

Technical Memorandum

Uganda labour administration and inspection needs assessment

LAB/ADMIN

**Labour Administration
and Inspection Programme**

International Labour Office – Geneva

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Acknowledgments

The ILO's Labour Administration and Inspection Programme (LAB/ADMIN) would like to extend its thanks to the Honourable Minister Ms. Syda Bumba and Permanent Secretary Ms. Christine Guwatudde Kintu of the Uganda Ministry of Gender, Labour and Social Development for supporting the mission that was the basis of this report.

We are especially grateful to the Acting Labour Commissioner, Ms. Harriet Luyima as well as Principle Labour Officer Ms. Nuluyati Nabiwande for all their efforts for their helpful contributions during the preparation of this Memorandum.

We would also like to thank all the officials who met with the mission team in Kampala, Jinja and Mukono.

Finally, our thanks to the Director of the ILO Office in Dar es Salaam, Mr. Alexio Musindo for his support of this needs assessment and to Mr. Anthony Rutabanzibwa, Senior Programme Officer, for assisting the technical team during its mission.

List of acronyms

AIDS	Acquired immune deficiency syndrome
CAO	Chief Administrative Officer
C. App	International Labour Conference Committee on the Application of Standards
CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations
DOL	Department of Labour, Industrial Relations and Productivity
EAC	East African Community
HIV	Human immunodeficiency virus
ILC	International Labour Conference
ILO	International Labour Office
KCCA	Kampala Capital City Authority
LA	Labour administration
LAB	Labour Advisory Board
LI	Labour inspection
LO	Labour Officer
NDP	National Development Plan (2010-14)
NEP	National Employment Policy for Uganda (April 2011)
MGLSD	Ministry of Gender, Labour and Social Development
NSSF	National Social Security Fund
OSH	Occupational safety and health
PEAP	Poverty Eradication Action Plan
Shs	Uganda shillings
UBS	Uganda Bureau of Statistics
WAB	Wages Advisory Board

1. Background and methodology

Effective labour administration, including a proper labour inspection system, is vital for good governance and economic progress as it can make Decent Work a reality at the workplace by helping to improve working conditions, safety and health and productivity. In fact, in addition to the four main priorities of the recent Uganda Decent Work Programme, strengthening the Ministry of Gender, Labour and Social Development (MGLSD) was also a priority area for ILO assistance.¹

In line with this priority, the Government of Uganda invited the ILO to conduct a labour administration and inspection needs assessment and to make recommendations for the improvement of administrative practices and systems of inspection.

The overall development objective is to assist the Government improve working conditions for men and women workers in Uganda through improved labour administration services and labour law compliance. More specifically, the objective of this needs assessment was to review and assess the:

- organization of Uganda's labour administration systems (including the relationship and coordination between the central authority and the districts);
- labour administration and inspection staff profile and personnel management practices (e.g. recruitment, grading, promotions, skills training (both for new recruits and existing staff), working conditions and gender equality);
- function and competencies of the labour administration and inspection systems;
- level of coordination between the MGLSD and other Ministries or state agencies with a role in labour administration;
- quality of coordination between different bodies responsible for inspection activities (e.g. labour inspection, occupational health and safety, social security etc.).
- participation and collaboration of employers and workers' representatives in labour administration and, in particular, inspection practices;
- degree to which gender issues are mainstreamed into policies and programmes; and
- the capacity of the Ministry as a whole and labour inspection services in particular to collect and analyze data as part of its planning, monitoring and evaluation functions.

In assessing these different elements, the mission team collected both quantitative and qualitative data through a desk survey complemented by interviews with labour officers and social partners in Kampala and the neighbouring district of Jinja. Based on the information gathered, the present report was prepared and includes a series of findings and recommendations at the end to help the MGLSD and social partners prioritize the country's labour administration and inspection needs and to consider what follow-up actions could be taken to enhance the Ministry's performance.

¹ Uganda Decent Work Programme, 2007-2010, May 2007.

