ዓባይ-ዓባይቶን ክልተ ኣዕጽምቲ ኣጸብዕን	20%
	(ሐ) ሓንቲ ዓባይ-ዓባይቶን ሓንቲ ዓጽሚ ኣጸብዕን	10%
	(መ) ብዘይካ ናይ ዓባይ-ዓባይቶ ንነፍሲ-ወከፍ ዝያዳ ናይ ሓንቲ ኣጸብዕ እግሪ	10%

Proclamation No. 118/2001

The Labour Proclamation of Eritrea

Title 1

Preliminary

Article 1. Short Title

This Proclamation may be cited as " the Labour Proclamation of Eritrea No. 118/2001".

Article 2. Repealed Laws

The Labour Proclamation of Eritrea No.8/1991 and all other laws issued in accordance with it or to amend it are hereby repealed and replaced.

Article 3. Interpretation

Unless the context otherwise requires, in this Proclamation:

- (1) " Employee" means any person who renders services of a physical or intellectual nature, for a definite or indefinite period under the direction of an employer for an agreed amount of remuneration based on a contract of employment.

Contracts of employment of the following nature shall not be administered under this Proclamation:

- (a) members of the military, police and security forces;
- (b) members of the Eritrean civil services;
- (c) judges and prosecutors; and

(d) persons holding managerial positions who directly engage in major managerial functions of an undertaking and have power delegated to them by law or contract of employment to make decisions on behalf of the undertaking.

Contracts of employment of employees of state-owned or state-run profit-making undertakings and of employees in projects run by Government agencies shall, however, be governed by this Proclamation, although the highest level of administration of the said undertakings or projects may be under civil service.

- (2) "Apprentice" means any person who enters into a contract to give his services to an employer in return for vocational training.
- (3) "Young employee" for the purpose of this Proclamation means a person above the age of fourteen and below the age of eighteen years.
- (4) "Job seeker" means any person able and willing to work and aged eighteen years or over.
- (5) "Employer" means any person with a legal or physical personality who employs another under a contract of employment.
- (6) "Industrial undertaking" means public or private undertaking and any branch thereof and includes particularly:
- (a) agriculture, forestry and fishery;
 - (b) mining and quarrying;

- (c) manufacturing;
 - (d) electricity, gas, water and geothermal power;
 - (e) construction works, roads and other similar undertakings;
 - (f) wholesale and retail trade, restaurants and hotels;
 - (g) transport of people and goods by sea, air, and land and services of storage and forwarding of goods from and to carrier stations and other forms of communication;
 - (h) financing, insurance and business services; and
 - (i) social and personal services.
- (7) "Essential services" means the following undertakings that render indispensable services to the public in general:
- (a) undertakings that supply water and carry out city cleaning and sanitation services;
 - (b) undertakings that supply electric power;
 - (c) fire brigade services;
 - (d) hospitals, clinics, suppliers of medicine and pharmacies; and
 - (e) telecommunications services.
- (8) "Contract of employment" means a written or oral contract entered into by an employee and employer, for a definite or indefinite duration, whereby the employee agrees to render services of a physical or intellectual nature to the employer, under the direction and control of the employer, for agreed remuneration payable by the employer.
- (9) "Contract of apprenticeship" means a contract whereby an apprentice renders services to an employer while

acquiring a special skill and receiving an agreed amount of pocket money.

- (10) "Conditions of work" means the entire field of employee-employer relations and shall include, without limitation, hours of work, wages, annual and other forms of leave, payments due for dismissal, safety and health measures for employees, compensation to employees for occupational diseases or accidents, redundancy, disciplinary and grievance procedures and any other employee benefits and responsibilities.
- (11) "Regular hours of work" means hours of work agreed upon in a contract of employment entered into by the employer and employee based on Articles 48-50 of this Proclamation.
- (12) "Over-time work" means work performed in excess of the regular hours of work.
- (13) "Perdiem" means daily allowances due to an employee for transport, food and lodging expenses for work performed outside his regular place of work.
- (14) "Annual leave" means a definite number of work days in a year where a worker is on holiday with pay.
- (15) "Remuneration" means all payments due to an employee for rendering services to an employer but does not include;
 - (a) any sum paid to the employee to reimburse him for

special expenses incurred by him in the course of his employment; and

- (b) compensation for service and other compensation payments received because of termination of a contract of employment.

(16) "Wages" means an amount paid to an employee by an employer in cash for services rendered during regular hours of work based on the contract of employment and includes:

- (a) any payments made on the basis of a commission, as agreed upon by the employee and the employer, calculated as percentage of the total volume of work or specific mission; and
- (b) allowances paid for accomplishing tasks in areas designated as hardship areas by the government, due to their severe conditions.

(17) " Forced Labour" means any service which a person performs involuntarily due to the coercion of another person and includes the following:

- (a) any work performed by a young person contrary to the provisions of this Proclamation; and
- (b) any work performed involuntarily merely because of someone's influence as a result of his holding a public office or traditional status of chieftaincy.

Compulsory national service, normal civic obligations, forced labour as provided for in the Penal Code, communal services and services rendered during emergency may not, however, be regarded as forced labour.

- (18) "Working month" means twenty-six working days.
- (19) "Association of employees or employers" means any organization of employees or employers, whose principal object is to follow-up relations between employees and employers and includes the federation of two or more associations, as well as the confederation of two or more federations.
- (20) "General association" means an association formed by employees in undertakings engaged in similar activities which have less than twenty employees each.
- (21) "Collective agreement" means a written agreement entered into between an employer or employers and the representatives of employers or employees, pertaining to conditions of work, benefits, rights and obligations of the employees and the employer.
- (22) "Collective bargaining" means all free bargaining between representatives of an employer or employers and employees, including bargaining on:
- (a) working conditions and details pertaining to employment relations;
 - (b) terms of employment; and
 - (c) relations between associations of employees and employers.
- (23) "Labour dispute" means any dispute between employee and employer or employees and employers or between an employers' association and an employees'

association regarding the conditions of work.

- (24) "Conciliation" means the resolution of any labour dispute by voluntary settlement of the disputants, including conciliation through a third party.
- (25) "Conciliator" means a person assigned by the disputants or the Ministry to settle a dispute by conciliation.
- (26) "Arbitration" means the process whereby the parties to a dispute voluntarily entrust the determination of a labour dispute in accordance with the principles of the law to a third person or persons.
- (27) "Individual labour dispute" means a claim of an aggrieved employee arising out of the violation or alteration of provisions contained in laws, regulations, work rules or individual contracts of employment and the non-application of established practices by the undertaking.
- (28) "Collective labour dispute" means any claim arising out of the interpretation or the improvement of existing conditions or benefits contained in laws, regulations, collective agreements or work rules and any dispute involving questions of representation of the employee or the employer in the process of collective bargaining.
- (29) "Employment injury" means injury sustained due to an accident or disease contracted because of an employment.

- (30) "Disability" means disability sustained from employment.
- (31) "Strike" means the cessation of work by employees acting in concert in order to influence the employer to accept certain conditions of work in connection with a labour dispute.
- (32) "Lock-out" means the closing of a place of employment or the stoppage of work by the employer, thereby refusing wholly or partially to continue to employ all or any number of employees in order to influence those employees to accept certain conditions of work in connection with a labour dispute.
- (33) "Minister" and "Ministry" means the Minister and Ministry of Labour and Human Welfare, respectively.
- (34) "Conciliation branch" means a labour relations unit of the Ministry assigned to settle labour disputes through conciliation.
- (35) "Labour Relations Board" means a board with judicial powers established by the Minister to hear and decide claims and appeals pursuant to Article 127 (1) and (2) of this Proclamation, respectively.
- (36) "Offense" means an infraction to be penalized by fine by the First Instance Labour Court.
- (37) "Advisory Board" means an organ established to advise the Minister on, inter alia, labour policy, the

implementation of this Proclamation and proposals of laws and regulations.

(38) " Inspector" means a person who is appointed by the Ministry to fulfill tasks he is empowered to execute.

(39) "Medical Board" means a board of medical doctors established by the Ministry of Health.

(40) A word importing the masculine gender shall include the feminine as well.

Article 4. Scope of application

Employment relations between Eritrean employees and foreign diplomatic missions or international organizations operating in Eritrea shall be governed by the provisions of this Proclamation, unless other specific agreements to the contrary are concluded with the Eritrean Government.

Title II

**Employment of Job Seekers and work Permit
For Non-nationals**

Chapter 1. Employment of Job Seekers

Article 5. Rights of a Job Seeker

A job seeker may apply for a job through the employment services unit of the Ministry or a private employment agency, or directly to the employer.

Article 6. Right of an Employer During Employment

Any employer has a right to employ any job seeker by any one of the ways specified in Article 5 hereof.

Article 7. Protection of the Rights of Eritreans Working Abroad

The Eritrean Government shall exert efforts through its embassies and consulates to ensure that the rights and dignity of Eritreans working abroad are protected.

Chapter 2. Work Permit Conditions for Non-nationals

Article 8. Work Permits for Non-nationals

- (1) Non-nationals may not work in Eritrea without a valid work permit issued in accordance with guidelines issued by the Ministry. The conditions of employment of non-nationals shall be determined by directives issued by the Ministry.
- (2) A work permit issued to a non-national shall clearly show the type of work he is engaged in, the duration of his employment in Eritrea and such other details as may be required by the Ministry.
- (3) The Ministry may order the termination, cancellation or renewal of permits issued to non-nationals and may introduce in permits new conditions to be complied with.
- (4) The Eritrean Government may amend the provisions of this Chapter to harmonize them with bilateral agreements, international treaties or conventions it accedes to or ratifies.

Title III
Employment Relations

Chapter 1. Contract of Employment

Article 9. General

- (1) Notwithstanding any provisions in the Civil Code, any person fourteen years of age or older has the capacity to enter into a contract of employment.
- (2) No contract of employment shall be enforceable against a person below the age of eighteen if it is determined to be prejudicial to the interests of that person, and in such a case, such a young person shall not be liable for any damages against him arising from the contract.
- (3) A contract of employment concluded for more than a year shall be made in writing.
- (4) An employee who signs a contract of employment shall do so before two witnesses and place his signature or thumbmark beside the signatures of the two witnesses and the employer.
- (5) The rights of an employee may not be affected because of failure to conclude a written contract of employment.
- (6) An employer who engages in forced labour shall be punishable under the Penal Code.

Article 10. Elements of a Contract

- (1) A contract of employment shall, inter alia, specify the duration of the contract, the date of employment, the

type of work, the place of work, the rate of wages and other remuneration and the payment methods.

- (2) A contract of employment shall stipulate clearly the respective rights and obligations of the parties.
- (3) Conditions of work laid down in this Proclamation and in collective agreements which are advantageous to the employee shall be deemed to be an integral part of the contract of employment.
- (4) Terms in a contract of employment which do not conform with the provisions of this Proclamation or provide less favorable conditions than those provided by law shall be null and void.
- (5) Work rules in force in an undertaking shall be specifically mentioned in the contract of employment as part thereof.
- (6) Inventions made by an employee during the work done by him in the service of his employer shall belong to him, unless the employee has been expressly engaged for conducting research or making inventions. Inventions made by an employee engaged expressly for conducting research or making inventions during the work done by him in the service of the employer shall, however, belong to the employer. Any contrary provision in a contract of employment shall be void.

Article 11. Duration of Contract of Employment

- (1) The duration of a contract of employment may be:
 - (a) for an indefinite period; or
 - (b) for a definite period; or
 - (c) for a period required to carry out a definite piece of work; or
 - (d) for intermittent periodical work.
- (2) If the work is of a continuous nature, a contract of employment made for a definite period shall be deemed to be a contract made for an indefinite period.

