

Family Leave: the Ethiopian Labour Law Perspective?

Description

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Family leave refers to leave allowed for family events such as birth of a child, conclusion of marriage, funeral and exceptional and serious events. A look at the Ethiopian Labour Law on family leave shall be the focus of this brief article.

Maternity Leave

Maternity leave refers to leave available to the mother for the birth of a child to be taken just before, during and immediately after child birth. The Ethiopian Labour Law grants a total of 120 consecutive days of maternity leave. The 120 consecutive days are divided into pre-natal leave of 30 consecutive days and post-natal leave of the remaining 90 days. Where a pregnant worker does not give birth within the 30 days of her pre-natal leave, the pregnant worker is entitled to an additional leave until her giving birth. However, if birth takes place before the expiry of the pre-natal leave, the 90 days of postnatal leave shall commence. Here the Ethiopian Labour Law on Article 88 Sub-article 3 and 4 interprets parental leave and postnatal leaves in sub-article 3 in consecutive days and on sub-article 4 in working days. The writer is of the opinion that the principle of maternity leave rests on Sub-article 3 of Article 88 which refers to prenatal and postnatal in consecutive days. Thus, sub-article 4 should be read in the same manner as consecutive days and not working days.

The Ethiopian Labour law does not restrict the leave for pregnant mothers only for prenatal and postnatal birth. In addition to prenatal and postnatal leaves, the pregnant employee is granted leave for medical examination connected with her pregnancy with the condition that she present a medical certificate. Moreover a pregnant worker shall, upon the recommendation of a physician, be entitled to a leave with pay.

Paternity Leave

Paternity leave refers to the leave granted only to the father for the birth of a child. A father employee shall be entitled to three consecutive days paternity leave. The Labour Law does not contain conditions to extend these three consecutive days if the birth of the child doesn't happen on the assigned days. Also the paternity leaves are consecutive days and not working days.

Leave for Marriage

Leave for marriage refers to the conclusion of marriage as legally recognized by law. The husband or wife employee is granted three working days of leave. Leave for honeymoon or customary invitations of the brides by different family members after the conclusion of marriage are excluded.

Leave for Funeral

Leave for funerals refers to leaves when close family members die. The Ethiopian Labour Law restricts family ties to spouse, descendants, ascendants, brother, sister, uncle, aunt, relative whether by consanguinity or affinity. The employee facing such deaths of family members is entitled to 3 working days of leave. Such leave does not extend to close neighbors, friends, or as the customary association 'Edir' requires attendance for burial or serving lunch or dinner.

Serious and Exceptional Leave

A worker shall be entitled to leave for up to five consecutive days in the case of exceptional and serious events. What is an exceptional and serious event? The Ethiopian Labour Law does not give a definition of it. What is included in serious and exceptional events may be determined by and between the employer and employee, work rules or conditions of work and on disagreement by the Ethiopian Labour Courts. However, such leave may be granted only twice in a budget year.

What percentage of earnings is received during the types of leave?

Except the serious and exceptional leave that will be taken without pay, the rest of the leaves are taken with full payment of wages.

To sum up the Ethiopian Labour Law contains family leaves that include maternity, paternity, leave for funeral, marriage and exceptional and serious events. The leaves for marriage and funeral are granted in terms of working days while the leaves for maternity, paternity and serious and exceptional leaves are taken in consecutive days. The full salary is paid for the leaves for maternity, paternity, leave for marriage and funeral whereas serious and exceptional leave is granted without pay.

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