1.1. Previous ILO missions to Uganda on labour administration and inspection

The present needs assessment is the latest in a series of missions dating back to 1995 carried out to assess labour administration and inspection systems in Uganda.

It is crucial in the context of this current needs assessment to take these previous findings and recommendations into account and to determine to what extent they have been implemented.

During the mission carried out in 1995, it was noted that the health, social and economic situation had an extremely worrying effects on the rights of the workers covered by the Labour Inspection Convention, 1947 (No. 81) and considered that the principle of the decentralization of the labour inspection to the district level was incompatible, firstly, with the requirement of supervision and control of the labour inspection system by a central authority and, secondly, with the objectives of the drafting by such an authority of a report on inspection activities at both the national and international levels.

The findings of the 1995 mission, particularly with respect to the decentralization of labour administration in Uganda, became the focus in subsequent years of CEACR comments as well as discussions at the International Labour Conference (ILC).

Second ILO technical assistance mission to Uganda on labour inspection (2009)

During the 2008 ILC, the Committee on the Application of Standards (C. App) discussed the application of the Labour Inspection Convention (No. 81) by the Government of Uganda. This was the third time that the Committee had discussed this case at the ILC (2001, 2003, and 2008). The Committee noted the Government's commitment to adopt measures to establish an inspection system that met the requirements of the Convention. Nevertheless there was concern about the lack of a separate Ministry of Labour. Instead, labour administration functions are entrusted to a department within the larger Ministry of Gender, Labour and Social Development.

C. App recalled that the Committee of Experts (CEACR) had been urging the Government for years to take measures to reverse the phenomenon of the continued deterioration of the labour inspectorate, which had been aggravated following the decentralization of the inspection function to the district level in 1995. The Committee further observed that the absence of an annual report on the work of the inspection services, as required by Articles 20 and 21 of the Convention, meant that it was not possible for the ILO supervisory bodies to assess the application of the legislation on labour inspection in practice, or the volume or quantity of inspections, in relation to the requirements of Convention No. 81.

In the end, the Committee requested the Government to adopt measures without delay to establish an effective labour administration with the resources and personnel necessary for its operation, as an essential prerequisite for the effective operation of an inspection system.

Following the 2008 ILC discussion, the Minister of the MGLSD, agreed to receive an ILO technical assistance mission to follow up on the conclusions and recommendations of the ILC Committee dealing with labour inspection.

The mission team met with officials from the MGLSD including several other government Ministries (Finance, Planning and Economic Development, Tourism, Trade and Industry, Justice and Constitutional Affairs, National Social Security Fund, Jinja

District Local Government) as well as employers and workers' organizations and a few enterprises.

Scoping mission 2011

The latest in this series of missions was a scoping mission on the current state of labour administration in Uganda undertaken from 18 to 19 April 2011 at the invitation of the ILO Country Office for the United Republic of Tanzania, Kenya, Rwanda and Uganda. The purpose of the mission was to make an assessment of the nature of improvements on labour administration and labour inspections that had been made by the Government following observations by the Committee of Experts and technical advice by previous ILO missions; to assess the possibility for the ILO to undertake a fully fledged labour administration audit; and to propose the terms of reference for such an audit.

2. Main socio-economic and political elements

With a population of nearly 35 million people, Uganda has a very young population. Based on 2011 estimates, there are as many young people under the age of 14 in the country as there are people between the ages of 15 and 64. Moreover, Uganda's population growth rate is the third highest in the world, with a median age of 15 years and roughly 400,000 students graduating annually from institutions of higher education. Uganda faces significant obstacles in ensuring that its young workers have access to decent employment opportunities in a country where poverty remains a significant challenge and the informal economy a dominant feature of the labour market.²

The population in Uganda is predominantly rural and agricultural based although the Minister pointed out that recent strong economic growth in the country was largely due to investments in infrastructure and energy. The Uganda National Household Survey 2009/10 showed that 25.5 per cent of the working poor were employed in agriculture, earning an average of Shs.50, 000 per month. About 33.5 per cent of the employees in the private sector earned less than Shs. 50,000 per month in nominal terms, while the median monthly income for paid employees was Shs. 90,000. The UBOS (2010) showed that only 20.8 per cent of the employees in the private sector have written contracts and only 9.5 per cent are covered under pension schemes that guarantee them social security.

