FEDERAL NEGARIT GAZETTE
OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

Proclamation No. 923/2016
Ethiopia’s Overseas Employment Proclamation

WHEREAS, the Government’s commitment to create a favorable domestic condition for promoting employment opportunities for those who are able to work is intact, it has been found necessary to protect the rights, safety and dignity of Ethiopians who are willing to take-up overseas employment in pursuance of their qualifications and ability;

WHEREAS, it is believed that bilateral agreements with receiving countries may strengthen lawful overseas employment and could prevent human trafficking;

WHEREAS, it has become necessary to define the role of the private sector in overseas employment exchange services;

WHEREAS, it has become essential to enhance the role of the Government in the follow-up and monitoring of overseas employment exchange services;

WHEREAS, it has become necessary to replace existing Employment Exchange Services Proclamation with new Overseas Employment Proclamation;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is
hereby proclaimed as follows:

**PART ONE**

**GENERAL**

1. **Short Title**
   
   This Proclamation may be cited as the “Ethiopia’s Overseas Employment Proclamation No. 923/2016”.

2. **Definition**
   
   In this Proclamation, unless the context requires otherwise:

   1. “Private Employment Agency” or “Agency” means any person other than a Government body, which makes a worker available to an overseas employer by concluding a contract of employment with such a worker;

   2. “license” means a certificate of competence issued by the Ministry to an Agency enabling the latter to engage in providing overseas employment exchange services;

   3. “employer” means any person who employs one or more persons through an Agency or through Government arrangement or through direct employment in accordance with this Proclamation;

   4. “worker” means an individual who has a contractual relation with an employer or an Agency in accordance with this Proclamation and it may, as the case may be, include a job-seeker;

   5. “direct employment” means an employment relationship between an employer and a worker without the involvement of a Government organ or an Agency;

   6. “condition of work” and “occupational accident” shall have the meanings provided for under Labour Proclamation;

   7. “certificate of occupational competence” means a document issued by an authorized organ evidencing that the worker is capable of performing a particular task;

   8. “family” means a spouse, ascendants, descendants or relatives up to a second
3. **Scope of Application**

This Proclamation shall apply to:

1/ overseas employment relation of Ethiopians conducted by public employment organs, through Agency or on direct employment;

2/ Ethiopians travelling to abroad to engage in overseas contracts of house maid service for non-profit making purposes.

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**PART TWO**

PUBLIC EMPLOYMENT EXCHANGE SERVICE

SECTION ONE

EMPLOYMENT EXCHANGE SERVICE

4. Recruitment and Placement of Worker
The Ministry may provide recruitment and placement services to Governmental organization in receiving country based on Government to Government agreement.

5. Types of Services
The services to be provided by the Ministry pursuant to Article 4 of this Proclamation shall include interviewing and selection; causing medical examinations; approval of employment contracts, provision of pre-employment and pre-departure orientations, facilitation of departure of employed workers and other similar services.

6. Prohibition of Direct Employment

1/ No employer shall directly recruit and employ a worker except through the Ministry or an Agency.

2/ Notwithstanding sub-article (1) of this Article, the Ministry may permit direct employment on the following grounds:

a) where the employer is a staff of an Ethiopian Mission;

b) where the employer is an International organization; or

c) where the job seeker acquires a job opportunity by his own accord in job positions other than house maid service.

3/ The direct employment pursuant to paragraph (c) of sub-article (2) of this Article may be permitted by the Ministry only when evidence of the following are secured:

a) an assurance secured from a pertinent mission or from mission of country of destination if an Ethiopian mission is not present in the country of destination; and the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia that the worker’s basic rights and dignity will be respected in the country of destination;

b) life and disability insurance coverage for the worker pursuant to Article 62(1) of this Proclamation has been issued;

c) appropriate air or land transport service together with contract of employment are submitted.
4/ An advertisement to vacant positions permitted for direct employment pursuant to this Article shall only be conducted through the Ministry or the appropriate authority.

SECTION TWO
EDUCATION, TRAINING AND MEDICAL EXAMINATION

7. Educational level and Occupational Competence Assessment
1/ Any worker who desires to take-up overseas employment shall:
   a) at least complete eighth grade education;
   b) possess a certificate of occupational competence issued by the appropriate competence assessment center for the work he is to be employed.

2/ The worker shall be required to present certificate of occupational competence pursuant to sub-article (1) of this Article only when the fulfillment of other requirements set by the employer are ascertained.

8. Awareness Raising Program
The Ministry or the appropriate authority shall:
1/ undertake regular pre-employment and pre-departure awareness raising to citizens who show interest to take-up overseas employment pertaining to the conditions of receiving countries, the required skill for a job position they are taking, their rights and duties and similar other matters;
2/ conduct continuous national awareness raising activities to the public at large by using mass media and disseminating correct and up-to-date information regarding overseas employment.
3/ conduct regular awareness raising programs to Agencies’ board of directors, general managers and employees on issues related to overseas employment;
4/ carryout awareness creation orientation to foreign employers on the conditions of recruitment and employment of Ethiopian employees, existing laws, regulations, directives, requirements and standards for overseas employment.

9. Medical Examination

1/ The medical examination of a worker shall only be undertaken in a medical institution selected by the Federal Democratic Republic of Ethiopia Ministry of Health.

2/ The Agency shall refer the worker for medical examination only when it is ascertained that the worker fulfills other requirements of the Employer.

3/ Whenever a worker is required to undergo a medical examination more than once, such expense shall be covered by the Agency.

