

**IMPORTANT INFORMATION FOR
NON-NATIONALS COMING TO
WORK IN ERITREA**

2007

**The Ministry of Labour and
Human Welfare
(MLHW)
Department of Labour**

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Introduction

The Ministry of Labour and Human Welfare (MLHW) welcomes all non-nationals coming to work in Eritrea and wishes that they have a successful period during their stay in Eritrea.

The Ministry of Labour and Human Welfare would like to assure all non-nationals working in Eritrea that their rights are respected and they are treated respectfully. Moreover, their rights are guaranteed under the seven ILO's core conventions to which Eritrea is signatory. Non-nationals on their part are also expected to respect the Laws and Regulations of the State of Eritrea and the values of the Eritrean people.

The Ministry of Labour and Human Welfare has prepared this Manual for non-nationals coming to work in Eritrea in order to provide them with the basic information

on the Eritrean labour laws and regulations that determine the issuance of work permit and the respective rights and duties of the employer and employee.

The Ministry hopes that this Manual would achieve the expected objectives. It also hopes that the Manual will help the non-national workers to find answers to some of the questions they may have.

The Ministry of Labour and Human Welfare wishes to all non-nationals working in Eritrea a happy and successful working period.

**The Ministry of Labour and Human
Welfare**

1) Basic Information on the State of Eritrea

Official name: State of Eritrea

Flag: The flag has a red triangle across the middle, bearing a yellow wreath and olive branch; a green triangle at the top; and a light blue triangle at the bottom.

Regions:

- 1) Anseba Zone
- 2) Debub Zone
- 3) Gash-Barka Zone
- 4) Maekel Zone
- 5) Northern Red Sea Zone
- 6) Southern Red Sea Zone

Capital: Asmara

Climate: Though small in size, Eritrea includes the varied topography and climate variations of the entire continent of Africa including the hottest, lowest sites in the planet (Kober Sink) as well as the highest rain in East Africa (Filfel).

Area: 124,300 sq. km (46,774 sq mi)

Red Sea Coastline: 1,200 km

Life expectancy: 53.2 years (2003 estimate)

Ethnic groups: Tigrinya, Tigre, Kunama, Afar, Saho, Bilen, Hedareb, Nara and Rashaida

Languages used: Tigrinya, Tigre, Arabic, Afar, Bilen, Hedareb, Kunama, Nara, Saho and English

Religions: Orthodox Christian, Islam, Roman Catholic and Protestant.

Economy:

- Gross domestic product (GDP, in U.S. \$) \$688 million (2001)
- GDP per capita (U.S. \$) \$160 (2001)

Monetary unit: 1 Nakfa, consisting of 100 cents.

Agriculture: Cereals, edible oils, lentils, vegetables, cut flowers, cotton, coffee, sisal, livestock, fish etc.

Industry: Food processing, beverages, leather products, clothing, textiles, glass making, ceramics etc.

Natural Resources: Salt, gold, silver, potash, zinc, copper, lead, iron ore,

granite, marble, limestone, commercially recoverable deposits of oil and natural gas along the Red Sea coast is believed to be substantial; and studies and surveys made also indicate a potential for developing thermal and other alternate sources of energy.

Employment:

- The majority of the workforce is engaged in **Agriculture, forestry and fishing.**
- The rest in **Services and Industry.**

Ports: Massawa and Assab

Airport: Asmara, Massawa and Assab

Duty Free Zone: Massawa

2) Basic Information on the Scope of Eritrean Labour Laws

All workers in Eritrea, whether they are nationals or non-nationals, fall into two categories based on who employs them.

The categorization is as follows:

2.1 The first category are those who work in private business undertakings, state owned or state-run profit-making undertakings and employees in projects run by Government agencies. The Labour Proclamation No.118/2001 governs workers in this category. All the topics that are mentioned in this Manual in relation to the Contract of Employment, Minimum Working Conditions and Settling of Labour Disputes are applicable only to this category of workers.

2.2 The second category are those who work under Government Ministries and other institutions that are governed by the Civil Service Administration. The proclamation dealing with such workers is in the process of drafting. Therefore, it is advisable if the non-nationals that fall under this category specifically mention the Working Conditions and the Mechanism of settling their Labour Disputes in their contract of employment. Similarly, since persons holding managerial positions are also excluded from the first category, it is advisable if they make their contract of employment as detailed as possible.

3) Duties of Non Nationals Coming to Work in Eritrea

3.1 Duties Before Coming to Eritrea

- 3.1.1** Any non-national who wants to work in Eritrea shall beforehand send to his employer a copy of passport, CV and other relevant documents as may be required by the MLHW;
- 3.1.2** A non-national shall not present falsified documents for the purpose of obtaining work permit;
- 3.1.3** Any non-national coming to work in Eritrea shall have a passport, which has a validity of at least one year; and
- 3.1.4** Any non-national who wants to enter into Eritrea for the purpose of employment shall not do so without a confirmation, from the MLHW,

stating that he/she will be allowed to obtain a valid work permit.