Article 12. Probation Period

- (1) No probation period may exceed ninety consecutive days.
- (2) All conditions of work excluding those provided under Articles 29, 31 and 56(8) of this Proclamation shall apply to a person on probation.
- (3) Time lost by an employee due to failure of making the employee on probation commence his work on the basis of the contract of employment shall be calculated as part of the probation period.
- (4) An employee on probation found unfit for the job may be dismissed by the employer without notice and without severance pay.
- (5) An employee on probation who continues to work after the expiry of the probation period shall be deemed to have successfully completed it and employed on the basis of the contract of employment.

- (6) An employee on probation may terminate his contract of employment without notice.

Article 13. Renewal of Contract of Employment

- (1) The contract of employment of an employee for a definite period shall be deemed renewed for an indefinite period where the employee continues work after the termination of the said definite period.
- (2) A contract of employment deemed renewed under sub-article (1) hereof may, however, be terminated by the employer or employee without notice within three months from its date of renewal.

Article 14. Assignment to a different Job

- (1) An employee shall work in the type of job specified in the contract of employment.
- (2) Unless there is an agreement to the contrary, the employer may transfer the employee to a job other than that specified in the contract of employment in cases where a decisive benefit of the undertaking demands it at any time. Such a transfer may, however, not entail the reduction of wages or the lowering of the position of the employee.
- (3) Where the wages for the new job to which the employee is transferred are higher than those for the job specified in the employee's contract of employment, the employee shall be entitled to the initial wages for the new job.

Article 15. Change of Place of work

Where there is no agreement to the contrary in the contract

of employment and the employer finds it necessary to transfer an employee to another location, the employer may do so without reducing the employee's benefits and work status. The employer shall bear the transportation costs of the employee, his dependents and his household effects. Where the employee is transferred to an area designated by the government as a hardship area requiring additional remuneration, he shall be entitled to the said additional remuneration.

Article 16. Modification of a Contract of Employment

Conditions of work of a contract of employment not determined under this Proclamation may be modified by:

- (a) collective agreement; or
- (b) the written agreement of the parties.

Article 17. Transfer, Amalgamation, Division of Ownership or Organizational change of an Undertaking

- (1) Without prejudice to the provisions of Article 16 of this Proclamation, the transfer, amalgamation, division of ownership or organizational change of an undertaking may not have the effect of modifying a contract of employment.
- (2) The employer or owner of the undertaking shall have the responsibility of ensuring that all the rights of the employees are maintained during the transfer, amalgamation, division of ownership or organizational change of the undertaking.
- (3) An employee's status, seniority, wages and any other privileges acquired through his contract of employment

may be renegotiated after the transfer, amalgamation, division of ownership or organizational change of the undertaking.

Article 18. Temporary Suspension of Rights and Obligations Arising out of a Contract of Employment

- (1) The rights and obligations arising out of a contract of employment may be temporarily suspended on the grounds specified in sub-article (3) of this Article.
- (2) The temporary suspension of the rights and obligations arising out of a contract of employment may not interrupt or cancel the contract of employment. It shall, however, interrupt:
 - (a) the employee's obligation to work; and
 - (b) unless otherwise provided for in this Proclamation or in a collective agreement the employer's obligations to pay wages or provide other benefits and allowances to the employee.
- (3) The following shall be valid grounds for the suspension of rights and obligations arising out of a contract of employment:
 - (a) leave without pay granted by the employer upon request by the employee;
 - (b) leave of absence for the purpose of holding office in the federation or confederation of employees or social services, to which the employee is elected;
 - (c) national service or any other national call;
 - (d) full or partial suspension of the activities of the employer due to force majeure for a period of more than seven consecutive days; and
 - (e) detention of an employee for a period not exceeding thirty days, provided that the employer is notified

thereof within seven days or the employer can obtain such information by other means.

Chapter 2. Obligations of the Parties

Article 19. General

- (1) Employers and employees shall, in addition to all the obligations they assume under the contract of employment, perform the obligations enumerated under Articles 20 and 21 hereof, respectively.
- (2) Employers and employees may agree to establish norms for the exchange of information which may help increase the productivity of the undertaking.

Article 20. Obligations of an Employer

An employer shall have the following obligations:

- (1) to implement all the obligations of an employer enumerated in this Proclamation, in collective agreements and in work rules;
- (2) to provide work for the employee and, unless otherwise stipulated in the contract of employment, to provide him with tools and raw materials necessary for the performance of the work;
- (3) to respect the employee's dignity;
- (4) to take all the necessary occupational safety and health measures and to comply with the standards and directives to be given by this Proclamation or by the appropriate authorities in respect of these measures;
- (5) to bear the cost of medical examination, whenever such medical examination is required by law or the

- appropriate authority;
- (6) to take steps to ensure the training of the employee in the work he is employed for;
 - (7) to keep a register containing the relevant particulars specified in Article 10 (1) hereof, particulars of leave taken by an employee for health reasons, other leave, employment injury of the employee and other particulars required by the Ministry;
 - (8) upon the termination of a contract of employment or whenever the employee so requests, to provide the employee, free of charge, with a certificate stating the type of work he performed, the length of service, and, if the employee desires, the wages he was earning and the reason for leaving his job or an evaluation of his conduct and performance;
 - (9) to take appropriate measures early on to ensure that all work place premises and the processes of work do not become a source or cause of hazards to the health and safety of the employees;
 - (10) to provide employees with personal protective equipment and other necessary materials and instruct them on their use;
 - (11) to deduct from an employee's wages and remit membership dues to an employees' association upon the written authorization of the employee at the time of his registration as a member of the association; and
 - (12) to complete and send to the Ministry a report of engagement for a new employee within thirty working days after engagement.

Article 21. Obligations of an Employee

An employee shall have the following obligations:

- (1) to implement all the obligations of an employee specified in this Proclamation and in collective agreements and work rules;
- (2) to implement instructions given by the employer based on the terms of the employment contract and work rules;
- (3) to handle with due care all working tools and raw materials and return unused raw materials;
- (4) to abstain from activities which cause physical and mental incapacity during working hours;
- (5) to implement all health and safety instructions issued by an employer or by a concerned authority;
- (6) to utilize appropriately and with care appliances and devices provided for the protection of the safety and health of himself and other employees; and
- (7) to render assistance when an accident occurs or an imminent danger threatens his fellow employees or the employer's property without endangering himself.

Title IV

Termination of Contract of Employment

Chapter 1. General

Article 22. Principle

A contract of employment shall be terminated upon initiation by the employer or employee and in accordance with the provisions of the law or a collective agreement or an agreement of the parties.

Article 23. Non-Legitimate Grounds for the Termination of a Contract of Employment

The following may not constitute legitimate grounds for the termination by an employer of a contract of employment:

- (1) an employee's desire to hold office or his holding office as a representative of employees;
- (2) an employee's membership in an employees' association or his participation in its lawful activities;
- (3) an employee's submission of grievances or his participation in a proceeding before a court of law or a concerned authority against the employer;
- (4) an employee's race, colour, nationality, sex, religion, lineage, pregnancy, family responsibility marital status, political orientation or social status;
- (5) an employee's participation in the National Service or in a legally required public service activity;
- (6) an employee's absence from work due to an officially recognized medical doctor's certified illness or injury; and
- (7) an employee's refusal to work on a dangerous assignment ordered by his employer.

Article 24. Legitimate Grounds for the Termination of a Contract of Employment

A contract of employment may be terminated on the following grounds:

- (1) the death of an employee;
- (2) where the undertaking cannot continue to function due to the employer's death;
- (3) where the employee wishes to discontinue working for

the undertaking, unless there is agreement to the contrary;

- (4) where the period of a contract of employment expires;
- (5) where it is revealed that the employee had used forged documents or given false information to be employed in the employer's undertaking;
- (6) where an employee commits theft or breach of trust or any other crime related with his employment;
- (7) where an employee contracts a disease which is not related to his employment and absents himself from work for more than six months;
- (8) where the employee does not, in carrying out his work, show the technical knowledge, speed, honesty, interest and reliability that would reasonably be expected of him;
- (9) where an employee becomes redundant as a result of the reduction of the volume of work or the introduction of new technology and it is not possible to transfer the employee to another section of the undertaking;
- (10) where the undertaking ceases to function permanently due to bankruptcy, natural disaster, war or other causes;
or
- (11) where an employee absents himself from work without good cause for five consecutive days or for a sum of ten (10) days within a year.

Article 25. Termination by Agreement of the Parties or by Collective Agreement

- (1) A contract of employment terminates by agreement of the parties or on the basis of a collective agreement:
 - (a) where the contracting parties agree for termination;
or
 - (b) where an employee commits infractions constituting

causes for termination pursuant to a collective agreement.

- (2) Waiver by the employee of any of his rights under the law shall be of no effect in terminations effected by agreement of the contracting parties or on the basis of a collective agreement.
- (3) Termination by agreement shall be effective only if made in writing.

Chapter 2. Termination

Article 26. Justified Termination

- (1) An employer may terminate an employee's employment where the employee violates his obligations under Article 21 or pursuant to Articles 24-25 of this Proclamation.
- (2) The provisions of this Proclamation on notice for termination of a contract of employment (Articles 30 and 31) shall apply to termination effected under sub-article(1) hereof.

Article 27. Procedure for Justified Termination

An employer who terminates an employee's contract of employment under Article 26 hereof shall be bound by the obligation to:

- (a) notify the employee on disciplinary procedure at the time of engagement of the employee; and
- (b) give clear graded warnings in writing to an employee

who has committed any infraction and furnish evidence for the infraction committed by such employee.

Article 28. Unjustified Termination

- (1) An employer's termination of an employee's contract of employment in violation of Article 23 of this Proclamation shall be deemed unjustified termination.
- (2) An employer who terminates the contract of employment of an employee on grounds of unjustified termination shall be bound by the provisions of Article 29 of this Proclamation.
- (3) An employees' association leader dismissed due to his association leadership shall be reinstated.

Article 29. Compensation for Unjustified Termination

- (1) An employee whose contract of employment is unjustly terminated shall be entitled to compensation.
- (2) Compensation for unjustified termination shall be:
 - (a) for an employee, with uninterrupted service of, or uninterruptedly assigned on standby for up to two years, a day's pay for each month of service on the basis of his last month's pay; and
 - (b) for an employee, with uninterrupted service of, or uninterruptedly assigned on standby for more than two years, a month's pay for each year of service on the basis of his average monthly pay for the last year of service.
- (3) No compensation for unjustified termination may, however, exceed six months' pay of an employee

Article 30. Notice for Termination of Contract employment

- (1) Unless specifically provided for in a contract of employment, the period of notice for termination both for the employer and the employee shall be as follows:
 - (a) seven days' notice for a contract of employment which lasted for less than a year;
 - (b) fourteen days' notice for a contract of employment which lasted for one year up to two years;
 - (c) twenty one days' notice for a contract of employment which lasted for more than two years up to five years; and
 - (d) thirty days' notice for a contract of employment which lasted for more than five years.
- (2) The employer may, in lieu of notice, pay the employee a sum equal to the amount of wages the employee would earn during the period of notice.

Article 31. Termination which Requires no Notice

- (1) An employer shall have no obligation to give notice in the following circumstances:
 - (a) where an employee fails to fulfill his obligations under Article 21 (2) - (7) of this Proclamation; or
 - (b) where an employee dies; or
 - (c) where it is revealed that an employee had used forged documents or given false information to be employed in the employer's undertaking; or
 - (d) where an employee commits theft or breach of trust or any other crime related with his employment; or
 - (e) where an employee absents himself from work without good cause for five consecutive days or for

- a sum of ten (10) days within a year; or
 - (f) where an employee commits infractions constituting causes for termination pursuant to a collective agreements; or
 - (g) where an employee discloses secrets he had to keep.
- (2) An employee shall have no obligation to give notice in the following circumstances:
- (a) where an employer fails to fulfil his obligations under Article 20 (1)-(6) and (10) of this Proclamation; or
 - (b) where an employer commits an act against the employee punishable under the Penal code; or
 - (c) where he finds himself and his dependents exposed to a great danger or a disease he never anticipated from the employment; or
 - (d) where the pay day has been delayed for more than a week.