SECTION THREE
EXPENSE COVERAGE AND SERVICE FEE

10. Expense Coverage

1/ The employer shall cover the following expenses:

a) entry visa fee to the country of destination;

b) round-trip transport cost;

c) work permit fee;

d) residence permit fee;

e) insurance coverage;

f) costs associated with visa and document authentication paid to the embassy of country of destination which hosts in Ethiopia;

2/ The worker shall cover the following expenses:

a) passport issuance fee;

b) costs associated with authentication of contract of employment received from overseas and certificate of


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<th>Entry visa fee to the country of destination</th>
<th>Round-trip transport cost</th>
<th>Work permit fee</th>
<th>Residence permit fee</th>
<th>Insurance coverage</th>
<th>Costs associated with visa and document authentication paid to the embassy of country of destination which hosts in Ethiopia</th>
<th>Employment contract approval service fee</th>
<th>Passport issuance fee</th>
<th>Costs associated with authentication of contract of employment received from overseas and certificate of</th>
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11. Service Fee

The Ministry shall charge the employer a service fee as associated with the approval of a contract of employment in accordance with Regulations issued by the Council of Ministers.

SECTION FOUR

BILATERAL AGREEMENT AND STRUCTURE

12. Requirement of Bilateral Agreement

Deployment of workers for overseas employment in accordance with this Proclamation shall be effected only if there is a bilateral agreement concluded between the Federal Democratic Republic of Ethiopia and the receiving country.

13. Structure

1/ The Ministry shall establish the necessary organizational structure in order to discharge the responsibilities entrusted to it by this Proclamation.

2/ The appropriate authority shall, at a regional level, establish the necessary organizational structure in order to discharge the responsibilities entrusted to it by this Proclamation.

3/ The Agency or employer shall refund the worker’s expenses referred to in sub-paragraph (2) of this Article if the worker fails to be deployed for work on account of reasons not attributable to him after incurring the expense.

4/ Whenever the worker, without justified cause, fails to be deployed for work after all requirements for departure are fulfilled, the employer may require the worker to refund expenses incurred regarding the employment pursuant to sub-paragraph (1) of this Article.

5/ The Ministry shall charge the employer a service fee as associated with the approval of a contract of employment in accordance with Regulations issued by the Council of Ministers.
14. Assignment of a Labour Attaché

1/ The Ministry shall, in consultation with the Ministry of Foreign Affairs, and after obtaining permission from Government, cause the assignment of a Labour Attaché in the mission of the receiving country to ensure protection of the rights, safety and dignity of workers employed overseas.

2/ The duties and responsibilities of the labour attaché to be assigned pursuant to sub-article (1) of this Article shall be determined by a rule of operation to be issued jointly by the Ministry and the Ministry of Foreign Affairs.

15. National Coordinating Committee and Task Force

1/ The National Coordinating Committee established by Article 39 of the proclamation No. 909/2015 issued to provide for the prevention and suppression of human trafficking and smuggling of migrants shall perform the activities listed under sub article 2.

2/ The task force accountable to the National coordinating Committee established by the proclamation stated under sub article 1 of this article shall have the following powers and duties to:

a) ensure the proper implementation of this Proclamation;

b) ensure proper provision of cooperation and support relevant to the objectives of organs engaged in counseling and reintegration activities of returnees;

c) cause the conduct of studies with a view to concluding bilateral agreements with receiving countries on issues related to employment and thereby establish conducive situation;

d) cooperate with appropriate organs and ensure the taking legal action against those responsible for violation of rights or damage inflicted on citizens in the receiving countries;
e) ensure, in cooperation with concerned authorities, that persons involved in human trafficking are immediately brought before justice;
f) cause the provision of awareness creation training to public on illegal employment exchange activities;
g) facilitate the exchange of overseas employment information with concerned organs and the establishment of well-equipped data center;
h) adopt its own rules of operations.

PART THREE
CONDITIONS OF WORK
SECTION ONE
DETERMINATION OF CONDITIONS OF WORK
16. Working Condition

The Ministry may issue directive on working condition regarding prevailing overseas labour market and social services.

17. Content of Model Contract of Employment

1/ The Ministry shall prepare model contract of employment, at least including the following:
a) regular working time, favorable wages for regular working hours and overtime pay, as appropriate, which shall not be lower than the prescribed minimum wage in the receiving country, the appropriate minimum wage set by the bilateral agreement, international agreements ratified by both countries, whichever is highest;
b) annual leave, weekly rest and other similar vacations;
c) free transportation to and from the worksite or offsetting benefit;
d) free medication, food and accommodation or offsetting benefits;
e) insurance coverage for life or disability;
f) valid grounds for termination of contract of employment.

2/ When model contract of employment is to be formulated as provided under sub-article (1) of this Article, basically, the following shall be taken into account:
   a) the culture, custom, way of life and the labour and social affairs laws of the receiving country and the policies of the employing enterprise;
   b) relevant bilateral and multilateral treaties signed with receiving country, international conventions and resolutions;
   c) prevailing labor market conditions.

18. Freedom of Parties to Stipulate Contract

Parties to overseas employment contract are at liberty, without contravening Ethiopian government policies, laws and public morality, to stipulate other terms, conditions and benefits that are not provided for in the model contract if it is more beneficial to the worker than the minimum set in the model contract.

19. Obligation to Disclose

1/ Any Agency shall, to the Ministry, appropriate authority or the mission, disclose within appropriate time all relevant information related to recruitment and placement of workers and other information may be requested with respect to condition of worker.

