

Labour Dispute: Lock-out and Strike in Ethiopia

Description

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Introduction

The Labour Proclamation No 1156/2019 recognizes the existence of labour disputes. The labour disputants are the employer or employer's association and worker or trade unions. The measures taken by the parties to a labour dispute can go as far as taking the measure of lock-out or strike. However, there are essential public services that are not subject to lock-out or strike. The primary means of resolving such labour disputes is conciliation. Thus in this short article, we try to see what a labour dispute consists of, the measures that can be taken by employer and employee in the form of lock-out or strike respectively, the exceptions in terms of essential undertakings that cannot undergo lock-out or strike and finally the conciliation procedure. A brief conclusion shall end the article.

Labour Disputes

Labour disputes can happen between a worker and an employer or trade union and employers' association. The subject of the dispute could be in respect of the application of law, collective agreement, work rules, employment contract. Any disagreement arising during collective bargaining or in connection with collective agreement is also a labour dispute.

Lock-out and Strike

Lock-out and Strike are enforcement mechanisms for an employer or employees to push down their agenda to be heard, negotiated and accepted by the other party. Lock-out is a measure that is taken by the employer. The employer will lock down or close the place of work with a view to persuading workers to accept certain labour conditions in connection with a labour dispute or to influence the outcome of the dispute. Strike on the other hand is a means available for workers whereby these workers persuade the employer or employers' association to accept their demand. So the workers through a strike slow-down the work by any number of workers in reducing their normal out-put on their normal rate of work or temporary halt work by any number of workers acting in concert in order to persuade their employer to accept certain labour conditions in connection with a labour dispute or to influence the outcome of the dispute.

Essential Public Services

Essential public services cannot be a subject of a lock-out or strike. The reason is because such essential public services are required to be provided without interruption to the general public. The list of the essential public services include a) air transport services; b) electric power supply c) water supply d) city cleaning and sanitation services e) urban light rail transport service f) hospitals, clinics, dispensaries and pharmacies g) fire brigade services and h) telecommunication services. The list is exhaustive. Therefore, in Ethiopia in the above 8 sectors of the economy neither the employer or the

employers' association nor the workers or trade unions call for lock-out or strike respectively.

Conciliation

When lock-out or strike happens, the labour law suggested conciliations as a means of resolving the dispute. The procedure of conciliation shall come into picture where the parties on their own effort could not bring a solution to their disputes. Conciliation is the recommended method of resolving disputes between workers or trade unions on one side and employer or employers' association on the other side. Conciliation requires the appointment of a third party conciliator by the disputant parties. If there is no agreement on the appointment of a common third party, then the parties can request the concerned labour office or any other competent authority in conciliation, to appoint a conciliator. The task of the conciliator will be to bring the parties together and reach an amicable solution to their labour dispute.

Conclusion

Labour disputes occur between employer and worker or their associations. Such a dispute can grow up to the point of lock-out or strike. When such strike or lock-out happens, the recommended method of dispute resolution is conciliation between the disputing parties. There is an exhaustive list of essential public services that are excluded from exercising lock-out or strike no matter what. This is aimed at keeping continuity of essential public services. When it comes to essential public services, the parties in dispute should resolve their issues without going to lock-out or strike.

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