3.2 Duties After Coming to Eritrea

3.2.1 All non-nationals who come to Eritrea shall respect Eritrean laws and values;

3.2.2 All non-nationals, who work or reside in Eritrea, shall at the beginning of the first month of every year be duly registered at the MLHW, or if they arrived after the first month, as soon as their arrival;

3.2.3 Any non-national who entered into Eritrea with an employment visa shall within three months obtain a work permit and a residence permit respectively;

3.2.4 A non-national who asks for issuance, renewal or substitution of a work permit card shall pay due fee to the MLHW;

- 3.2.5** All non-nationals who come to Eritrea for the purpose of employment shall only work for the employer mentioned in the work permit card;
- 3.2.6** Non-nationals shall not engage in any profession other than the one specified in the work permit card;
- 3.2.7** Non-nationals shall undertake to transfer their skills to Eritrean work mates;
- 3.2.8** Any non-national who works in Eritrea shall always keep the work permit card with him/her and produce it when required to do so by an authorized person.
- 3.2.9** Any non-national in possession of a work permit card shall renew it annually within 30 working days before the date of expiration; and
- 3.2.10** All non-nationals whose contract of employment has been terminated shall return their work permit and registration cards to the MLHW.

3.2.11 In addition to the above-mentioned duties, the general duties of all employees stated in the Labor Proclamation are also applicable to non-nationals. These duties are:

- A)** To implement instructions given by the employer based on the terms of the employment contract and work rules;
- B)** To handle with due care all working tools and raw materials and return unused raw materials;
- C)** To abstain from activities which cause physical and mental incapacity during working hours;
- D)** To implement all health and safety instructions issued by an employer or by a concerned authority;
- E)** To utilize appropriately and with care appliance and devices provided for the protection of the safety and health of himself and other employees;

- F) To render assistance when an accident occurs or an imminent danger threatens his fellow employees or the employer's property without endangering himself; and
- G) To implement all the obligation of an employee specified in the Labour Proclamation, Collective Agreement and Work Rules.

4) Entry visa, Registration, Work Permit and Residence Permit

4.1 Entry Visa

All non-nationals coming to Eritrea under a contract of employment **shall only enter into the country on an employment visa**. The visa is nonrenewable (single) and the holder, after arriving in Eritrea must, within three months, obtain a work permit card and residence permit from the MLHW and

the Department of Immigration and Nationality respectively. The above mentioned visa is issued by the Eritrean embassies to a non-national only after he/she has presented to the embassy an evidence showing that he/she has got **employment opportunity (entry permit)** in Eritrea and the MLHW has assured to give him a work permit. Non-nationals coming on business visa are **not** allowed to obtain a work permit.

4.2 Registration

All non-nationals who work or reside in Eritrea are required to duly register within the first month of each year at the MLHW, or if they arrived after the first month, as soon as their arrival. For this purpose they shall submit two passport-sized photos, a copy of passport, their address and address of the establishment. Non-nationals who

failed to register are liable to punishment under the Penal Law of Eritrea.

4.3 Work Permit

A work permit is permission issued by the MLHW enabling a non-national to work in Eritrea.

4.3.1 Application for a Work Permit (Permission)

The application for a work permit shall be forwarded to the MLHW by the employer before the non-national employee arrived in Eritrea. Together with the application, the employer shall submit to the ministry documents stating educational qualification, work experience and copy of passport of the non-national employee.

4.3.2 Application for a Work Permit Card

After arriving in Eritrea, the non-national employee who is applying for a work permit card shall submit to the MLHW all the documents and particulars specified under Legal Notice No. 80/2003 (see annex 1) and any other particulars as may be required by the MLHW.

4.3.3 Persons Obligated to Have a Work Permit

The following persons are obliged to have a work permit:

1. Non-nationals who come to Eritrea under contract of employment;
2. Non-nationals who come to Eritrea to work as volunteers; and
3. Self employed non-nationals who are engaged in their private undertakings established in Eritrea.

4.3.4 Non-Nationals Exempted from Having a Work Permit.

The following non-nationals working in Eritrea are exempted from having a work permit:

- 1. Ambassadors, Consular Officers and Members of Diplomatic Missions;**
- 2. Members of the United Nations and its Special Agencies;**
- 3. Members of the African Union; and**
- 4. Non-Nationals employed in accordance with bilateral and multilateral agreement by the Government of Eritrea.**

4.3.5 Period of Validity of a Work Permit

The maximum period of validity of a work permit is two years, which is to be renewed annually. However, where it is deemed

necessary the MLHW may extend the period of validity of the permit.