Article 32. Severance Pay

- (1) An employee whose contract of employment has been terminated according to the provisions of this Proclamation shall be entitled to severance pay.
- (2) An employee who has completed a year of service or more shall, upon the termination of his employment, be paid severance pay by the employer as follows:
 - (a) two weeks' wages for each of the first five years of employment;
 - (b) three weeks' wages for each year of employment after the fifth year up to and including the tenth year; and

(c) four weeks' wages for each year of service after the tenth year.

The severance pay of an employee who has served for less than a year shall be calculated at the rate of two weeks' wages per annum.

(3) The wages specified under sub-article (2) (a), (b) and (c) hereof shall be calculated on the basis of the last wage earned by the employee at the time of the termination of his employment.

(4) Irrespective of the grounds for the termination of his employment, an employee may not be deprived of his right for severance pay.

Title V

Special Contracts

Chapter 1. Contract of Apprenticeship

Article 33. Apprentice's Conditions of Employment

A contract of apprenticeship shall be in writing and shall, at least, include the following:

- (a) the vocational training an apprentice will get;
- (b) the duration of apprenticeship; and
- (c) whether pocket money is to be paid to an apprentice.

Article 34. Termination

(1) A contract of apprenticeship shall terminate pursuant to

the provisions of Articles 24-25 of this Proclamation or where, in the opinion of the employer, the apprentice is found to be incompetent in his training.

- (2) Where a contract of apprenticeship terminates, the contracting parties shall be bound by the provisions of this Proclamation on notice for termination of a contract of employment.
- (3) The provisions of Articles 29, 32 and 55 of this Proclamation shall not apply to a contract of apprenticeship terminated under sub-articles (1) and (2) of this Article.

Article 35. Application of Conditions of Work on an Apprentice

- (1) Unless otherwise provided in this Proclamation, conditions of work provided for in this Proclamation, in collective agreements and in work rules shall also apply to an apprentice.
- (2) The amount of pocket money to be paid to an apprentice, if any, shall be determined by the agreement of the contracting parties.
- (3) No apprentice may alone be assigned to hazardous work.

Article 36. Obligations of an Employer

An employer who engages an apprentice shall fulfill the following obligations:

- (a) to give the apprentice the training as required by the contract of apprenticeship;
- (b) to assign the apprentice only to the vocational training

- specified in the contract of apprenticeship:
- (c) to give directives to the apprentice and take necessary precautions to protect him from employment injury;
 - (d) to take all reasonable steps to safeguard the health and moral well-being of the apprentice; and
 - (e) to give the apprentice an appropriate certificate at the completion of the apprenticeship training, or prior to it, where the contract is terminated earlier.

Article 37. Obligations of an Apprentice

An apprentice shall fulfil the following obligations:

- (1) to perform his obligations under the contract; and
- (2) to diligently follow the instructions and directives given to him in the process of training and endeavour to complete his training successfully.

Article 38. Powers of the Minister

The Minister may issue regulations to control the conditions of training apprentices.

Chapter 2. Domestic Employees

Article 39. Domestic Employee

A domestic employee is a person primarily hired for the performance of household duties and chores, the maintenance of the home and the care and comfort of the members of the household and includes a domestic gardener, guard or driver.

Article 40. Powers of the Minister

The Minister may, by regulation, determine the provisions of this Proclamation which shall apply to all or to a category of domestic employees and the manner of their application.

Title VI
Minimum Labour Conditions

Chapter 1. Wages

Article 41. General

- (1) An employer shall pay equal starting wages for the same type of work.
- (2) Wages shall be determined by the contracting parties, but may not be less than the minimum wages fixed by a collective agreement in an undertaking.

Article 42. Forms of Payment of Wages

Wages may be paid in any one of the following forms:

- (a) time rate, that is, where the wages are paid on the basis of a unit time without particular regard to the result of the work done. The period may be in hours, a day, a week, a fortnight or a month;
- (b) lump sum, that is, where wages are paid for a definite piece of work, irrespective of the time required to complete it;
- (c) piece-rate, that is, where the quantity and quality of the work done are taken into account for the payment of wages;
- (d) combined piece and time rate, that is, where the quantity and quality of the work done within a given period are taken into account for the payment of wages;
- (e) job rate, that is, where the employee is paid for a specific amount of work within a specific period; and
- (f) commission, that is, where an employee receives an

agreed percentage or amount for each operation performed. This type of wages shall be earned as soon as the operation is completed. If, however, the activities of work give rise to various commissions, agreement may be reached for schedules of payment.

Article 43. Conditions of Payment for Idle Time

- (1) Unless otherwise provided for in this Proclamation or other relevant law, wages shall be paid only for work done.
- (2) Notwithstanding sub-article (1) hereof, an employee shall be entitled to his wages if he was ready but unable to work due to lack of supply of tools or raw materials or other reasons not attributable to him.

Article 44. Payment of Wages

- (1) Wages shall be paid to the employee or his legal representative on the day and at the place agreed by the parties, or on the habitual day and at the habitual place of payment.
- (2) Payment of wages shall be effected without interruption. Where payment is not effected on the due date, it shall be only delayed until the following working day.
- (3) If the payment date falls on a Sunday or a public holiday, payment shall be effected on the preceding working day.

Article 45. Deduction from Wages

- (1) The employer may not deduct from, attach or set-off the wages of an employee, except where it is provided

Chapter 2. Working Hours, Leave and Public Holidays

Article 48. Regular Hours of Work

- (1) Regular hours of work may not exceed eight hours a day and forty-eight hours a week.
- (2) The Minister may issue directives reducing regular hours of work for any economic sector, industries or occupations where there are special conditions of work. Such reduction may not entail reduction of the wages of an employee.

Article 49. Arrangement of Weekly Hours of Work

- (1) Hours of work shall spread equally over the working days of a week, provided that where the nature of the work so requires, the hours of work in any one of the working days may be shortened and the difference distributed over the remaining days of the week, without extending the daily limits of eight hours by more than two hours.
- (2) No work run by shifts may exceed eight hours per shift.

Article 50. Distribution of Hours of Work in Weeks

Where the circumstances in which the work has to be carried on are such that normal hours of work cannot be distributed evenly over a week, working hours calculated on the basis of average hours of work may be distributed over a period longer than one week, provided that the average number of hours worked over a four-week or shorter period may not exceed eight hours per day and forty eight hours per week.

otherwise by law or collective agreement or in accordance with a court order or an express written agreement of the employee.

- (2) In no case may the aggregate deduction or setoffs in any one month exceed one-fifth of the wages due to the employee in that month.

Article 46. Record of Payment

- (1) The employer shall keep a register of payment specifying the gross and net pay, other additional remuneration, the amount and types of deductions, and other relevant particulars, and where there is no special arrangement, showing the signature of the employee.
- (2) The employer shall have the obligation to make the register accessible, and to explain the entries thereof to the employee at the latter's request.
- (3) The fact that an employee has, without protest, received the net amount indicated on the register may not constitute waiver of his right to any part of his remuneration which was due.

Article 47. Perdiem

- (1) An employer who assigns an employee to travel and work temporarily outside his place of employment shall pay him agreed transport expenses and daily food and lodging allowances.
- (2) Where an employee travels and works temporarily in areas designated as hardship areas marked for extra allowance by the government, he shall be entitled to the extra allowance. The per diem may be increased by agreement of the parties.

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Article 51. Break for Relaxation and Meals

- (1) An employee shall have break for relaxation for a limited period between working hours, taking into consideration the nature and place of work. The break shall be part of the regular hours of work.
- (2) An employee shall have a meal break, taking into consideration the nature and place of work, but such break may not be part of the regular hours of work.

Article 52. Overtime work

- (1) An employer may make an employee work over time, provided he may not make the latter work overtime for more than two hours without the latter's consent.
- (2) Notwithstanding the provisions of sub-article (1) hereof, an employee shall be compelled to work overtime in the following instances:
 - (a) during an accident, actual or threatened;
 - (b) where there is urgent work;
 - (c) where force majeure occurs; or
 - (d) to substitute an absent employee assigned on work which runs continuously.

Article 53. Overtime Work Payment

- (1) An employee who works overtime between six o'clock in the morning and ten o'clock in the evening shall be paid at the rate of one and a quarter ($2\frac{1}{2}$) multiplied by the regular hourly rate. For overtime work from ten o'clock in the evening up to six in the morning, he shall be paid at the rate of one and one half (1.5) multiplied by the regular hourly rate.

- (2) An employee who works overtime on a weekly rest day shall be paid at the rate of two (2) multiplied by the regular hourly rate.
- (3) An employee who works overtime on public holidays shall be paid at the rate of two and one half (2 1/2) multiplied by the regular hourly rate.
- (4) Payment for overtime work shall be effected together with the payment of wages.

Article 54. Weekly rest

- (1) An employee shall, at the minimum, be entitled to a weekly rest of twenty-four consecutive hours in the course of each period of seven days.
- (2) The weekly rest period shall be Sunday, provided that undertakings that work on Sundays may replace it by another suitable day.
- (3) The Minister may issue regulations concerning the weekly rest of employees engaged in work of a special nature.

Article 55. Public Holidays

- (1) All public holidays recognized by law shall be paid public holidays. Where more than one public holidays fall on the same day, payment shall be made for only one holiday.
- (2) An employee who works on a public holiday shall be paid for each hour of work at the rate of two and a half (2½) multiplied by the regular hourly rate.

- (3) Where a public holiday falls on a rest day designated by this Proclamation or any other special law, the employee who works on such a day shall only be entitled to payment for a public holiday.

Article 56. Annual Leave

- (1) An employee shall, at the time he takes leave, be paid wages due to him for the period of leave.
- (2) An employee shall be entitled to annual leave with pay amounting to:
 - (a) fourteen working days for the first year of service; and
 - (b) fourteen working days plus one working day for each additional year of service.
- (3) Annual leave may not exceed thirty-five working days.
- (4) No postponement of annual leave shall be permitted. Annual leave may, however, be postponed to make up for unforeseen shortages or breakdowns.
- (5) An annual leave postponed under sub-article (4) hereof shall be taken after the cause of its postponement ceases to exist.
- (6) An employee may take his leave in parts if his employer agrees.
- (7) Where an employee falls sick during his annual leave, the provisions of this Proclamation on sick leave shall apply.

- (8) Unless there is an agreement to the contrary for each annual leave, annual leave shall be taken at a time convenient to the employee.
- (9) An employee whose contract of employment has been terminated under this Proclamation shall be paid wages in lieu of annual leave not taken. Where the employee has completed his probation period but not a year of service, he shall be paid wages in lieu of leave not taken proportionate to the length of time he has worked during the year.
- (10) Unless otherwise provided in this Proclamation and except with the consent of the employee, wages may not be paid in lieu of annual leave.

Article 57. Recall from Annual Leave

- (1) An employee who is on leave may be recalled only when unforeseen circumstances require his return to work.
- (2) A recalled employee shall be entitled either to resume his leave or to a payment covering the remainder of his leave.
- (3) Where an employee is recalled, the employer shall cover those reasonable expenses incurred by the employee as a result of the recall, including transport expenses and daily food and lodging allowances for the duration of the trip.

The travel time associated with a recall shall be considered normal work time.