The need for strengthening of labour administration and its institutions has been identified as one of the priorities in the National Development Plan: Growth, Employment and Socio-Economic Transformation for Prosperity (2010/11 - 2014/15) (NDP) for the "labour and employment sector" in Uganda. Identified specific strategies and interventions include establishing a minimum wage for decent income; strengthening of the industrial court to adjudicate labour disputes; strengthening of labour administration and compliance with labour standards; development, review and implementation of labour laws; and strengthening of social dialogue and tripartism through implementation of the Tripartite Charter.

Similar priority action areas have been identified in the Uganda Decent Work Country Programme (UDWCP, 2007-2010, currently under review) and these include strengthening of institutional machinery for labour dispute resolution; promotion of meaningful tripartite dialogue; improved functioning of the Minimum Wages Advisory Board and timely implementation of its recommendations; and enhancement of labour

² Uganda was listed at 161 out of 187 countries on the UNDP Human Development Index (2011). Online: <http://hdrstats.undp.org/en/countries/profiles/UGA.html>.

inspection to enable effective monitoring and observance of the minimum working conditions and occupational health and safety standards.

2.1. Uganda and Regional Integration

Uganda is a member of the African Union (AU), the Common Market for East and Southern Africa (COMESA), the Intergovernmental Authority on Development (IGAD) and the East African Community (EAC).

The East African Community is a regional economic bloc that groups together five countries including Burundi, Rwanda, Tanzania and Uganda. The EAC's purpose is to widen and deepen co-operation among member States in political, economic and social fields, including:

- maintaining common employment policies;
- harmonizing labour policies, programmes and legislation including those on occupational health and safety;
- establishing a regional centre for productivity and employment promotion and exchanging information on the availability of employment;
- making training facilities available to persons from other Partner States; and
- enhancing the activities of employers and workers' organizations with a view to strengthening them.³

Despite all of these regional objectives, there is no Sectoral Council in the EAC dealing with labour and employment and, as such, no framework for monitoring the implementation of EAC commitments on these matters.

The Government is considering abolishing the requirement that citizens of other EAC nations obtain work permits to work in Uganda. This would allow professionals from Kenya, Tanzania and Burundi to work freely in the country. Uganda already has such an agreement with Rwanda.⁴ The issue of free movement of labour within the EAC remains controversial however, with some countries, particularly Tanzania, fearful that superior education levels in neighbouring States will put their own workers at a competitive disadvantage, particularly for high-skilled and high-paid employment.

In any case, the push towards greater regional integration in East Africa is a process to which the MGLSD should actively contribute. The anticipated harmonization of labour policies, programmes and legislation will likely have a significant impact on workers and employers in Uganda, a process that falls within the specific competences of the Labour Ministry. The MGLSD must ensure that its perspective and the perspectives of the social partners are integrated meaningfully into discussion of EAC policies, especially since regional economic integration (even in matters of labour policy) is often led by ministries such as trade and finance.

³ Treaty for the Establishment of the East African Community, Art.104(3). See also Art. 5(2)(c) of the EAC Protocol on the Establishment of the East African Community Common Market on the scope of co-operation dealing with regulatory matters in the field of labour, employment and social protection.

⁴ The Daily Nation, "Uganda to abolish work permits for EAC citizens", 1 April 2010.

One of the EAC Council of Minister directives “urged Partner States to establish fully fledged Ministries responsible for labour and employment”.⁵ This is in contrast to the present situation in Uganda where labour matters are dealt with by a department within the larger Ministry of Gender, Labour and Social Development. DOL officials noted that in spite of this regional directive, there has been no action in Uganda towards the creation of an independent ministry of labour. The mission team was informed however that a proposal was being developed by the new Labour Commissioner to be put forward to the Government for the restructuring of the Ministry

3. Legislative and Policy Framework

3.1. Legislation

Uganda’s 1995 Constitution (as amended) includes key provisions in the field of labour. It provides that “[e]very person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business” (Art. 40(2)). It prohibits forced labour (Art. 25) and child labour (Art. 34(4)) and guarantees safe and healthy working conditions (Art. 40(1)(a)), equal pay (Art. 40(1)(b)), freedom of association and collective bargaining (Art. 40(3)) and maternal protection at work (Art. 40(4)).