2/ The Ministry shall issue directive to determine the appropriate time for provision of information pursuant to sub-article (1) of this Article.

SECTION TWO
INSPECTION SERVICE

20. Inspection

1/ The Ministry shall, in order to ensure the legality of workers going for overseas employment, issue special identification cards for those whose contract of employment has been approved.

2/ The Ministry or the appropriate authority shall assign labour inspector to monitor
3/ Any labour inspector assigned by the Ministry or the appropriate authority pursuant to sub-article (2) of this Article shall have the following powers and duties:

a) ascertain that an Agency has possessed fully equipped office, sufficient and appropriate space and necessary expertise for conducting recruitment process, pre employment orientation and counseling services before the issuance or renewal of license or change of the existing office;

b) Ensure that the agency has in place automated data base system.

c) ensure that the agency has given orientation on general conditions of work, situation of receiving countries, and pre-employment and pre-departure orientation and counseling services to workers destined for overseas employment;

d) undertake appropriate investigation whenever he is aware or notified that an Agency has contravened this Proclamation or regulations or directives issued hereunder;

e) undertake monitoring so as to prevent illegal recruitment and deployment of workers;

f) enter the office of any agency, at any time during working hours, and examine necessary documents, records, books of accounts and other similar documents, and make inquires.

4/ The labour inspector while conducting inspection pursuant to sub-article (3) of this Article shall keep with or show his identity card issued to him by the Ministry or the appropriate authority.

5/ The labour inspector shall submit, the findings of the inspection conducted pursuant to sub-article (3) of this Article to the Ministry or the appropriate authority.
together with his recommendations on legal measures to be taken.

6/ The Ministry may issue directive on the procedures of conducting inspections pursuant to sub-article (3) of this Article.

7/ The inspector shall be held accountable for abuse of power in accordance with appropriate law.

8/ Any Agency shall have obligation to cooperate for the proper implementation of the responsibility of labour inspector.

PART FOUR
OVERSEAS EMPLOYMENT EXCHANGE
SERVICE THROUGH AN AGENCY
SECTION ONE
LICENSE, ELIGIBILITY AND NON-ELIGIBILITY FOR LICENSE

21. Requirement of a License

1/ Any person who desires to operate an Agency shall obtain a license from the Ministry.

2/ Any person who wishes to operate in more than one country by issuing license pursuant to sub-article (1) of this Article shall obtain a separate license for each country of operation.

22. Eligibility to Obtain License

In order to obtain a license of Agency:

1/ where the applicant is sole proprietor, he shall be an Ethiopian citizen and have operating capital not less than Birr one million;

2/ where the applicant is a business organization, the sole objective shall be overseas employment exchange service and all its members are Ethiopian citizens and have paid up operating capital not less than Birr one million in shares or contributions.

3/ the applicant shall not be a person prohibited pursuant to this Proclamation or other relevant laws not to operate overseas employment exchange service.
23. **Non-eligibility to Obtain License**

The following shall not be eligible to obtain license:

1/ for contravention of the Proclamation No. 632/2009, regulations or directive issued there-under:
   a) any Agency, its members or in cases where the Agency is a share company, the Board of Directors whose license had been revoked;
   b) any agency or its members whose license had been revoked for failure to provide remedies for complaint against it for violations of the rights, safety and dignity of workers;
   c) any agency whose license has been suspended for more than three times or written notice for revocation of license has been served on;

2/ an individual accused and sentenced by the court of law for his engagement in human trafficking, smuggling of migrants, organized crime, terrorism activity, transfer of narcotic substances or money laundering or individual charged for the crime and whose case is pending before a court of law until decision is rendered;

3/ travel agency, ticket office of airlines or employee of the travel agency or ticket office of airlines, transistor or seaman;

4/ any official or employee in the Ministry, the Appropriate authority, Ministry of Foreign Affairs, Main Department for Immigration and Citizenship, Police Commission or any governmental organ entrusted to implement this Proclamation or Ethiopian community overseas in leadership position or the families of these individuals.

**SECTION TWO**

**ISSUANCE OF LICENSE**

24. **Requirements to Obtain License**

Any applicant who is eligible pursuant to Article 22 of this Proclamation shall fill the application form prepared for such purpose and submit it together with the following
documents:

1/ certificate of Business Registration and Trade Name enabling the applicant to operate as an Agency;

2/ where the applicant operates the activity as a business organization, copies of its Memorandum of Association and Articles of Associations authenticated by the Document Authentication and Registration Office;

3/ certificate of clearance from Police confirming that the individual applicant, if he is a sole proprietor, or its members if it is partnership and Board of Directors, management bodies, as well as the officials and employees, if the applicant is a private limited company or share company, if any, were not involved in crimes specified under Article 23 (2) of this Proclamation;

4/ a chart showing the organizational structure of the Agency together with list of required manpower and educational qualifications; job position, personal history and two passport size photographs of each official and employee;

5/ office address of the applicant and certificate of ownership if he is the owner of office or the original copy of the contract of lease authenticated by the Document Authentication and Registration Office if the office is leased one;

6/ verification document to the effect that the security bond pursuant to Article 60 (1) of this Proclamation is complied with;

7/ confirmation document that specifies the general manager has at least first degree and three years’ management work experience;

8/ certificate showing the attendance of the owner and the general manager in pre-license training, if the activity is operated by sole proprietor; or if it is operated by a business organization, a certificate showing the attendance of the members and management members of the business organization in pre-license training;