Article 58. Leave for family Events

- (1) An employee shall be entitled to leave with pay for three working days where he marries or where his spouse, an ascendant, a descendant or another relative, whether by affinity or consanguinity up to the second degree, dies.
- (2) An employee shall be entitled to leave without pay for five consecutive days in cases where he encounters exceptional and serious occurrences.

Article 59. Association Leave

Employee association leaders shall be entitled to leave with pay for the purposes of labour dispute, litigation, collective agreement negotiation, association meetings, seminars or training courses.

Article 60. Leave for Special Purpose

- (1) An employee who appears at hearings before bodies competent to hear labour disputes or to enforce labour laws shall be granted leave with pay only for the time utilized for the said purpose.
- (2) An employee who exercises his civil rights or duties shall be granted leave with pay only for the time utilized for the said purpose.
- (3) The manner in which educational or training leave is to be granted and the form and extent of the financial

assistance to be given may be determined in a collective agreement or work rules.

Article 61. Obligation to Notify

An employee wishing to take leave in accordance with the provisions of Articles 58-60 of this Proclamation shall notify the employer in advance and present the necessary supportive evidence where the employer so requests.

Article 62. Sick Leave

- (1) Where an employee, after having completed his probation, is rendered incapable to work owing to sickness resulting other than from an employment injury, he shall be entitled to sick leave.
- (2) The leave referred to in sub-article (1) of this Article may not exceed six months counted consecutively or separately in any twelve-month period starting from the first day of the employee's sickness.
- (3) Where the employee absents himself from work on grounds of sickness, he shall, except where the employer is in a position to be aware of the sickness, notify the employer the day following his absence.
- (4) Unless otherwise provided in the collective agreement, the employee may exercise his right of sick leave provided he presents a valid medical certificate at the beginning of his sickness or subsequently thereafter.
- (5) The period of sick leave provided for in this Article shall

be granted in the following manner:

- (a) the first one month with 100% of his wages;
- (b) the next two months with 50% of his wages; and
- (c) the next three months without pay.

- (6) An employer shall bear no responsibility under this Chapter for the sickness of an employee which lasts more than six months.

Chapter 3. Working Conditions of the Disabled

Article 63. General

- (1) The Ministry and the associations of employees and employers shall bear responsibility to broaden the work and vocational training opportunities of the disabled and enable them to work according to their abilities.
- (2) The Minister may issue regulations to regulate the working conditions of the disabled, taking into consideration their different levels of ability and health.

Article 64. Equality of Opportunity or Treatment in Employment and Remuneration

- (1) A disabled person may not be discriminated against as regards opportunity or treatment in employment or wages solely due to his disability.
- (2) The Minister may, where a disabled person complains against discrimination pursuant to sub-Article (1) hereof, decide whether there is discrimination based

solely on disability. The Minister may, where he decides that there is discrimination, order the employer concerned to rectify the situation.

- (3) The disabled person or employer who is dissatisfied with the decision of the Minister may appeal against the decision of the Minister to the High Court within fifteen days from the day he receives a copy of the decision.

Chapter 4. Working Conditions for Women and Young Employees

Section 1. Equal Opportunity or Treatment of Women and Maternity Protection and Benefits

Article 65. General

- (1) Women may not be discriminated against as regards opportunity or treatment in employment and remuneration, on the basis of their sex.
- (2) The Minister may, where a woman complains against discrimination pursuant to sub-Article (1) hereof, decide whether there is discrimination on the basis of her sex. The Minister may, where he decides there is discrimination, order the employer concerned to rectify the situation.
- (3) The woman or employer may appeal against the decision of the Minister to the High Court within fifteen days from the day they receive a copy of the decision.

Article 66. Pregnancy and Maternity leave

- (1) A pregnant employee shall be granted leave

with pay for medical examination connected with her pregnancy provided, however, that she is obliged to present a medical certificate of her examination to her employer.

- (2) A pregnant employee shall be entitled to sixty consecutive days of paid maternity leave beginning from the next day of her delivery. She may, however, choose to take her maternity leave in two parts, one preceding her presumed confinement and the other after her delivery.
- (3) An employee who falls sick following the end of her maternity leave, shall be granted sick leave under Article 62 of this Proclamation.

Article 67. Working Conditions for a Pregnant Employee

- (1) A pregnant employee may not be assigned on night work between 10:00 P.M. and 6:00 A.M. and on overtime work.
- (2) Where a pregnant employee's job is dangerous to her pregnancy or health, she may, upon official medical certification, be transferred with the same wages to another temporary job. She shall be entitled to be reinstated to her former job after the end of her maternity leave.
- (3) An employer may neither terminate the contract of employment nor serve notice of termination to an employee on maternity leave or on sick leave that has arisen out of her pregnancy or confinement.

Section 2. Working condition of Young Employees

Article 68. General

- (1) It is prohibited to employ a person under the age of fourteen years.
- (2) A young employee may not be assigned to work between 6:00 P.M. and 6:00 A.M.
- (3) A young employee may not be made to work for more than seven hours per day.

Article 69. Employment Prohibited to a Young Employee

- (1) The Minister may, by regulation, issue a list of activities prohibited to young employees, including apprentices, which shall, in particular, include:
 - (a) work in the transport of passengers and goods by road, railway, air and sea and in docksides and warehouses involving heavy weight lifting, pulling or pushing or any other related type of labour;
 - (b) work connected with toxic chemicals, dangerous machines, electric power generation plants, transformers or transmission lines;
 - (c) underground work, such as mines, quarries and similar works; and
 - (d) work in sewers and digging tunnels.
- (2) Sub-article (1) of this Article shall not apply to any type of training carried out and supervised by a competent authority.

Chapter 5. Employment Injuries

Section 1. Responsibility for Employment Injuries

Article 70. General

- (1) An injury sustained by an employee during or in connection with his work as a consequence of an employment accident or an occupational disease, shall be compensated for by the employer according to the provisions of this Chapter.
- (2) The employer shall be liable, regardless of fault, for employment injuries sustained by an employee and such liability shall be determined in accordance with the provisions of this Chapter.
- (3) An employer using fixed machinery or engaged in mining, quarrying, transporting heavy burdens, extensive deforestation, construction or explosive work shall cover his employees with workers' compensation insurance. He shall be liable for an offense where he fails to do so.

Article 71. Employment Accident

An employment accident is any organic injury or functional disorder sustained by an employee as a result of any cause extraneous to the injured employee or any effort he makes during or in connection with the performance of his work and includes:

- (1) an injury sustained by an employee while carrying on the employer's orders, even away from the work place or outside his regular hours of work;

- (2) an injury sustained by an employee, before or after his working hours, because of obligations related to his work, or during any interruptions of work while in the work place or the premises of the undertaking, or while he is proceeding to or from the place of work in a transport service vehicle provided by the employer;
- (3) an injury sustained by an employee as a result of an action of the employer or a third party during the performance of his work, provided that where the work merely gives the employer or third party an opportunity to cause the injury, it may not be deemed to have been incurred in the performance of work; and
- (4) an injury sustained by an employee as a result of his violating work rules, the employer's orders or other similar directives to prevent an accident, to save life or to safeguard the employer's interest.

Article 72. Occupational Disease

- (1) A pathological condition, whether caused by physical, chemical or biological agents, which arises as a consequence of the type of work performed by the employee or the surroundings in which he works shall be considered an occupational disease.
- (2) Occupational diseases shall not include endemic or epidemic diseases which are prevalent and contracted in the area where the work is done, except in the case of an employee exclusively engaged in combating such diseases by reason of his occupation.
- (3) The Minister shall, in consultation with the Ministry of Public Health, issue schedules that are subject to periodic

revision listing diseases of occupational origin.

- (4) Notwithstanding the provisions of sub-article (3) of this Article, an employee shall be entitled to compensation if he establishes the occupational origin of a disease he contracts.

Article 73. Conditions where an Employer Bears no Responsibility

- (1) An employer shall not be liable for any injury which an employee intentionally causes to himself.
- (2) An injury resulting from the following acts shall, in particular, be deemed to be intentionally caused by an employee:
 - (a) without prejudice to the provisions of Article 71(4) of this Proclamation, non-obedience of express safety and health instructions or non-observance of the provisions of accident prevention rules especially issued by an employer; or
 - (b) reporting to work in a state of intoxication caused either by taking medicine not prescribed by a physician or alcoholic beverages or narcotic drugs.
- (3) With the exception of his obligations under Article 75 hereof, an employer is entitled to be reimbursed for all expenses he incurs from an employee who intentionally injures himself.

Article 74. Degree of Disablement and its Assessment

- (1) The degree of disablement shall be assessed by the Medical Board or any other certified physician based on the disablement chart annexed to this Proclamation as table No.1. Where the disablement chart is not clear on

any specific disablement the Medical Board shall bear the sole authority to assess it.

- (2) Where a disabled employee or an employee who has already suffered an employment injury sustains a new employment injury, his disablement shall be assessed only taking into account his new employment injury.
- (3) Where an employee sustains more than one of the listed in the disabilities chart, he shall be compensated for the sum of all of the disabilities, provided the sum total may not exceed 100%.
- (4) Disablement that has been assessed may be revised on the initiation of the employee or employer, in accordance with sub-articles (1) and (2) hereof, where the employee's condition deteriorates or improves or has been wrongly diagnosed.

Section 2. Services and benefits in the Case of Employment Injury

Sub-section 1. Medical Services

Article 75. First Aid and Funeral Expenses

An employer shall have the following obligations and at his own expense:

- (a) to provide an injured employee with prompt first aid;
- (b) to transport an injured employee by an adequate means of transportation to the nearest health center; and
- (c) unless otherwise provided in a collective agreement to pay a rational price for the coffin, the burial ground and the transportation of the remains of an employee who dies because of an employment injury.

Article 76. Medical Expenses

Where an employee sustains employment injury, the employer shall cover the expenses of the medical services listed below:

- (a) hospital and pharmaceutical care;
- (b) general and special medical and surgical care; and
- (c) any necessary prosthetic or orthopedic appliances.

Article 77. Duration of Medical Services

Medical services for an employee who sustains an employment injury shall cease in accordance with the decision of the Medical Board

Sub-section 2. Various Cash Benefits

Article 78. Compensation for Employment Injuries

- (1) An employee who has sustained employment injury shall be entitled to:
 - (a) periodic payments while he is temporarily disabled; and
 - (b) disability compensation where he sustains permanent disability.

- (2) The heirs of an employee who dies as a result of employment injury shall be entitled to compensation as provided under Article 81(3) (c) hereof.

Article 79. Periodic Payments

- (1) The employer shall pay for one year the periodic payments provided for under Article 78(1)(a) hereof.

- (2) The periodic payments referred to in sub-article (1) hereof shall be monthly at the rate of not less than seventy five percent (75%) of the employee's wages of the last month, starting from the day of injury up to twelve months.
- (3) The periodic payments payable to the injured employee under sub-article (2) of this Article shall be increased by five percent (5%) for each year of service, provided, however, that the increase may not exceed the employee's monthly wages.
- (4) Periodic payments shall cease when one of the following occurs first:
 - (a) when an injured employee is medically certified to be no longer disabled; or
 - (b) when an employee receives disablement compensation; or
 - (c) twelve months from the date an employee stopped work.

Article 80. Conditions for the Suspension of Periodic Payments

- (1) Periodic payments may be suspended where an injured employee who has claimed or is receiving payment commits any one of the following:
 - (a) refuses or neglects to submit himself to medical examination or in any way intentionally obstructs or unnecessarily delays such an examination;
 - (b) behaves in a manner calculated to delay his recovery; or
 - (c) violates directives issued by the competent authority which injured employees must observe.