The primary labour statute, the Employment Act of 2006, has broad application, covering all employees employed by an employer under a contract of service (apart from exceptions for an employer’s relatives, the military and possible ministerial exceptions).

The last decade has been a busy period of labour law reform in Uganda. The purpose of the new instruments was to fill gaps in the legislation and, in particular, to improve the existing framework of labour law for better implementation and compliance.⁶ In addition to the enactment of a number of statutes, a set of regulations in the area of labour and employment were adopted in 2011. All of these instruments were the result of tripartite consultation. These include:

- The Employment Act No. 6, 2006;
- The Employment Regulations, 2011;
- The Employment (Sexual harassment) Regulations, 2011;
- The Employment (Recruitment of Uganda Migrant Workers Abroad) Regulations, 2005;
- The Employment (Employment of Children) Regulations, 2011;
- The Equal Opportunities Act, 2007;

⁵ Directives and Decisions of the 15th ordinary Council of Ministers, East African Community Gazette, Vol. AT 1 – No. 007, Arusha, 18th July, 2008.

⁶ The Minister noted that the recent main challenge for labour administration in Uganda has been getting the new legal framework into place.

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- The Labour Disputes (Arbitration and Settlement) Act No 8, 2006;
 - The Labour Disputes (Arbitration and Settlement) (Mediation and Conciliation) Regulations, 2011;
 - The Labour Unions Act No. 7, 2006;
 - The Labour Unions (check - off) Regulations, 2011;
 - The Labour Union (Access of Union Officials to a Workplace) Regulations, 2011;
 - The Minimum Wages Boards and Wages Councils Act, 2000;
 - The Occupational Safety and Health Act, 2006;
 - The Workers Compensation Act, 2000;
 - The Workers' Compensation Regulations, 2011.

3.2. Policies in the field of labour

The MGLSD administers a number of policies, but of relevance to labour administration are the National Policy on HIV/AIDS and the World of Work (July, 2007) and the National Employment Policy for Uganda: Increasing Decent Employment Opportunities and Labour Productivity for Socio-Economic Transformation (April, 2011).

The National Employment Policy provides a number of policy interventions in the various fields of labour and employment. Regarding labour administration, the policy has committed government in the adoption of strategies such as implementing labour laws, regulations and the fundamental principles and rights at work; developing a comprehensive and sustainable labour administration and employment services system; strengthening of labour administration institutions such as the Industrial Court, the Labour Advisory Board, the Minimum Wages Advisory Board and wages Councils, the Medical Arbitration Board and the Occupational Safety and Health Board; and strengthening of departments responsible for labour, employment as well as occupational safety and health.

Officials within the Department of Labour noted that responsibility for the NEP required greater technical capacity and budgetary means than they currently possessed. It also meant that improved labour market information was required to properly implement, monitor and provide guidance to the government to successfully deliver on all the various components of the NEP.

The National Development Plan 2010-14 is not administered by the MGLSD, but includes a special tripartite working group dealing with employment matters in which the Ministry participates. This is an improvement on earlier Poverty Reduction Strategy Papers⁷ prepared by the Government of Uganda which did not include a strategy on labour and employment.

⁷ Poverty Reduction Strategy Papers (PRSPs) are prepared by member countries in broad consultation with stakeholders and development partners, including the staffs of the World Bank and the IMF. Updated every three years with annual progress reports, they describe the country's macroeconomic, structural, and social policies in support of growth and poverty reduction, as well as associated external financing needs and major sources of financing.