9/ In the country of destination:

a) that the applicant has opened a decent
office or has represented a citizen of the receiving country duly licensed to engage in overseas employment exchange services and produced a verification document showing same;

b) that the delegate represented pursuant to paragraph (a) of this sub-article has accepted the representation and this is verified by the Ethiopian Mission or if there is no Ethiopian Mission in the country of destination through the latter’s mission here in Ethiopia and confirmed by the Ministry of Foreign Affairs and produced a verification document showing same;

c) that the applicant has a facility for providing temporary food and sheltering services to the workers and to this effect a confirmation letter by the Mission and the Ministry of Foreign Affairs produced;

10/ confirmation letter issued by appropriate organ that the applicant is authorized to freely enter into and exit from the receiving country;

11/ Tax clearance certificate

12/ receipt showing payment of license fee;

13/ other evidences to be prescribed by the directive of the Ministry, as the case may be.

25. **Issuance of License**

Whenever the Ministry ensures that the requirements for issuing license as per this Proclamation are met, it shall, within five working days, issue the license to the applicant. If the application for license is denied, such denial shall, within five working days, be communicated in writing to the applicant.

26. **Validity of License**

A license issued pursuant to Article 25 of this Proclamation shall remain valid for one year.

27. **Display of License in Conspicuous Place**
28. Non-transferability of License and Prohibition of Engagement in more than one Agency

1/ No Agency shall, directly or indirectly, transfer to any other person the license issued to him by the Ministry.

2/ Any person can not operate in more than one Agency directly or indirectly as owner or a member of partnership or private limited company, Board of directors, General manager or an employee.

3/ Notwithstanding the provisions of sub-article (1) of this Article, in case of death of a sole proprietor, the license may devolve to his legitimate heirs, upon their request, for the mere purpose of preventing disruption in protecting the rights, safety and dignity of workers and winding up of operation of the business in accordance with this Proclamation.

4/ Where the heirs specified under sub-article (3) of this Article seek to resume the operation of the Agency, the Ministry may transfer the license to them upon being satisfied that they meet the requirements.

29. Notification of Change of Management or an Employee

Any Agency shall, up on making change to its board of directors or general manager or recruit or dismiss any employee, notify same to the Ministry or the Appropriate authority within 10 working days.

30. Making Management Personnel Public

Any Agency shall, publicize changes of its general manager or its board of directors, within seven working days through a newspaper of wider circulation, radio and television and notify the same to the Ministry or the appropriate authority.

31. Opening Additional Local Offices

Any Agency shall display the license issued to it in accordance with this Proclamation in its office in a conspicuous place.
Any Agency shall obtain permission from the Ministry or appropriate authority to open additional local office.

32. **Change of Business Address and Notification**

An Agency:

1/ may only change its business address after the Ministry or the appropriate authority verifies and approves that the office complies with the requirements specified under Article 24 (5) of this Proclamation;

2/ shall, within seven working days publish the change of business address effected up on approval pursuant to sub-article (1) of this Article in a newspaper having wider circulation and submit evidence of same to the Ministry or the Appropriate authority.

33. **Renewal of License**

1/ A license issued in accordance with this Proclamation shall be renewed every year.

2/ Any Agency one month prior to the expiry of the period specified under sub-article (1) of this Article shall, in order to renew a license, fill an application form and submit it to the Ministry with the following documents:

a) evidence of the deposit of a security bond pursuant to Article 60 (1) of this Proclamation;

b) financial statement audited by external auditor and evidence showing that the Agency has settled its tax liability;

c) clearance from Police showing that those persons mentioned under Article 24 (3) of this Proclamation are free from any criminal activity specified under Article 23 (2) of this proclamation;

d) evidence of renewed license of its foreign representative;

e) general report that indicates the status of deployed and returned overseas workers;

f) other documents specified in the directives of the Ministry.
3/ Where the Ministry is satisfied that the Agency has met the requirements for license renewal, up on causing to pay license renewal fee, shall issue the renewed license within three working days; where the application for license renewal is denied, such denial shall be communicated in writing to the applicant within the same timeline.

4/ The license not renewed within the validity period specified under Article 26 of this Proclamation shall be suspended.

5/ Where an Agency fails to renew its license in due time, its license may be renewed within three months following the expiry date, up on payment of 20% additional fee for the first month; 40% additional fee for the second month and 60% additional fee for the third month in the form of penalty.

34. Incentive Scheme

The Ministry may issue directive on incentive scheme to evaluate and reward Agencies involved in the sector and achieve good performance.

SECTION THREE

EMPLOYMENT EXCHANGE SERVICE

35. Advertisement for Overseas Employment

1/ Any Agency shall, as the case may be, submit to the Ministry or the appropriate authority to register and get approval before advertizing any overseas job vacancy.

2/ Job vacancy advertisement through any mass media, shall indicate the following:

a) the name of the Agency, address and license number issued to it by the Ministry and the authorized country for sending workers;

b) number of vacant job positions, required qualification, wage rate, duration of employment, country of destination and worksite and other necessary information;

c) a declaration that the Agency does
not collect service charge from the worker for any service it provides.

36. Recruitment of Worker

1/ Any Agency shall conduct worker recruitment only within the premises of its office.

2/ Notwithstanding the provision of sub-article (1) of this Article, where the recruitment requires substantial work force, the Ministry or the appropriate authority may authorize a temporary recruitment venue the particulars of which shall be prescribed in the directives of the Ministry.