- (2) The periodic payments shall recommence, as soon as the circumstances which cause the suspension cease, provided, however, that there may be no entitlement to back-pay for the period during which the suspension was in force.

Article 81. Amount of Compensation for Disablement

- (1) Disablement compensation payable to employees of undertakings which have introduced workers' compensation insurance pursuant to the provisions of Article 70(3) of this Proclamation shall, unless otherwise provided in a collective agreement, be equal to the workers' compensation insurance entered into on behalf of the employees by the employer, provided, however, that if the amount covered by the insurance is less than the amount provided for under sub-article (3) of this Article, the difference shall be covered by the employer.
- (2) Disablement compensation payable to an employee of an undertaking which has not introduced workers' compensation insurance shall be equal to the amount he is entitled to under sub-article (3) of this Article.
- (3) The amount payable by an employer for disablement compensation shall be as follows:
 - (a) where the injury sustained by an employee is permanent total disablement, a sum equal to six times his annual wages;
 - (b) where the injury sustained by an employee is permanent partial disablement, a sum equal to the percentile of disablement multiplied by six times

his annual wages; and

(c) where the injury sustained causes the death of an employee, a sum equal to five times his annual wages which goes to his heirs-at-law, provided, however, that the payment may not be less than fifteen thousand Nacfa (15,000.00).

(4) Disablement or death compensation due to an apprentice shall be calculated on the basis of the wages he would have qualified for after his apprenticeship.

Article 82. Date of Occurrence of an Employment Injury

(1) The date considered the date of occurrence of an employment accident is the day an employee is injured by the accident he encounters.

(2) The date considered the date of occurrence of an employment disease is the day the disease is clearly known, that is, the first day an employee loses his ability to work, the day he ascertains by a medical doctor's examination that he has contracted a disease or the day he dies because of the disease.

Article 83. Benefits not Taxable

The benefits paid under the provisions of this Chapter shall be exempt from any kind of tax.

Title VII

Social Security

Article 84. Social Security

The Minister has the power to issue regulations pertaining to social security.

Article 85. Power of the Minister

The Minister shall, after conducting the necessary study, present to the National Assembly a draft law governing the establishment and/or management of provident fund for employees.

Title VIII

Formation of Associations and Collective Bargaining

Article 86. General

- (1) Employees and employers shall have the right to form their respective associations and participate in their activities as members.
- (2) Employees and employers associations, respectively, shall have the right to frame their constitution, elect their representatives, organize their administration and set their programmes.
- (3) No measures of refusal or cancellation of registration or dissolution of any employees' or employers' association may be taken except in accordance with the provisions of Articles 94 to 97 of this Proclamation.

- (4) Employees' and employers' associations shall have the right to form their respective federations and confederations and participate in their activities as members.
- (5) Employees' and employers' associations, federations and confederations of employees and employers shall have the right to associate with international organizations of employees and employers, respectively.
- (6) Employees' and employers' associations and federations and confederations of employees and employers shall have legal personality upon their proper registration.

Article 87. Basic Principles of Employees' and Employers' Associations

- (1) An employee or employer shall have the right to be a member of an employees' or employers' association, respectively.
- (2) Leaders of employees' or employers' associations shall be elected freely by the members of the respective association.

Article 88. Rights of Leaders of Employees' Associations

- (1) The right to wage increment and promotion of a leader of an employees' association who absents himself from the work of the undertaking for the purpose of association duties may not be curtailed. The time spent on association duties shall be considered as part of his services for the undertaking.

- (2) Leaders of federation or confederation of employees shall be full-time paid employees of the federation or confederation. The federation or confederation shall also pay all service-related benefits that would be due to them during their tenure there.
- (3) A leader of a federation or confederation of employees whose services with the federation or confederation are terminated or completed shall be entitled to return to a job in the undertaking at least comparable to his former position. Where a leader of a federation or confederation of employees returns to a job in the undertaking, he shall be entitled to the general wage increases which might have been given in his absence and pension rights, if any.
- (4) Where a leader of a federation or confederation of employees returns to a job in his former undertaking pursuant to sub-article (3) of this Article, his former undertaking shall familiarize him with new working conditions, procedures and technology, if any.
- (5) In cases where implementing the provisions sub-articles (3) and (4) of this Article is impossible due to valid reasons, a leader who leaves his post of leadership from the federation or confederation of employees shall be adequately compensated by the federation or confederation, provided, however, that the undertaking he had been working for before becoming a leader of a federation or confederation of employees shall pay him severance pay and other dues in respect of rights he had acquired while working for the undertaking.

- (6) The provisions of sub-articles (3) - (5) of this Article shall not apply to a leader who leaves his post due to corruption, theft, embezzlement or betrayal of the purpose of the organization or the commission of a crime.

Article 89. Formation of Associations

- (1) Employees' associations may be established in an undertaking where the number of employees is twenty or more, provided, however, the number of members of an association may not be less than fifteen.
- (2) Employees who work in different undertakings which have less than twenty employees each but are engaged in similar activities, may join and establish a general association, provided, however, the number of members of a general association may not be less than twenty.
- (3) Employees' associations may jointly form federations and federations may jointly form confederations.
- (4) Employers may jointly form an employers' association, employers' associations may jointly form an employers' federation and employers' federations may jointly form an employers' confederation.
- (5) No employees' or employers' association may form a confederation without forming a federation.
- (6) Any level of association of employees or employers may establish offices as required.

Article 90. Functions of Associations

Associations shall formulate their own functions which may include:

- (1) observing the conditions of work and fulfilling the obligations set forth in this Proclamation, respecting the rights and interests of its members and representing members in collective negotiations and labour disputes before labour dispute settlement tribunals;
- (2) ensuring that laws, regulations and directives are known to, observed and implemented by members;
- (3) initiating laws and regulations pertaining to employers and employees and participating actively during their preparation and amendments;
- (4) discharging other functions provided for in their constitutions;
- (5) striving to develop and implement effective tripartite relations among the government, employers and employees; and
- (6) fostering the establishment of a sound working relationship between the employer and employees to improve the production capacity of the undertaking.

Article 91. Functions of Federations and Confederations

In addition to those functions mentioned in Article 90 hereof, federations and confederations shall have the following functions:

- (1) to strengthen the unity and spirit of co-operation of their members, participate in the determination or improvement of the conditions of work at the trade or industry level and encourage members to strengthen their participation in the construction of the national economy;

- (2) to represent their associations in national and international conferences; and
- (3) to discharge other functions provided for in their constitutions.

Article 92. Constitution of Association

Employees' and employers' associations shall frame their own constitutions. The constitutions may, inter alia, include the following:

- (1) the name of the association;
- (2) the address of the head office of the association;
- (3) the objectives of the association;
- (4) the date of formation of the association;
- (5) the rights and duties of members;
- (6) the emblem of the association;
- (7) the qualification for leadership of the association;
- (8) the financial and property administration of the association;
- (9) the meetings and election procedures;
- (10) the contribution of its members;
- (11) disciplinary measures; and
- (12) the conditions for dissolving the association.

Article 93. Registration of Associations

- (1) Every employee' and employers' association shall be registered by the Ministry in accordance with this Proclamation.
- (2) Every employees' and employers' association shall, upon its establishment, submit an application for registration to the Ministry attaching the following:
 - (a) the constitution of the association;

- (b) a document containing the names, addresses and signatures of its leaders;
 - (c) in the case of a general association, a document containing the names of undertakings where members are working;
 - (d) where the association is a federation or a confederation, a document containing the names, addresses and signatures of the leaders and the names of the member employees' or employers' associations; and
 - (e) a document containing the name and emblem of the association.
- (3) The Ministry shall issue a certificate of registration within one month of receiving a duly completed application together with the documents mentioned in sub-article(2) hereof. Where the Ministry does not respond within this period, the association shall be deemed registered.
- (4) Employees' and employers' associations registered by the Ministry in accordance with this Proclamation shall have the capacity to undertake the following activities:
- (a) to enter into contracts;
 - (b) to sue and be sued;
 - (c) to own, use and dispose of movable and immovable property;
 - (d) to represent members at any level; and
 - (e) to perform any legal act necessary for the attainment of its purpose.
- (5) An association which elects a new leadership shall

submit a document with the names, addresses and signatures of the new leaders to the Ministry.

- (6) An association which is not registered in accordance with the provisions of this Proclamation may not perform activities provided for in this Proclamation.

Article 94. Refusal to Register

The Ministry may refuse registration of an association on any one of the following grounds:-

- (1) where the association fails to fulfill the requirements for registration laid down in this Proclamation;
- (2) where one of the objectives of the constitution of the association is contrary to law; and
- (3) where the name of the association is identical with or so closely similar to the name of another association established prior to it as to confuse its members and the general public.

Article 95. Cancellation of Registration

(1) The Ministry may cancel the certificate of registration of an association on any one of the following grounds:

- (a) where the certificate of registration is obtained by deceit or given by mistake;
- (b) where any one of the objectives of the constitution of the association is found to be contrary to this Proclamation and the association is not willing to remedy or correct it;
- (c) where the association engages in activities prohibited under this Proclamation and is not willing to cease, remedy or eliminate such activities or acts; and
- (d) where the number of members of the association

decreases below the minimum required by this Proclamation and continues to be so for more than a year.

- (2) The Ministry may, upon request by an association, ensure that the association is dissolved in such manner as it deems appropriate.

Article 96. Notice for Cancellation of Registration

- (1) The Ministry shall, before canceling the registration of an association, give to the concerned association one month's prior notice, specifying the reason for the cancellation and providing the opportunity to oppose it. The Ministry may not specify any reason other than those enumerated in Article 95 hereof.
- (2) Where the one month period of notice provided for in sub-article (1) of this Article expires and the association does not oppose the notice or opposes it but is rejected by the Ministry, the Ministry may cancel the registration.

Article 97. Appeal

- (1) Where the Ministry refuses registration or cancels a registered association, the association may appeal to the High Court within fifteen days from the date of the receipt of the decision in writing. During the hearing the Ministry shall be given the opportunity to appear before the court and present its reasons for refusal or cancellation of registration.
- (2) Where the High Court rejects the refusal to register by the Ministry, the association shall forthwith be

registered by an order of the court, and where it rejects the cancellation of a registration by the Ministry, the registration shall be confirmed.

Article 98. Consequences of Cancellation of Registration

- (1) An association shall be deemed cancelled effective as of the date of the Ministry's refusal to register or cancellation of registration, if no timely appeal has been taken therefrom to the High Court, or effective as of the date that an appeal having been taken, is denied or dismissed by the Court.
- (2) An association the registration of which has been canceled pursuant to sub-article (1) of this Article shall be dissolved on the basis of the procedures of its constitution.

Chapter 2. Collective Agreement

Article 99. Collective Bargaining

- (1) An employees' association shall have the right to bargain a collective agreement with one or more employers or their associations in matters provided for in Article 102 hereof.
- (2) An employer or employers' association shall have the right to bargain a collective agreement with an employees' association or representatives of employees.

Article 100. Representation

- (1) The following shall have the right to represent employees during collective bargaining:

- (a) where there is an association of employees, the leaders of the association who are empowered to represent the employees in collective bargaining; or
- (b) where there is a general association of employees the leaders of the association who are authorized in accordance with the constitution of the association; or
- (c) where the undertaking has no association of employees, the employees delegated by the employees of the undertaking.

(2) The persons who represent the employer shall be the concerned employer or employers, their representatives or those who are delegated by one or more employers' associations.

Article 101. Advisors

A bargaining party to a collective agreement may appear with an advisor to assist him.