4.3.6 Fees and Penalties

4.3.6.1 Fees

A work permit card:

Issuance fee	US \$ 50.00
Renewal fee	US \$ 50.00
Substitution	US \$ 25.00

4.3.6.2 Penalty

1) Where the renewal of the work permit is delayed until the expiration of the last 30 days of the year but is renewed within 30 days following the last 30 days, the penalty is 75% of the renewal fee.

2) Where the work permit is renewed within 30 days after the above-mentioned period of limitation, the penalty is 150% of the renewal fee.

3) The work permit is revoked and the holder is punishable under the relevant provisions of the Eritrean Penal Law if the card is not renewed within 60 days after the expiration of the year.

4.3 Residence Permit

Any non-national who has entered into Eritrea on employment visa shall within three months acquire a work permit card and a residence permit respectively from the authorities mentioned in the above. If he/she failed to do so he/she may be ordered to leave the country.

5) Contract of Employment

5.1 Elements of the Contract of Employment

The contract of employment shall be in writing and shall, inter alia, specify the duration of the contract, the type of work, the respective rights and obligations of the parties, the rate of wages, other remunerations and the payment methods. Furthermore, conditions of work laid down in the Labour Proclamation and in collective agreements are deemed to be an integral part of the contract of employment so long as they are advantageous to the employee.

5.2 Termination of Contract of Employment

5.2.1 Non-Legitimate Grounds for the Termination of the Contract of Employment

Termination of contract of employment by the employer because of any legal action by the employee against him or employee's refusal to work on a dangerous assignment or employee's absence from work due to an officially recognized medical doctor's certified illness or an employee's race, colour, nationality, sex or other improper factors constitute non- legitimate grounds for the termination of the contract of employment

5.2.2 Legitimate Grounds for the Termination of Employment

The legitimate grounds for the termination of contract of employment are: death of an employee or employer (and if the undertaking cannot continue due to the death of the employer), agreement of both parties, the expiration of the period of employment contract, crime against the employer, absence without good cause for five consecutive days or for more than six months because of disease unrelated to the work, where the employee is not fit to the work, redundancy of the employee, bankruptcy of the undertaking, undertaking's inability to function due to *force majeure*, violation of legal duties by the employee and employee's wish not to work.

5.2.3 Compensation for Unjustified Termination

An employee whose contract of employment is unjustly terminated on the basis of non-legitimate grounds is entitled to compensation in accordance with the labour law.

5.2.4 Notice for Termination of Contract Employment

Unless specifically provided for in a contract of employment, both the employer and the employee are obliged, in accordance with the labour law, to give notice prior to the termination of the contract of employment. The employer may, however, in lieu of notice, pay the employee a sum equal to the amount of wages the employee would earn during the period of notice.

5.2.5 Termination, which Require no Notice

An employer is not obliged to give notice where an employee fails to fulfill his obligations mentioned in the law, commits crime against the employer, absents himself without good cause for five consecutive days or discloses secrets of the undertaking he had to keep. Similarly, an employee is also not obliged to give notice where an employer fails to fulfill his obligations under the law, commits crime against the employee, delayed the wage for more than a week or where the employee finds the work unexpectedly dangerous.

5.2.6 Severance Pay

An employee whose contract of employment is terminated in any of the above-mentioned ways is entitled to get

severance pay in accordance with the labour law.

6) Minimum Working Conditions

The working conditions specified in this topic are only minimum standards, the employer and employee may agree on more favorable working condition to the employee. Moreover, the collective agreement in an undertaking in which the non-national is employed is only applicable to him/her so long as it is more favorable to him/her than his/her contract of employment.

6.1 Wages

The contracting parties shall determine the amount of wage, but it may not be less than

the minimum wage fixed by collective agreement in an undertaking.

6.1.1 Deduction from Wages

The employer may not deduct from the wages of an employee, except where it is provided otherwise by law or an express written agreement of the employee.

6.1.2 Perdiem

An employee who travels temporarily outside his place of employment is entitled to transport expenses and daily food and lodging allowances.

6.2 Working Hours

6.2.1 Regular Hours of Work

The maximum hours of work are eight hours a day and forty-eight hours a week.

6.2.2 Break for Relaxation and Meals

An employee is entitled to have relaxation break for a limited period between working hours, taking into consideration the nature and place of work. The break in this case is considered part of the regular hours of work. An employee is entitled to 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.

6.2.3 Overtime Work

An employer may order an employee work over time, provided he may not order the latter work overtime for more than two hours without the latter's consent. During an accident, where there is urgent work, where *force majeure* occurs or to substitute an absent employee, however, an employee may be compelled to work overtime. A pregnant employee, however, may not be assigned on work between 10:00 P.M. and 6:00 A.M. and overtime work.

6.2.4 Overtime Work Payment

An employee who works overtime is entitled to a payment at a rate specified in the labour law.