37. Approval of Contract of Employment

1/ An Agency shall submit for approval a contract of employment signed by the employer, the Agency and the worker which is drawn up in accordance with the model contract of the Ministry and up on fulfilling other requirements specified in the directive issued by the Ministry.

2/ The signature of the employer in the contract of employment specified under sub-article (1) of this Article and other documents attached to shall be verified by the appropriate Mission and the Ministry of Foreign Affairs.

3/ Where the Ministry is satisfied that the conditions stipulated under sub-articles (1) and (2) of this Article are met, it shall approve and register the contract of employment within a time prescribed by the directive.

38. Deployment of Worker and Reporting

Any Agency shall:

1/ deploy the worker within one month after the approval of the contract of employment;

2/ notify to the Ethiopian Mission or Consular office in the country of destination and cause registration of deployed workers within 15 days with; ensure that the worker has obtained work permit and residence permit and report the
39. Revocation of Contract of Employment

Where the Agency fails to deploy the worker within the time-limit prescribed under Article 38 (1) of this Proclamation, it shall notify along with reason to the Ministry within one month for the revocation of the approved contract of employment.

40. Joint and Several Liability

Where the contract of employment of a worker is breached, the Agency and the employer shall be held jointly and severally liable.

PART FIVE
VIOLATION AND CORRESPONDING MEASURE
SECTION ONE
VIOLATIONS BY AN AGENCY AND CORRESPONDING CORRECTIVE MEASURES

41. Power to Decide Administrative Matters

The Ministry or the appropriate authority shall have power to hear and decide administrative matters involving or arising out of violations of this Proclamation, and Regulations and Directives issued hereunder including refund of fees illegitimately collected from workers.

42. Type of Contraventions

1/ The contravention of sub-article (2) or (3) of this Article shall entail suspension or revocation measure against the license of an Agency.

2/ The following contraventions shall entail suspension of a license:

a) obstruction or attempt to obstruct the activities of labour inspector assigned for the purpose of inspection by the Ministry or appropriate authority;

b) appointing a general manager or
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<td>a)</td>
<td>recruiting a worker not completed at least grade eight and who does not possess Certificate of Occupational Competence from an authorized organ;</td>
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<td>b)</td>
<td>influencing or attempting to influence any employer not to employ a worker other than those registered by his own Agency;</td>
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<td>c)</td>
<td>failure, without good cause, to deploy a worker within the legally prescribed time limit;</td>
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<td>d)</td>
<td>failure to provide remedy for applications pertaining to violations of workers’ rights, safety and dignity;</td>
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<td>e)</td>
<td>disregard of orders and notices issued by the Ministry or the appropriate authority or failure to follow other legal processes;</td>
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<td>f)</td>
<td>failure to submit periodic reports required by the Ministry or the appropriate authority which are related to deployed workers, vacant job positions, foreign currency earned by the Agency in the form of commission for its services;</td>
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<td>g)</td>
<td>failure to submit report on the lists of workers who are terminated from employment due to various reasons and other similar information requested by the Ministry or the appropriate authority;</td>
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<td>h)</td>
<td>failure to display its license in a conspicuous place of its office;</td>
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<td>i)</td>
<td>failure to provide adequate service as required by this Proclamation;</td>
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<td>j)</td>
<td>withholding of the worker’s wage or his remittances;</td>
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<td>k)</td>
<td>failure to refund expenses of worker who was not deployed for reason not imputable to him;</td>
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n) failure to provide pre-departure orientation and counseling service to workers destined for overseas employment;

o) failure to immediately verify and report to the Ministry on employment bodily injury sustained by or death of workers on overseas employment together with the reasons thereof and the remedial measure undertaken;

p) failure to comply with Article 60(4) of this Proclamation.

3/ The following contraventions shall entail revocation of a license:

a) the direct or indirect engagement of the owner, general manager or employee of an Agency licensed as sole proprietor as a manager or as an employee in a travel agency or air ticket office management;

b) for an Agency established in the form of:

(1) partnership or private limited company when its members, general manager or employee; or

(2) share company when its board of directors or general manager or employee,

a manager or an employee in travel agency or in air ticket office engage directly or indirectly in activities;

c) failure to renew license within the period prescribed under Article 33(5) of this Proclamation;

d) recruitment and deployment of a worker who is below the age of eighteen years;

e) obtaining or renewing license based on falsified evidence;

f) recruiting or deploying workers to a destination where there is no bilateral agreement between Ethiopia and the receiving country or to a destination where the Ministry has put prohibition;
g) recruiting or deploying workers to a service that adversely affects public health or morality or damages the country’s image;

h) transferring or changing ownership of a license in contravention of the provisions of this Proclamation;

i) receiving fee, in cash or in kind, from a worker in return for overseas employment exchange service;

j) deployment of a worker before the approval of the contract of employment by the Ministry;

k) sending a worker to a destination other than what is stipulated in his contract of employment;

l) engaging in a type of service, place of work or country apart from those stipulated in the license;

m) assigning a worker to an employer other than that mentioned in the approved contract of employment;

n) engaging a person, in an Agency’s business, who is prohibited from overseas employment exchange service by this Proclamation, any other law or by the decision of court;

o) furnishing falsified evidence or document or advertisement in order to recruit or deploy a worker;

p) substituting or replacing the approved contract of employment by another without notifying to and approval of the Ministry;

q) withholding and prohibiting travel document and other information of the worker before or after deployment;

r) intentional falsifying or changing worker’s travel document;

s) compelling a worker to relinquish his rights and benefits through fraudulent practice or duress.