The National Policy of HIV/AIDS, which has largely been developed along the lines of the ILO Code of Practice on HIV/AIDS and the World of Work provides policy guidance and implementation strategies for HIV and AIDS interventions at the workplace. The Ministry said it had a plan of action in place but lacked the budget and personnel to fulfil the plan.

4. ILO Conventions ratified by Uganda

Uganda has ratified a total of 30 ILO Conventions⁸ including all of the eight Fundamental Conventions and three of the four Priority Conventions. With respect to the main subjects of this needs assessment exercise, Uganda has ratified the Labour Inspection Convention No. 81 (1947), which itself is one of the ILO Priority Conventions.

None of the other Conventions specifically relevant to labour administration and inspection has been ratified by Uganda, namely the:

- Employment Service Convention No. 88 (1948);
- Labour Inspection (Agriculture) Convention No. 129 (1969);
- Labour Administration Convention No. 150 (1978);
- Occupational Safety and Health Convention No. 155 (1981);
- Labour Inspection (Seafarers) Convention No. 178 (1996); and the
- Promotional Framework for Occupational Safety and Health Convention No. 187 (2006).

Within the MGLSD, there is one labour officer responsible for coordinating the preparation of reports to be sent to the ILO Committee of Experts on the measures Uganda has taken to give effect to the provisions of its ratified Conventions. The officer noted that the biggest challenge is in obtaining the necessary information from the relevant government departments that are not under the MGLSD's jurisdiction.

5. Labour administration: Main features and developments in Uganda

5.1. Ministry of Gender Labour and Social Development (MGLSD)

The Ministry of Gender, Labour and Social Development (MGLSD), is the lead Ministry responsible for labour administration in the country. Like other developing countries in the 80s and 90s, Uganda went through structural reform programmes. In 1992, the Government undertook a major review of the structure of the civil service with the view to improving its efficiency and effectiveness, the focus being on having fewer Ministries with smaller and effective management teams. This resulted in the Ministry of

⁸ See Annex 7 for a full list of Conventions ratified by Uganda.

Labour and Social Affairs being formed through a merger of several Ministries.⁹ The reform process was later given further impetus by the government's decentralization policy which provided for the devolution of functions, powers and responsibilities from the central government to local authorities in the districts.¹⁰ In line with this policy, sector or line ministries were expected to concentrate on national policy and standards and on the provision of technical advice and mentoring to local authorities. Staff in the service of local authorities were to be employed and supervised by the said authorities. Further structural reforms took place with more ministries being merged to form the present Ministry of Gender, Labour and Social Development.

The political head of the Ministry is a Cabinet Minister assisted by four Ministers of State responsible for Gender and Culture, Disability and Elderly Affairs, Youth and Children Affairs, and Labour, Employment and Occupational Safety, respectively. At the administrative level, there is a Permanent Secretary who is the Chief Executive and Accounting Officer of the Ministry. She is supported by three Directors and ten Heads of Department. In addition, the Ministry has administrative and policy units that support the technical Directorates and other related agencies and bodies which fall under its political mandate.

The majority of the interviewees that the mission was able to meet expressed a concern regarding the composition and size of the Ministry which involves heavily demanding portfolios. The concern was that the focus of the Ministry was normally on issues relating to social development at the expense of labour administration. A copy of the Ministerial Policy Statement for the Ministry of Gender, Labour and Social Development, 2011/12 was availed to the mission.¹¹ The Ministerial Policy Statement has expressed the mandate of the Ministry as being "to empower communities to harness their potential through cultural growth, skills development and labour productivity for sustainable and gender responsive development".¹² Furthermore, the Policy Statement has indicated the priorities of the Ministry for the year 2011/12 as being capacity building for occupational safety and health and employment services; expanding social protection services to vulnerable persons (old persons, children, youth and people with disabilities); improving the quality of non-formal adult literacy services; expanding programmes to eliminate gender-based violence; and promoting culture of development. Unfortunately, the mission was not able to secure copies of previous Ministerial Statements to assess this focus on social development. The mission was however informed during interviews that this has been a trend over a number of years.

