

Ethiopia

Proclamation n° 101/1994

A PROCLAMATION CONCERNING THE RIGHTS OF DISABLED PERSONS TO EMPLOYMENT

WHEREAS, it is evident that there are many people within that society suffering from disabilities due to natural and manmade causes.

WHEREAS, it has been realized that disabled persons have got less job opportunities, despite the fact that some of them have acquired the appropriate training and skills through their own efforts and the assistance of the Government and humanitarian organizations;

WHEREAS, it has become necessary to stop such discriminations and protect the rights of disabled persons to compete far and get employment on the basis of their qualifications;

NOW, THEREFORE, in accordance with Article 9(d) of the Transitional Period Charter, it is proclaimed as follows.

1. Short Title

This proclamation may be cited as "The Rights of Disabled Persons to Employment Proclamation n§ 101/1994".

2. Definitions

In this Proclamation, unless the context requires otherwise:

1. "a disabled person" means a person who is unable to see hear or speak or suffering from injuries to his limbs or from mental retardation, due to natural or man-made causes; provided, however, that the term does not include persons who are alcoholics, drug addicts and those with psychological problems due to socially deviant behaviours;

2. "office or undertaking" means any government office or an undrtaking governed by the Labour Proclaination No. 42/1993.

3. Protection of thr Rights of Disabled Persons

1. disabled person having the necessary qualifications shall, unless the nature or the work dictates otherwise have the right to compete and to he selected for.

a) a vacant post in any office or undertaking through recruitment, promotion, placement or transfer procedures:

b) a training programme to be conducted either locally or abroad.

2. No selection criteria shall refer to the disabilities of a candidate unless the nature of the work dictates otherwise.

3. Any disabled person shall have the right to get the salary and other benefits of the position he occupies.

4. A disabled person shall be provided, by his employer or the training institution as the case may be, with equipment and materials necessary to carry out his duties or to pursue his training.

4. Vacancies to be Reserved for Disabled Persons

1. Posts suitable for disabled persons shall be identified and reserved from among vacancies created in offices and undertakings.

2. Only disabled persons may compete for posts reserved pursuant to this Article.

5. Responsibilities of Disabled Workers

1. Any disabled worker shall assume full responsibility in discharging the functions of his position.

2. A disabled worker cannot use disability as a defense in case of failure or fault in discharging his duties.

6. Implementation of the Proclamation

1. Without prejudice to the power of the Council of Ministers to issue regulations where necessary, the Ministry of Labour and Social Affairs and the Public Servants Administration Commission shall, as may be appropriate, have Powers to issue directives necessary for the proper implementation of this Proclamation.

2. Any disabled person whose rights are affected because of non-compliance with the provisions of this Proclamation and regulations and directives issued hereunder, may lodge his grievance to the organ empowered by law to hear labour disputes.

7. Inapplicable Laws

Now law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, have force or effect in respect of matters provided for by this Proclamation.

8. Effective Date

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

Done at Addis Ababa this 26th day of August 1994.

MELES ZENAWI PRESIDENT OF THE TRANSITIONAL GOVERNMENT OF
ETHIOPIA