43. Submission of Complaint

1/ Any victim worker or his representative
may submit oral or written complaint, to the Ministry or the appropriate authority when this Proclamation or any regulation or directive issued hereunder or any other relevant law has been contravened by an Agency.

2/ The complaint pursuant to sub-article (1) of this Article, if submitted orally, the officer of the Ministry or the appropriate authority shall write on hardcopy and cause the complainant to sign.

3/ The Ministry or the appropriate authority may conduct proceedings on its own initiative or based on reports received from other body on the violation of the provisions of this Proclamation.

44. Content of Complaint

The complaint to be submitted pursuant to Article 43 of this Proclamation shall, among other explanatory notes, include the following:

1/ name and address of the complainant;
2/ name and address of the Agency against whom a complaint was submitted;
3/ nature of the complaint, relevant facts and reasons for the complaint;
4/ time and place of the commission of the act complained;
5/ the amount of claim, if any;
6/ relief sought;
7/ other relevant supportive evidences.

45. Complaint Hearing

1/ The Ministry or the appropriate authority shall open a file to a complaint submitted to it pursuant to Article 43 and 44 of this Proclamation and proceed examining and hearing of the case.

2/ The Ministry or the appropriate authority shall, up on receipt of the complaint, issue summon order, together with the copy of the complaint and supporting documents, if any, directing the respondent Agency to present his statement of defense within ten working days.

3/ Where the respondent Agency fails to
submit his statement of defense to the complaint he received through summon pursuant to sub-article (2) of this Article ex-parte proceeding shall resume.

4/ Withdrawal of complainant by the complainant for whatever reason, shall not bar the Ministry or the appropriate authority from examining and passing decision on the complaint.

5/ The Ministry or the appropriate authority shall, within one month, render its decision on the complaint submitted to it.

46. **Temporary Measure**

The Ministry shall:

1/ not approve any contract of employment submitted by the respondent Agency, until the complaint instituted on violation of this Proclamation, regulation and directives issued hereunder has been examined and determined;

2/ suspend the respondent Agency’s license until the complaint is disposed on the following grounds:
   a) if the Agency against which complaint is lodged fails to appear in person or fails to present relevant document after receiving order;
   b) if it is believed that the continued operation of the Agency may lead to further violation or exploitation of workers to be recruited or adversely affect relations with any country or prejudice national interest;
   c) there is a prima facie evidence of a case for violation of this Proclamation, regulations or directive issued hereunder.

47. **Administrative Measure**

1/ If it is proved that an Agency has committed contraventions specified under Article 42 (2) of this Proclamation;
   a) its license shall be suspended for three months, if the violation is for
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<td>2/</td>
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<td>3/</td>
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### 48. Legal consequences of license suspension or revocation

- **1/** An Agency whose license has been suspended or revoked shall cease to engage in any overseas employment exchange service.
- **2/** An Agency whose license has been revoked shall, within five working days, return the license to the Ministry.
- **3/** Whenever the Ministry suspends or revokes the license of an Agency for any reason; this fact shall be notified to appropriate organs and to the public at large through convenient means.
- **4/** Whenever the appropriate authority suspends the license of an Agency for any reason; this fact shall be notified to appropriate organs and to the public at large through convenient means.
- **5/** Suspension or revocation of license does not relieve an Agency from responding to lawful requests of the workers it sent overseas.

### 49. Content of Decision

The decision of the Ministry or the appropriate authority rendered in accordance with Article 45 (5) of this Proclamation shall be written in short and precise manner and contain the following:
50. **Execution Order**

1/ The Ministry or the appropriate authority shall issue an execution order to the respondent Agency to execute its decision rendered in accordance with Article 45 (5) of this Proclamation.

2/ The respondent Agency shall, within 15 days, execute the order of the Ministry or the appropriate authority issued pursuant to sub-article (1) of this Proclamation.

51. **Priority of Execution**

When an Agency held liable by the decision of Ministry or the appropriate authority or the organ empowered to entertain labor disputes upon contravening the recruitment process prescribed under this Proclamation, but fails to execute the decision, the following priority of execution shall be applied.

1/ over the Agency’s blocked account allocated for the overseas workers’ security bond;

2/ over the Agency’s movable property if the Agency is sole proprietor or over the movable property of the business if the Agency is a business organization;

3/ over the Agency’s immovable property if the Agency is sole proprietor or over the immovable property of the business if the Agency is a business organization.

**SECTION TWO**

**VIOLATIONS BY AN EMPLOYER, AN AGENCY’S REPRESENTATIVE AND WORKERS AND THE CORRESPONDING MEASURES**

52. **Power to Decide Administrative Matters**

The Ministry or the appropriate authority shall have the power to hear and decide administrative matters that emanate from the violation of this Proclamation and regulations and directives issued hereunder by the
employer, representative Agency or a worker.

53. Violations Committed by Employer and Representative of Agency
The following violations shall suffice to impose appropriate measure, against employer or representative of an Agency:

1/ failure to discharge its obligation as agreed in the contract of employment;
2/ failure to discharge its obligation as per the delegation;
3/ withholding or denying access to the worker’s legal travel documents for whatever reasons;
4/ withholding, without good cause, the workers wage or his remittances;
5/ negligently causing serious injury, health problem or death on the worker;
6/ committing an act that violates worker’s human dignity and moral;
7/ commission of sexual harassment on the worker
8/ contravention of the provision of this Proclamation, regulations or directives issued hereunder.