6.2.5 Weekly Rest

An employee is, at the minimum, entitled to a weekly rest of twenty-four consecutive hours in the course of each period of seven days.

6.2.6 Public Holidays

All public holidays recognized by law are paid public holidays. The public holy days are: *New Year, Geez Christmas, Id Al Adha, Epiphany, Women's' Day, Maulid Al Nebiy, Good Friday, Easter, May Day, Liberation Day, Martyrs' Day, Commemoration Day of Armed Struggle, Geez New Year, Holly Cross, Id Al Fatir and Christmas.* An employee who works on a public holiday is entitled to a payment for each hour of work in accordance to the labour law.

6.3 Leave

6.3.1 Annual Leave

An employee is entitled to annual leave with pay ranging from fourteen up to thirty-five working days based upon the years of service.

6.3.2 Leave for Family Events

An employee is entitled to leave with pay for three working days where he marries or where his spouse, an ascendant, a descendant or another relative up to the second degree, dies.

6.3.3 Sick Leave

An employee rendered incapable to work owing to sickness resulting other than from an employment injury is entitled to sick leave not exceeding six months.

6.3.4 Pregnancy and Maternity Leave

A pregnant employee shall be granted leave with pay for medical examination connected with her pregnancy. Moreover, she is also entitled to sixty consecutive days of paid maternity leave.

6.3.5 Obligation to Notify

An employee wishing to take leave has the duty to notify the employer in advance and present the necessary supportive evidence where the employer so requests.

6.3.6 Compensation for Injury, Disease and Death

An employee who has encountered injury, disease or death in the course of his/her employment is entitled to compensation in

accordance with the provisions of the labour law.

7) Settling of Labour Disputes

7.1 Types of Labour Dispute

According to the Eritrea Labour Proclamation, labour disputes are divided in to two i.e. collective labour dispute and individual labour dispute. Both kinds of disputes have their own different mechanisms of settlement and they are resolved in the following manner.

7.2 Individual Labour Dispute Resolution

Step one- Optional Conciliation

Where any dispute arises between the employer and employee they shall first try

to solve it through conciliation either at the undertaking level by them selves or through the conciliation branch of the MLHW.

Step two - Arbitration or First Instance Labour Court

If the dispute cannot be resolved through conciliation, the parties can go either for arbitration or to the First instance Labour Court. The arbitral award at this level has the same effect as the decision of the First Instance Labour Court.

Step three- Labour Division of the Zonal Court

Any party dissatisfied with the arbitral award may within 15 days from the date of the arbitral award (and in the case of the First Instance Labour Court within 30 days)

appeal to the Labour Division of the Zonal Court. However, the grounds of appeal in the second case are limited to those provided in the civil procedure law.

7.3 Collective Labour Dispute Resolution

Step one- Optional Conciliation or Arbitration

Disputes at this level are resolved through conciliation either at the undertaking level by the parties themselves or through the conciliation branch of the MLHW or through arbitration.

Step two- Labour Relation Board

Any party dissatisfied with the arbitral award may appeal within 15 days to the Labour Relation Board.

Step three- High Court

Any party dissatisfied with the decision of the Labour Relation Board may appeal to the High Court. However, the ground of appeal is limited to the issue of law.

7) Address of Labour Offices

LABOUR OFFICE	PHONE No.
Work Permit Unit at the Central Office of MLHW	291 1 151846 (204)
Labour Office in Anseba Zone	291 1 401077
Labour Office in Dehub Zone	291 1 611256
Labour Office in Gash-Barka Zone	291 1 731208
Labour Office in Maekel Zone	291 1 127704
Labour Office in Northern Red Sea Zone	291 1 541255
Labour Office in Southern Red Sea Zone	291 1 660181

ANNEX No.1

Work Permit Form

Particulars of the Establishment

- 1) Name of Establishment***
- 2) Name of Employer***
- 3) Name of General Manager***
- 4) Type of activity***
- 5) License No.***
- 6) No. of Eritrean workers***
- 7) No. of Foreign workers***

Address of Establishment

- 1) Region, City, Street No. & House No.***
- 2) Tel, Fax & P.O.Box***

Particulars of the employee

- 1) Name of the Employee***
- 2) Employee's Photo***
- 3) Passport No.***
- 4) Nationality***
- 5) Age***
- 6) Sex***
- 7) Home address in the country of origin***
- 8) Educational level***
- 9) Type of Education/Profession/.***
- 10) Work Experience***
- 11) Position in the Establishment***
- 12) Brief duties & responsibilities***
- 13) Monthly salary & other benefits
(specify)***
- 14) Name of Employer***

15) Copy of the contract of Employment

16) Employment Visa

NB. The non-national employee must attach documents stating his/her Work Experience, Educational document, CV and other relevant documents as may be required.