Article 102. Contents of Collective agreement

The following may, inter alia, be determined by collective agreements:

- (1) matters left by the provisions of this Proclamation or other laws to be regulated by collective agreements;
- (2) the conditions for the protection of occupational safety and health of employees;
- (3) employees' participation, particularly in matters regarding promotion, wages, transfer, reduction and discipline;
- (4) conditions of work and the procedure for making work

- rules and resolving grievances:
- (5) arrangement of working hours and break intervals during working hours;
 - (6) the introduction of ways and means for the promotion of production;
 - (7) improvement of the employees' educational standard and vocational skills; and
 - (8) the use of arbitration where a dispute arises between the parties on the interpretation of the collective agreement.

Article 103. Procedure for Collective Bargaining

- (1) A party wishing to conclude a collective agreement shall request the other party in writing. It shall also prepare and submit a draft necessary for the negotiation.
- (2) The invited party shall, within fifteen days of receiving the invitation, appear for collective bargaining.
- (3) The parties shall, before commencing collective bargaining, draw up the rules of procedure.
- (4) Each party shall have the duty to bargain in good faith.
- (5) Issues on which the parties cannot reach agreement by negotiation shall be submitted to conciliation, arbitration or to the competent labour dispute settlement body.

Article 104. Form of Collective Agreement

- (1) Every collective agreement shall be in writing and shall specify the parties.

- (2) Collective agreements shall, where there is a format prepared by the Ministry, adopt the format of such model.
- (3) Every collective agreement shall specify the date and place of its signature.

Article 105. Registration of Collective Agreement

- (1) The Ministry shall register any collective agreement.
- (2) After the signing of the collective agreement the parties shall submit two signed copies thereof to the Ministry for registration.
- (3) Where the collective agreement has a purpose or content contrary to law or does not fulfill the requirements of Article 104 hereof, the Ministry shall have the authority to refuse its registration.
- (4) Parties to a collective agreement have the right to jointly or severally appeal to the High Court where they are refused the registration of their collective agreement. The provisions of Article 97 hereof shall apply mutatis mutandis to such an appeal.
- (5) The Ministry shall, after the registration of the collective agreement, verify the authenticity of the agreement, affix its seal on it and give copies to each of the parties to the collective agreement.
- (6) Where the Ministry fails, within one month from the date of receipt of the collective agreement, to notify parties to the collective agreement in writing whether it

has registered it or not, the collective agreement shall be deemed registered.

Article 106. Accession

A collective agreement which has already been signed and registered may be acceded to by others.

Article 107. Duration of a Collective Agreement

The duration of a collective agreement may not be for less than one year or more than three years.

Article 108. Applicability of collective Agreement

(1) A collective agreement shall be effective after its registration according to Article 105 hereof.

(2) A collective agreement shall apply to all parties covered by it and to those other employees of the undertaking who are not members of the association.

(3) Unless otherwise replaced by another collective agreement, the conditions of work, benefits and rights stipulated in the collective agreement shall apply.

(4) Where the collective agreement is more favourable to the employees than those provided for by law in similar matters, the collective agreement shall prevail, provided, however, that where the law is more favourable than the collective agreement, the law shall be applicable.

Article 109. Challenge to the Collective Agreement

(1) No party may challenge the collective agreement or request for its amendment or termination before the

expiry of its agreed duration, provided, however, that upon the occurrence of a major financial change in an undertaking, a challenge to the collective agreement or a request for its amendment or termination may be initiated by either party and submitted to the Minister.

- (2) Where the Minister is convinced that a major financial change has occurred in an undertaking, he may propose that the two parties bargain on a challenge or request submitted to him under sub-article (1) of this Article.
- (3) Where the Minister proposes that the two parties bargain under sub-article (2) of this Article and they accept the proposal, the collective agreement shall remain in force until the parties arrive at a settlement.
- (4) An amendment made under sub-articles (1) and (2) of this Article shall not alter the duration of the collective agreement.
- (5) The parties to a collective agreement may, at any time, mutually agree to amend or modify it.
- (6) Any amendment or modification of a collective agreement effected under this Article shall be registered in accordance with Article 105 hereof.

Article 110. Labour Disputes Arising out of a Collective Agreement

Labour disputes which arise from the interpretation of the provisions of a collective agreement shall be resolved in accordance with the provisions of this Proclamation, provided, however, that where a grievance procedure has been stipulated in the collective agreement, such grievance procedure may be applied.

Article 111. Renewal of Collective Agreement

- (1) Unless otherwise provided in the collective agreement, a party desiring to amend, modify or renew the collective agreement shall notify the other party in writing, three months prior to the expiry of the duration of the collective agreement.
- (2) The party notified according to sub-article (1) of this Article shall appear for collective bargaining within fifteen days after receipt of the notice.

Article 112. Obligation of an Employer on the Bargaining and Implementation of a Collective Agreement

Every undertaking or an employer shall have the following obligations on the bargaining and implementation of a collective agreement:

- (1) to appear for bargaining when so required;
- (2) to submit all essential evidence and documents required during bargaining;
- (3) without prejudice to the provisions of Article 115 hereof, to refrain, during bargaining, from making any unilateral change on work rules, working conditions and any other conditions related to the employees' benefit and interest which may have a harmful effect on the employees;
- (4) in cooperation with the employees' association, to make every effort to help the employees understand the interpretation and application of the provisions of the collective agreement; and
- (5) unless the collective agreement provides for a lesser period, to meet with the employees' representatives every six months to evaluate the collective agreement.

Article 113. Obligations of an Association of Employees on the Bargaining and Implementation of Collective Agreement

Every association of employees shall have following obligations on the bargaining and implementation of a collective agreement:

- (1) to appear for bargaining when so required;
- (2) to entertain the opinions of the member employees on a draft collective agreement before submitting it for bargaining;
- (3) to make effort to help the employees understand the interpretation and application of the provisions of the collective agreement in cooperation with the employer;
- (4) unless the collective agreement provides for a less period, to meet every six months with the employer or his representatives to evaluate the collective agreement; and
- (5) without prejudice to the provisions of Article 114 hereof, to refrain during the bargaining, from making changes which adversely affect the undertaking.

Article 114. Exceptions

- (1) Where an association of employees which is a party to a collective agreement is dissolved, the collective agreement shall continue to be valid between the employer and the employees.
- (2) In the case of amalgamation of two or more undertakings, unless otherwise decided by the concerned parties:
 - (a) the collective agreement of the undertaking with more employees shall be applicable where undertakings which have their own collective

agreements are amalgamated; or

- (b) where only one of the undertakings had a collective agreement, that collective agreement shall be applicable to the undertaking which results from the amalgamation; or
 - (c) where the number of employees of all the undertakings is equal and each undertaking had its own collective agreement, the one more favourable to the employees in general shall be applicable to the amalgamated undertaking.
- (3) Where an undertaking is divided, each one of its divided parts shall be governed by the collective agreement of the undertaking until each one of them concludes a new collective agreement.

Title IX

Strike and Lockout and Unfair Labour Practices

Chapter 1. Strike and Lockout

Article 115. Strike and Lockout

- (1) Employees shall have the right to strike based on a labour dispute initiated to safeguard their rights and benefits recognized by this Proclamation or a collective agreement, while an employer, on his part, shall have the right to prevent all or part of his employees from working by way of a lockout based on a labour dispute, provided, however, there shall be no strike or lockout for the employees or the employer, respectively, in the following conditions:

- (a) in undertakings which provide essential services;
or
 - (b) in instances where conciliation or arbitration is in process to resolve a labour dispute between an employer and employees; or
 - (c) within fifteen days after the failure of a conciliation or an arbitration award being rendered; or
 - (d) in instances where a labour dispute between an employer and employees has been submitted to the Labour Relations Board or the High Court and thirty-one days have not lapsed without a decision being given thereon; or
 - (e) if the labour dispute has been decided upon by the Labour Relations Board or the High Court.
- (2) Without prejudice to the provisions of sub-article (1)
- (a) to (e) hereof, employees or an employer shall, respectively, notify five days in advance:
 - (a) the Ministry;
 - (b) the other concerned party; and
 - (c) the concerned Authority;
- that they will strike or lockout.

Article 116. The Legality of a Strike

Without prejudice to the provisions of Article 118 hereof, the following conditions must be fulfilled to hold a strike:

- (1) the strike must be called and supported by an association; or
- (2) in an undertaking where there is no association, more than half of the employees must be in agreement to hold the strike; or
- (3) in an undertaking where there is an association but the

majority of the employees are not members of the association, the agreement of more than half of the employees of the undertaking to hold the strike.

Article 117. Labour Dispute Resolution in Undertakings which Supply Essential Services

(1) Labour disputes that lead to a lockout or strike in undertakings which supply essential services shall be resolved by a committee which shall be established by the Minister.

(2) The committee to be established by the Minister under sub-article (1) hereof shall be composed of members from the government, associations of employees and associations of employers.

(3) Any party dissatisfied with the decision of the

committee established under sub-article (1) and (2) hereof may appeal to the Labour Relations Board within fifteen days from the date of the decision of the committee.

Chapter 2. Unfair Labour Practices

Article 118. Unfair Labour Practices on the Part of an Employer or Undertaking

It shall be unfair labour practice for an employer or undertaking to commit any one of the following acts:

(1) to change existing conditions of work to the detriment of the other party while labour dispute or collective agreement bargaining is in process in accordance with this Proclamation:

- (2) to apply pressure with the intent of coercing or urging the representatives of employees in a collective agreement bargaining to accept the proposal of the employer or undertaking;
- (3) to discriminate between employees as to conditions of work on the grounds of membership or involvement in an association of employees;
- (4) to induce employees by promise of benefit to refrain from being or ceasing to be members of an association of employees;
- (5) to interfere with the affairs of an employees' association;
- (6) to show lack of good faith in collective bargaining;
- (7) to discriminate on grounds of race, colour, social origin, nationality, sex, political orientation or religion;
- (8) to fail to execute immediately any agreement, decision or order;
- (9) to fail to procure any required evidence;
- (10) to obstruct or be a cause of delay for the smooth settlement of a labour dispute; or
- (11) to undertake an unlawful lockout.

Article 119. Unfair Labour Practice on the Part of Employees

It shall be unfair labour practice for an association of employees to commit any one of the following acts:

- (1) to use undue influence or promise of benefit in an attempt to induce any employee to become a member of an association of employees;
- (2) to intimidate, threaten or unduly influence an employee not to become or to cease from being a leader of an association of employees;
- (3) to apply pressure with the intent of coercing or urging

- an employee or the representative of an undertaking in a collective agreement bargaining to accept the proposal of the association of employees;
- (4) to show lack of good faith in collective bargaining;
 - (5) to fail to execute immediately an agreement, decision or order;
 - (6) to fail to produce any required evidence;
 - (7) to obstruct or be a cause for the delay of the smooth settlement of a labour dispute; or
 - (8) to go on an unlawful strike.

Title X Labour Dispute

Chapter 1. Types of Labour Dispute

Article 120. Collective Labour Dispute

Collective labour dispute may, inter alia, include the following:

- (1) wages and other benefits;
- (2) the introduction of new labour conditions;
- (3) collective agreement bargaining, its re-negotiation, duration and dissolution;
- (4) dispute on the interpretation of this Proclamation, collective agreement or work rules;
- (5) procedure for promoting employees;
- (6) matters generally affecting the employees and the viability of an undertaking;
- (7) complaints directed against steps taken by the employer on promotion, job transfer and training of employees; and

- (8) complaints raised on the issue of the reduction of employees.

Article 121. Individual Labour Dispute

Individual labour dispute may, inter alia, relate to the following:

- (1) claims in relation to dismissal from employment and other disciplinary measures;
- (2) claims in relation to the termination of an employment contract;
- (3) claims in relation to working hours, wages and other remuneration and leave;
- (4) claims in relation to the issuance of a certificate of employment; and
- (5) claims in relation to employment injuries.