54. Complaint Against an Employer or a Representative Agency and the Decision Making

1/ A victim worker or any person may submit oral or written complaint to the Ministry or the appropriate authority alleging the commission of violation by employer or a representative of Agency.
2/ The complaint pursuant to sub-article (1) of this Article, if submitted orally, the officer of the Ministry or the appropriate authority shall write on hardcopy and cause the complainant to sign.
3/ The Ministry or the appropriate authority may conduct proceedings on its own initiative or based on reports received from other body on the violation of the provisions of this Proclamation.
4/ An employer or a representative Agency against whom a complaint has been lodged may temporarily be suspended from employing worker from Ethiopia or participating in overseas employment
exchange service until such time the complaint is disposed of.

5/ The Ministry or the appropriate authority shall, within one month, render decision on the complaint submitted before it.

55. **Content of the Complaint**

Any complaint submitted pursuant to Article 54 (1) and (2) of this Proclamation shall contain the following information:

1/ the name and address of the complainant;

2/ the name and address of the employer or a representative of Agency against whom complaint is lodged;

3/ the nature of the violation committed;

4/ the time and place of the violation committed;

5/ other supportive evidences.

56. **Legal Consequence of the Decision**

Where the Ministry or the appropriate authority ascertains that the employer or a representative of Agency has committed the contravention complained of:

1/ the employer shall be prohibited from employing worker from Ethiopia;

2/ the representative of the Agency shall be prohibited from participating in the Ethiopian overseas employment activity;

3/ the employer or the representative of the Agency shall be liable to pay reasonable compensation for the contravention it committed pursuant to Article 53 of this Proclamation.

57. **Contraventions by a worker**

The following violations shall suffice to impose appropriate measure against worker:

1/ failure to discharge his obligation he as agreed in the contract of employment;

2/ commission of crimes punishable in Ethiopia or in the country of destination;

3/ failure to respect the religion, custom or customary practice of the country of destination;

4/ unwillingness to be deployed, without good cause, after the contract of
employment has been approved by the Ministry;
5/ an unauthorized use of employers’ or colleagues money or property;
6/ production of falsified evidence for overseas employment;
7/ terminating contract of employment without good cause.

58. Administrative Measures

Without prejudice to the liability of the worker in accordance with other relevant laws for the contravention of Article 57 of this Proclamation, the following administrative measures shall apply:

1/ if the contravention is committed for the first time, the worker shall be suspended from overseas employment for six months;
2/ if the contravention is committed for the second time, the worker shall be suspended from overseas employment for one year;
3/ if the contravention is committed for the third time, the worker shall be disqualified from overseas employment;

59. Right to Lodge Pleading before Court of Law

1/ A party aggrieved by the decision of the Ministry or the appropriate authority that emanate from the violation of this proclamation, regulations and directives issued here under may, within fifteen days, lodge his pleading to the Federal High Court or a regional court having jurisdiction,
2/ The decision given by court of law pursuant to sub-article (1) of this Article shall be final.

PART SIX
WELFARE SERVICE
SECTION ONE
FINANCIAL GUARANTEE AND INSURANCE
60. Financial Guarantee

1/ Any Agency shall deposit USD 100,000 or its equivalent in Birr in a blocked bank account for purposes of guaranteeing the protection of the rights
and safety of deployed workers.

2/ The amount of money deposited in blocked bank account pursuant to sub-article (1) of this Article shall not be released unless permission is obtained from the Ministry.

3/ Where the Agency fails to execute the duty imposed on it pursuant to paragraph (a) and (b) of Article 69(1) of this Proclamation, the Ministry is empowered to withdraw the required amount from the deposited guarantee money and use for the intended purpose.

4/ Where the deposited amount has been used pursuant to Article 51 (1) of this Proclamation and sub-article (3) of this Article, the Agency shall replenish the fund within 10 working days.

5/ Whenever the Agency ceases operation in what so ever condition, its financial guarantee shall be released by the Ministry, when there is no claim against the Agency before any competent organ and after six months from the termination of the employment contracts of all workers who were deployed overseas by the Agency.

61. Foreign Employers’ Guarantee Fund

1/ A Foreign Employers’ Guarantee Fund shall be established pursuant to this Proclamation for all workers hired by a foreign Governmental Organizations through the Ministry or a foreign employer who has been allowed for direct employment, for the purpose of covering claims of workers that may arise from breach of contract of employment.

2/ The foreign employer specified under sub-article (1) of this Article shall, for each worker it recruits, allocate USD 50 to the Foreigner Employers’ Guarantee Fund established hereunder.

3/ The Fund established under sub-article (1) of this Article shall be administered by the Ministry.

4/ The Fund shall only be utilized:
   a) mainly for settling claims pursuant to sub-article (1) of this Article;
b) for purchasing treasury bonds and for profitable and convenient investments as determined by the directive of the Ministry of Finance and Economic Cooperation.

5/ The Guarantee Fund shall not be subject to attachment or set-off any payment of debit.

62. **Insurance Coverage**

1/ The employer shall, from the domestic insurance market, buy life and disability insurance of the worker deployed overseas. The Ministry may issue a directive prescribing the details.

2/ An Agency or the worker shall present to the Ministry the insurance policy document accompanied with contract of employment.

**SECTION TWO**

**ASSISTANCE PROVIDED TO WORKERS**

63. **Responsibility**

1/ The Ministry and, as appropriate, the Ministry of Foreign Affairs shall have the responsibility to ensure that the rights, safety and dignity of worker deployed in overseas employment are respected.