Chapter 2. Labour Dispute Resolution

Section 1. Conciliation or Arbitration of Labour Disputes

Article 122. General Principles

Since any labour dispute which is prolonged and assumes undesirable features is harmful to the interests of employees and employers and to the economy of the country, every representative of employee or employer should assume responsibility for striving to resolve labour disputes in good faith, expeditiously and in a spirit of understanding.

Article 123. Conciliation at the Level of an Undertaking

- (1) Where any labour dispute arises, the parties or their representatives have the responsibility to meet at the place of work and make a serious preliminary effort to resolve the dispute in a spirit of understanding through conciliation.
- (2) The process of conciliation shall be carried out by establishing a conciliating body. The conciliating body shall comprise an equal number of representatives appointed by the parties and an extra chairperson appointed in turn by the representatives.
- (3) Notwithstanding the provisions of sub-article (2) of this Article, the mode of conciliation at the level of an undertaking may be determined by a collective agreement.
- (4) Where a dispute is resolved by conciliation at the level of an undertaking, the parties shall submit to the Ministry for registration, a document signed by them and the conciliators with a short resume explaining the case.

Article 124. Conciliation by the Ministry

- (1) The Conciliation Branch shall examine a labour dispute submitted to it for conciliation and attempt to resolve it through conciliation by conciliatory bodies which it establishes.
- (2) Where a labour dispute is resolved through conciliation, the Conciliation Branch shall register the conciliation agreement signed by both parties.

- (3) Where a labour dispute is not resolved through conciliation, the Conciliation Branch shall keep a detailed account of the dispute and supply verified copies to the parties upon request.

Article 125. Arbitration

Where the labour dispute of the parties is heard and decided by arbitration based on their collective agreement or an agreement reached after the occurrence of the dispute:

- (1) notwithstanding any law to the contrary, any party dissatisfied with the arbitral award or decision shall, within fifteen (15) days from the date the arbitral award or decision is given in writing, be entitled to appeal to the Labour Division of the Zonal Court where the case involves an individual labour dispute, or to the Labour Relations Board where the case involves a collective labour dispute;
- (2) the grounds of appeal shall be limited to those provided for appeals against arbitral decisions in the Civil Procedure Code;
- (3) an individual labour dispute heard and decided by arbitration shall be deemed to have been heard and decided by the first Instance Labour Court; and
- (4) a labour dispute resolved by arbitration shall be registered by the interested party with the Ministry within five days after the arbitral award or decision.

Section 2. Judicial Jurisdiction in labour Disputes

Article 126. The First Instance Labour Court

- (1) The First Instance Labour Court shall have first instance jurisdiction over the following:
 - (a) suits involving individual labour disputes except a labour dispute involving the termination of the contract of employment of an employees' association leader ;
 - (b) suits involving employment injury; and
 - (c) offences which are punishable under this Proclamation.
- (2) The First Instance Labour Court shall give its decision within thirty days from the date on which the claim or charge is submitted to it.
- (3) Any party dissatisfied with the decision of the First Instance Labour Court may, within thirty days from the date on which the decision is delivered, appeal to the Labour Division of the Zonal Court.

Article 127. The Labour Relations Board

- (1) The Labour Relations Board shall have first instance jurisdiction over the following cases:
 - (a) labour disputes relating to unfair labour practices;
 - (b) collective labour disputes;and
 - (c) a suit involving the dismissal by an employer of an employees' association leader.
- (2) The Labour Relations Board shall have appellate jurisdiction over the following cases:

- (a) appeals against arbitral awards on a collective labour dispute;
 - (b) appeals against the decision of the committee established by the Minister under Article 117 hereof; and
 - (c) appeals by an employer against an order given by an Inspector or measures taken by the Minister pursuant to Article 144(3) hereof.
- (3) Prior to the examination and decision of a dispute under sub-article (1) (a) and (b) hereof, the Labour Relations Board may try a reconciliation of the parties by assigning persons it believes to be competent and neutral within fifteen days after the case is submitted to it.
- (4) All findings of facts made by the Labour Relations Board in the process of hearing disputes shall be conclusive and final.
- (5) Except for a decision under Article 145(3) hereof, an appeal from a decision of the Labour Relations Board may be made to the High Court by an aggrieved party solely on questions of law which materially affect the Board's decision within thirty days from the date the decision is served upon the parties.

Article 128. The High court

- (1) The High Court shall have jurisdiction over appeals from the Labour Relations Board only on issues of law which materially affect the Board's decision.

- (2) Basing itself on the issues of the law, the High Court shall give its opinion on how the case should have been resolved and return the case to the Labour Relations Board so it can give its decision based on the opinion.
- (3) The High Court shall, within thirty days from the day the appeal is submitted to it, return an appeal to the Labour Relations Board with its opinion based on sub-article (2) of this Article.
- (4) The decisions which the High Court renders on appeals pursuant to Articles 64(3), 65(3), 97 and 105(4) shall be final and subject to no appeal.

Chapter 3. Establishment, Process and Powers of the First Instance Labour Court and the Labour Relations Board

Section 1. First Instance Labour Court

Article 129. Structure and Organization of the First Instance Labour Court

- (1) The Minister shall establish the First Instance Labour Court.
- (2) The Minister shall, in consultation with the Ministry of Justice, appoint the judges for the First Instance Labour Court.
- (3) While the judicial independence of the First Instance Labour Court shall be respected like any other court of the country, it shall be administered as part of the Ministry.

- (4) The First Instance Labour Court may comprise either three judges or one judge as the circumstances may require.
- (5) A First Instance Labour Court may be set up to serve one or two or more than two sub-regions and may work as a circuit court.
- (6) In places where labour dispute caseloads are excessive, numerous First Instance Labour Court benches may be set up and may be staffed by one or more registrars and assistant registrars.
- (7) The Minister shall assign the required registrars and assistant registrars for the First Instance Labour Court.
- (8) the First Instance Labour Court shall submit its annual work report to the Minister.

Article 130. Procedure and Powers of the First Instance Labour Court

- (1) The First Instance Labour Court shall follow court procedures observed by civil courts.
- (2) The First Instance Labour Court shall have powers similar to civil courts in the process of adjudication.
- (3) The First Instance Labour Court shall have the power to penalize by fine offenses punishable under this Proclamation.
- (4) First Instance Labour Courts shall have the power to

order the execution of conciliations registered by the Ministry.

- (5) Labour decisions shall follow the format observed by civil courts.

Article 131. Execution of Decisions of the First Instance Labour Courts.

First Instance Labour Court decisions shall be executed by the judgement execution office of the civil courts.

Section 2. The Labour Relation Board

Article 132. Establishment and Organization of the Labour Relations Board

- (1) The Labour Relations Board shall be composed of a chairman appointed by the Minister, two members representing the employees' associations, two members representing the employers' associations, as well as two alternate members each representing the employees' associations and the employers' associations.
- (2) A Labour Relations Board may be established by the Minister to serve one or two or, more regions or instead only one Labour Relations Board may be established at the national level.
- (3) The appointment procedure for the representatives of the employees' and employers' associations to the Labour Relations Board shall be jointly formulated and

issued by the Minister and the leaders of the highest levels of employees' and employers' associations.

- (4) The Minister shall assign a secretary and other necessary staff to the Labour Relations Board.
- (5) Members and alternate members of the Labour relations Board shall serve on part-time basis without remuneration. The Minister shall fix an expense allowance for attendance at meetings of the Labour Relations Board.
- (6) Members and alternate members of the Labour Relations Board shall be appointed for a term of three years, provided, however, that in making the initial appointments, the terms of one, two and three years, respectively, shall be specified such that in each subsequent year the terms of not more than one-third of the members and alternate members then serving shall expire in any one calendar year.
- (7) The Minister shall dismiss a Board member in case of negligence of duty or malfeasance in office and shall arrange for the appointment of a substitute for the remaining unexpired term based on sub-article (3) of this Article.

Article 133. Powers of the Labour Relations Board

The Labour Relations Board shall have the following powers:

- (1) to hear and decide claims and appeals based on Article 127 hereof;
- (2) to order any concerned person or organization to

- submit to it information and documents required by it while carrying out its duties;
- (3) to summon parties and witnesses to appear and to hear their testimony;
 - (4) to administer oaths or take affirmations of persons appearing before it and examine any such persons upon such oath or affirmation; and
 - (5) to enter the premises of any working place or undertaking during working hours in order to obtain relevant information, hear witnesses or require the submission of documents or other articles for inspection from any person in the premises, provided that, except in case of emergency, it shall give adequate advance notice to the undertaking or its representative.

Article 134. Work Directives

The Labour Relations Board shall issue its own internal working procedures and rules of evidence.

Article 135. Hearings

- (1) Before giving decisions, the Labour Relations Board shall afford the parties involved opportunity to present their cases and be heard. It shall give at least three working days' advance notice of the hearing to the parties and the notice shall contain the date and place of hearing.
- (2) The Labour Relations Board may proceed with the hearing where any one of the parties or any other person properly summoned to appear at hearing fails to appear at the fixed time and place. If failure to appear was for good cause or was not the fault of the person involved, the Labour Relations Board shall grant that

person a second opportunity to appear before it.

- (3) The Labour Relations Board shall not be bound by laws of evidence and procedure followed by the civil courts, provided, however, that it may use them whenever it deems them necessary.
- (4) Employers' and employees' associations and other parties notified to appear at a hearing may be represented by a rational number of their duly authorized representatives or appointed legal counsels as the Board may decide.
- (5) In reaching any decision, the Labour Relations Board shall take into account the substantial merits of the case, and need not follow strictly the principles of substantive law as followed by the courts.

Article 136. Decisions of the Labour Relations Board

- (1) The Labour Relations Board shall give its decision within thirty days from the date on which an appeal is lodged.
- (2) Decisions of the Labour Relations Board shall be in writing and signed by the majority of the Board members who concur therein. Dissenting opinions shall also be made in writing and signed by the dissenting member.
- (3) A copy of a decision of the Labour Relations Board shall be delivered to each of the parties involved within five days from the date of the decision.

Article 137. Execution of The Decisions of the Labour Relations Board

- (1) Decisions of the Labour Relations Board shall be executed by the judgement execution office of the civil courts.
- (2) Where a judgement of the Labour Relations Board relates to working conditions, it shall be part of the contract of employment, and the contract of employment shall be adjusted to that effect.

Article 138. Annual Report

The Labour Relations Board shall submit its annual report to the Minister.

Chapter 4. Court Fees

Article 139. Exemption from Fees

Claims or appeals submitted to a court by an association of employees or by an employee relating to labour disputes or unfair labour practices shall be exempt from court fees.

Title XI

Labour Administration

Chapter 1. Powers of the Minister

Article 140. The power to Issue Regulations

The Minister may issue regulations or directives necessary for the implementation of this Proclamation. He may, in particular, issue regulations or directives on the following:

- (a) occupational safety, health and the protection of the working environment;
- (b) standards of working conditions;
- (c) classification of hazardous occupations;
- (d) types of occupations which are particularly arduous and dangerous to the health and to the reproductive system of female employees;
- (e) the procedure for the reduction of employees;
- (f) unemployment insurance;
- (g) details of conditions of work for young employees, pregnant women and disabled persons;
- (h) types, programmes and tests of vocational training;
- (i) the working conditions of construction employees;
- (j) the method of classification of management and employees in government-owned undertakings; and

- (k) the requirements for the establishment and operation of private employment agencies.

Article 141. The Power to Administer and Organize

The Minister shall, in order to organize, coordinate, follow up and implement the labour administration system, among others, establish:

- (a) an employment service;
- (b) a labour inspection service;
- (c) a labour relations service; and
- (d) an advisory board.

Article 142. Power of the Minister in the Case of a Discriminated Employee

- (1) The Minister shall decide on any complaint submitted to him pursuant to Articles 64(2) and 65(2) hereof, after considering the complaint through a committee which he authorizes.

- (2) Subject to the provisions of Articles 64(3) and 65(3) hereof, a decision given by the Minister under sub-article (1) of this Article shall be executed by the execution office of the civil courts.

Chapter 2. The Labour Inspection Service

Article 143. The Labour Inspection Service

- (1) The Labour Inspection Service shall ensure the implementation of the provisions of this Proclamation and of regulations and directives issued in accordance with this Proclamation, other laws relating to labour relations, collective agreements and the decisions or orders given by the authorities responsible to determine labour disputes.
- (2) Labour Inspection Service shall include the supervision, execution, conducting of studies and research and preparation in accordance with this Proclamation and other laws, of working conditions, occupational safety, health and standards of work.
- (3) The Labour Inspection Service shall, in cooperation with concerned government bodies, supervise to ensure that a new undertaking under construction does not pose danger to the safety and health of workers.

Article 144. Powers and Duties of Inspectors

- (1) The Minister shall assign Labour Inspectors to
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carry out the duties of the Labour Inspection Service specified in hereof.
- (2) To implement the provisions of this Proclamation any

inspector shall have the power to enter, during working hours after identifying himself to the employer or his representative and carry on whatever inspection he deems necessary and, in particular:

- (a) to question any person alone or in the presence of any witness;
 - (b) to check, copy or extract any paper, file or other document;
 - (c) to ensure that relevant notices are affixed at the appropriate place of work;
 - (d) to take any sample of any matter in a work place and to test it to ensure that it does not cause injury to employees; and
 - (e) to photograph, measure, draw or test premises where employees work, tools or any other objects he deems essential and see or copy any document pertaining to premises or working tools in order to ensure the safety and health of employees.
- (3) Where the inspector finds that there is present, in or on the premises, plant, installations, machinery or equipment or in the working methods being followed therein, any condition which threatens the health, safety or welfare of the employees of such undertaking, he shall order the employer to take measures to correct such condition within a given period of time, provided, however, that where the danger is imminent and requires urgent measures, he shall inform the Minister and measures shall be taken immediately to avert it.
- (4) A Labour Inspector shall, at any time, whether during or after he leaves his employment, keep any secret of manufacturing, commercial or other working process

which may come to his attention in the course of performing his duties under this Proclamation.

- (5) A Labour Inspector shall perform his functions diligently and impartially. He shall take into account any reasonable suggestion given to him by employers and employees.
- (6) No Labour Inspector may supervise any undertaking which he owns or in which he has a vested interest.
- (7) No Labour Inspector may participate in a labour dispute or collective bargaining as a conciliator or an arbitrator.

Article 145. Appeal

- (1) Where an employer disagrees with the order given to him or measures undertaken according to Article 144(3) hereof, he shall be entitled to appeal to the Labour Relations Board within five working days. An appeal by the employer shall not of itself, suspend the execution of an order given or measures undertaken by the Inspector or Minister according to Article 144(3) to protect the health and safety of employees.
- (2) Where the period for an appeal to be submitted according to sub-article (1) of this Article lapses, an order given by an Inspector or measures undertaken by the Minister according to Article 144(3) hereof shall be executed by order of the Labour Relations Board.
- (3) The decision of the Labour Relations Board on an appeal pursuant to sub-article (1) of this Article shall be final and subject to no further appeal.

Article 146. Obstructions to an Inspector

An employer who obstructs an inspector from accomplishing his duties by the following actions shall be answerable for an offense:

- (a) preventing the inspector from entering a work place or from staying in the premises;
- (b) refusing to let the inspector examine records or documents necessary for his functions;
- (c) concealing data relating to employment accidents and the circumstances in which they occur; or
- (d) performing an act or omission which inappropriately delays or interferes with the discharge of the Labour Inspector's functions.

Chapter 3. Advisory Board

Article 147. Advisory Board

- (1) The Ministry shall issue directives to determine the structure and working procedure of the Advisory Board and the assignment of its members and their term of service.
- (2) The Advisory Board shall comprise members from the Ministry and the associations of employees and employers.
- (3) The Advisory Board shall, basing itself on studies, advise the Minister on developing labour policies, the implementation of this Proclamation, proposals for laws and regulations, developing labour relations and other essential matters for the administration of labour.

Title XII

Period of Limitation and Priority of Claims

Chapter 1. Period of Limitation

Article 148. Period of Limitation

- (1) Unless provided otherwise in this Proclamation or other relevant law, an action arising from an employment contract shall be barred by limitation after one year from the date on which the claim becomes actionable.
- (2) The relevant law on periods of limitation shall apply to matters for which a period of limitation has not been provided for in this Proclamation.

Article 149. Calculation of Period of Limitation

- (1) The period of limitation shall begin to run from the day following the day when the right may be exercised.
- (2) Whenever the last day of a period of limitation falls on a non-working day, it shall expire on the next working day.
- (3) Where a period of limitation has been interrupted, it shall start to run afresh as provided in sub-articles (1) and (2) of this Article.
- (4) Any party may waive his right to raise period of limitation as a defence after it has become effective.

Article 150. Interruption of Period of Limitation

A period of limitation shall be interrupted by:

- (1) an action taken before an authority responsible for the determination of labour disputes until a final decision is given thereon; or
- (2) a complaint taken before the competent authority responsible for the enforcement and application of this Proclamation until a final decision is given thereon in writing; or
- (3) a written admission or partial execution of the other party's right.

Article 151. Discretion of the Competent Authority

- (1) The authority responsible for the determination of labour disputes may accept an action after the expiry of a period of limitation, if it ascertains that the delay is due to force majeure, provided, however, that the action is submitted to it within fifteen days from the date the force majeure ceases to exist.
- (2) Without affecting the generality of the provisions of sub-article (1) of this Article, the following shall be good cause for disregarding a period of limitation:
 - (a) the illness of the concerned employee; or
 - (b) the participation of an employee in a national call;
or
 - (c) the transfer of an employee upon the order of an officially recognized authority to a place other than his residence; or
 - (d) the death of an employee.

Chapter 2. Priority of Claims

Article 152. Priority Over Other Debts

Unless otherwise provided by law, any claim of payment of an employee arising from an employment contract shall have priority over other payments or debts.

Article 153. Procedure of Payment of claims

- (1) Where an undertaking is liquidated or declared bankrupt, execution officers or agencies authorized by law or the court to execute such decision shall have the duty to pay the claims of the employees referred to in Article 152 hereof within thirty days following the decision of the competent authority.
- (2) Where the said claims are not met within the time set forth in sub-article (1) of this Article due to lack of funds, they shall be paid as soon as the funds become available.

Title XIII

Penalty and Transitory Provisions

Chapter 1. Penalties

Article 154. General

Unless the provisions of the Penal Code provide for more severe penalties, the penalties laid down in this Chapter shall apply.

Article 155. Offenses by an Employer

(1) An employer who:

- (a) causes an employee to work beyond the maximum working hours set forth in this Proclamation or contravenes in any manner the provisions relating to working hours; or
- (b) infringes the provisions of this Proclamation regulating weekly rest days, public holidays or leave;

shall be liable to a fine up to five hundred (500.00) Nakfa.

(2) An employer who:

- (a) fails to fulfill the obligations laid down in Article 20(4) of this Proclamation; or
 - (b) fails to keep records required by this Proclamation;
- shall be liable to a fine up to one thousand (1,000.00) Nakfa.

Article 156. Common Offenses

An employers' or employees' association which:

- (1) violates regulations or directives issued in accordance with this Proclamation relating to the safety and health of employees and exposes an employee to serious danger; or
- (2) fails to fulfil its obligations in accordance with the provisions of Articles 103, 112 and 113 of this Proclamation; or
- (3) contravenes the provisions of Articles 118 and 119 of this Proclamation; or
- (4) contravenes the provisions of Article 146 of this Proclamation; or

(5) fails to comply with an order given by an inspector pursuant to this Proclamation or other relevant laws or intentionally gives false information or explanation to the competent authorities;

shall be liable to a fine not exceeding one thousand two hundred (1200.00) Nakfa, or where the offense is committed by an employee or a representative of the employer, a fine not exceeding five hundred (500.00) Nakfa.

Article 157. Offenses and Crimes Committed in Violation of this Proclamation

(1) Offenses committed under this Proclamation (Articles 155 and 156) or under regulations issued pursuant to this Proclamation shall be heard and decided by the First Instance Labour Court. The complainant or his representative or an Inspector shall have the right to submit their complaints on the offenses committed to the First Instance Labour Court.

(2) Penal Code offenses committed in violation of this Proclamation or regulations or directives issued under this Proclamation shall be brought before the competent criminal courts.

Article 158. Period of Limitation

No offense proceedings under Article 157(1) hereof shall be instituted where one year has elapsed from the date on which the offense was committed.

Chapter 2. Transitory Provisions

Article 159. Labour Disputes

Labour disputes pending before the Ministry or any other authorities competent to adjudicate labour disputes prior to the coming into force of this Proclamation shall be decided by those bodies in accordance with the law in force before the coming into effect of this Proclamation.

Article 160. Collective Agreements

Without prejudice to the provisions of Articles 109, 110 and 111 hereof, collective agreements in force prior to the entry into force of this Proclamation shall continue to be effective, unless amended or replaced in accordance with the provisions of this Proclamation.

Article 161. Association of Employees and Employers

Associations of employees and employers established legally prior to the entry into force of this Proclamation shall continue to possess legal personality until re-established on the basis of this Proclamation.

Article 162. Effective Date

This Proclamation shall enter into force as of the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 15th day of November, 2001.
Government of Eritrea.

Table No. 1

Disability Chart

Injury	Disability in percentage
1. Loss of two eyes	100%
2. Loss of one eye	50%
3. Loss of one eye of a person who had only one eye	75%
4. Loss of one ear	30%
5. Loss of two ears	60%
6. Loss of one ear of a person who had only one ear	45%
7. Loss of two arms	100%
8. Loss of two hands or all fingers plus two thumbs	100%
9. Loss of feet	100%
10. Total body paralysis	100%
11. Injury which entails being bedridden or subjected to the use of a wheel chair	100%
12. Other injuries that result in indefinite total disability	100%
13. Loss of arm shoulder down	75%
14. Loss of arm between shoulder and elbow	75%
15. Loss of arm at elbow	75%
16. Loss of arm below elbow	75%
17. Loss of arm between elbow and wrist	70%
18. Loss of arm at wrist	70%
19. Loss of four fingers plus one thumb	70%

20. Loss of four fingers	60%
21. Loss of thumb:	
(a) two phalanges	50%
(b) one phalanx	30%
22. Loss of index finger:	
(a) three phalanges	35%
(b) two phalanges	25%
(c) one phalanx	20%
23. Loss of middle finger:	
(a) three phalanges	25%
(b) two phalanges	20%
(c) one phalanx	15%
24. Loss of ring finger:	
(a) three phalanges	20%
(b) two phalanges	15%
(c) one phalanx	10%
25. Loss of little finger:	
(a) three phalanges	20%
(b) two phalanges	15%
(c) one phalanx	10%
26. Loss of metacarpalis	
(a) first or second (sum)	20%
(b) third, fourth or fifth (sum)	15%
27. Total loss of leg	75%
Loss of leg:	
(a) on or above knee	65%
(b) below knee	55%



28. Loss of foot	50%
29. Loss of toes:	
(a) all in one foot	35%
(b) a thumb and two phalanges	20%
(c) a thumb and one phalanx	10%
(d) with the exception of the thumb for every toe in excess of one	10%