2/ Any Agency shall have duty to cause the employer to respect obligations enshrine in the contract of employment with respect to a worker he has deployed overseas.

64. **Provision of Support**

1/ The Ministry or the appropriate authority may entertain request for support claimed by the worker or a person who has concern for the worker in connection with issues of overseas employment.

2/ When support is requested pursuant to sub-article (1) of this Article, the Ministry or the appropriate authority shall order the Agency to act up on support sought or problem brought to its attention and to submit report on the status or condition of the worker.

3/ Where the Agency or the employer fails to
4/ The Ministry or the appropriate authority shall, in cooperation with concerned bodies, facilitate reintegration supports for Ethiopian overseas workers deployed and return in accordance with this Proclamation; the details of which shall be specified in the directive.

5/ The Ministry or the appropriate authority shall provide legal assistance to workers victimized in connection with overseas employment.

**SECTION THREE**

**CONCILIATION AND REPATRIATION OF WORKERS**

**66. Conciliation**

The Ministry or the appropriate authority may receive and conciliate any complaint submitted to it by a worker, an Agency or employer relating to overseas employment.

**67. Conciliation Proceedings**

1/ The Ministry or the appropriate authority shall, upon receipt of a complaint, notify within three working days to the respondent and strive to bring concerned parties together to discuss the possibility of arriving at an amicable settlement within fifteen working days.

2/ The issues, on which amicable settlement is reached, shall be binding and enforceable.
Where efforts for amicable settlement fail, the complainant may submit his case to adjudication office of the Ministry or appropriate authority, as appropriate.

68. Administrative Measures

Where the Agency against whom complaint was lodged fails, without good cause, 1/ to appear on the date specified for conciliation, or 2/ to abide by the terms of the approved settlement, the Ministry shall not approve any contract of employment submitted by the Agency, until it complies thereto.

69. Repatriation of Workers

1/ Any Agency shall have the following obligations:

a) transporting back the worker and his personal belongings by covering air transport fee upon termination of contract of employment;

b) where the workers sustains serious bodily injury or dies, unless there is valid reason for delay, shall repatriate his body and personal effects accompanied with legal medical certificate witnessing his injury or death within 15 days and shall cover all expenses of air transport associated with the repatriation;

c) Cover medical expenses to a worker who has been repatriated due to serious bodily injury.

2/ Where the worker terminates his contract of employment without good cause, the Agency may reclaim its expenses after repatriating the worker.

PART SEVEN
MISCELLANEOUS PROVISIONS

70. Determining Number of Agencies Work with one Representative and an Agency with Representatives

The Ministry shall determine by directive the number of Ethiopian Agencies to be...
represented by a single licensed representative in the country of destination and the number of representatives in the country of destination with whom an Ethiopian Agency works.

71. **Labor Dispute Resolution**

Any dispute arising between the worker and the employer or an Agency in connection with rights and claims shall be resolved before a Labor Bench established pursuant to Labor Proclamation.

72. **Burden of Proof**

Whenever a worker deployed for overseas employment institutes a court case pertaining to work conditions and if the employer or the Agency objects the proceeding, the burden of proof lies on the Agency or the employer to show that the action does not have a legally valid ground.

73. **Period of Limitation**

Any administrative complaint against an employer, Agency, representative of Agency or a worker for violations of this Proclamation shall be barred by limitation unless submitted to the Ministry within three years from the date of commission of the wrong or from the time the commission of the wrong was known.

74. **Prohibition**

1/ For any person it is prohibited to receive service charge from a worker for overseas employment exchange service.

2/ The Ministry may prohibit the overseas movement of citizens for employment, whenever the country of destination is believed to be a war-zone, affected by natural calamities or contagious diseases which endanger the safety of citizens.

75. **Power to issue Regulation and Directives**

1/ The Council of Ministers may issue regulations for the proper implementation of this Proclamation.

2/ The Ministry may issue directives for the proper implementation of this Proclamation and the regulation to be
76. **Duty to Cooperate**

Any person shall have duty to cooperate for the proper implementation of this Proclamation.

77. **Repeal and Inapplicable Laws**

1/ Employment Exchange Service Proclamation No. 632/2009 is hereby repealed.

2/ No law, regulations, directives or practice shall, in so far as it is inconsistent with this Proclamation, be applicable in respect of matters provided for in this Proclamation.

3/ Notwithstanding the provisions of sub-article (1) of this Article, regulations and directives issued pursuant to Proclamation No.632/2009 shall, in so far as they are not inconsistent with this Proclamation, remain in force until replaced by regulations and directives to be issued pursuant to this Proclamation.

78. **Transitory Provisions**

1/ Any dispute pertaining to overseas employment pending before any competent organ to settle labour disputes prior to the coming into force of this Proclamation shall be settled in accordance with the law and procedure which were in force before the coming into force of this Proclamation.

2/ Any Agency licensed for overseas employment service by virtue of the Proclamation No.632/2009, if wishes to resume the service, shall issue a new license within three months from the effective date of this Proclamation. Failure to issues new license within the time-limit shall make the former license null and void.

3/ Notwithstanding the provision of sub-article (2) of this Article, revocation of license may not relieve an Agency from
rightful claims arising from workers’ it deployed.

4/ Notwithstanding the provisions of Article 77 (1) of this Proclamation, the Proclamation No.632/2009 shall apply on local employment exchange service and on new applicants for local employment exchange service until a new law pertaining to it is issued.

79. Effective Date

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa on the 19th day of February, 2015

MULATU TESHOME (Dr.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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