Although there is no one size fits all solution for the structure of a labour ministry, in the case of labour administration, inspiration can be drawn from ILO Convention No. 150

⁹ See a brief history of the early reforms of the Uganda civil service in the ILO Technical Memorandum to the Government of Uganda: Report of the audit advisory mission on the Labour Administration System in relation to civil service reform, structural adjustment and socio-economic development – 19 to 25 March, 1996.

¹⁰ See Art. 176 of the Constitution of Uganda, 1995 (as amended in 2005) and the Local Government Act, 1997 (as amended).

¹¹ A Ministerial Policy Statement contains a Ministry's programmes for a particular financial year and forms the basis for budgetary allocation.

¹² Republic of Uganda (2011); *Ministerial Policy Statement for Gender, Labour and Social Development, 2011/12, p. vii.*

and its accompanying Recommendation No. 158 on labour administration.¹³ These set out the functions that a system of labour administration should provide including in the areas of labour standards, industrial relations, employment and research in labour matters, among others. The mission would like to observe that, while on the basis of the Ministerial Policy Statement, much focus seems to have been on social development in terms of prioritization of programmes and resource allocation which can justify the concern, especially by the social partners, that labour administration has been neglected at the expense of social development, there is no structural inhibition for the Ministry to perform its labour administration function. All labour administration functions are executed and are within the mandate of the Directorate of Labour, Employment and Occupational Safety and Health.

The government's policy of decentralization was raised as a serious source of concern by all parties that the mission met in that it was seen as having "dismantled" the system of labour administration since the delivery of labour administration services was decentralized to the districts which are autonomous from the central government regarding determination of priorities, resources allocation, and hiring of staff. During the interviews, the mission was informed that out of the 110 districts that existed, there were only 26 districts with labour officers, a situation which is in conflict with Section 9 (5) of the Employment Act, 2006 (No. 6) which requires every district to have at least one district labour office. Furthermore, district Labour Officers were assigned to perform other functions besides labour administration depending on the district's pressing needs and programmes, and that prioritization of resources has been towards other areas as determined by the District Council which invariably were not related to labour administration.¹⁴ During an interview, the Minister of Gender, Labour and Social Development indicated that decentralization was a government policy which was not about to be reversed because it was anchored in the national Constitution, and the same position was stated by the Ministry of Local Government. However the mission was informed that the Ministry could still exercise some leverage on the districts in terms of Section 97 of the Local Government Act, 1997 (as amended) which gives line ministries the power to monitor and guide government initiatives and policies as they apply to local governments, and to assist in the provision of technical assistance.

The mission would like to note that the organization of labour administration is a reflection of the political system or form of government of each national government. Art. 4 of the Labour Administration Convention, 1978 (No. 150) provides that a member State shall ensure the effective operation of a system of labour administration, and that the functions and responsibility are properly coordinated. The mission would like to point out that experiences on decentralization have differed from country to country, but its success has largely depended on the capacity of local authorities to discharge their responsibilities and availability of resources. Uganda is therefore not unique in adopting the policy of decentralization, but the government should ensure that resources are available to the local authorities to discharge their responsibility and the central government should equally play its role to provide policy guidance, standard setting and technical assistance.

¹³ See Casale G., Sivananthiram A., *The fundamentals of labour administration*, ILO, Geneva, 2010. Also ILO, *Labour administration and labour inspection*, Report V, 100th ILC, Geneva, 2011, pp. 15-17.

¹⁴ Interviews of district administration and district labour officers in Mukono and Jinja districts.

The ILC Committee on the Application of Standards noted with concern in 2008 the absence of a Ministry of Labour in Uganda, with the corresponding functions being entrusted to a fledgling department in a ministry with broader responsibilities. In addition, the ILO Conference Committee on the Application of Standards, having observed that the labour administration had been merged into a ministry responsible for other areas, asked it to take immediate measures to introduce an effective labour administration with the staff and means necessary¹⁵ for it to function, as an essential precondition for the establishment and effective operation of an inspection system.¹⁶ Recognizing the position of the ILO supervisory bodies, Ministry officials told the mission team that they were considering possibilities for re-establishing a fully fledged Ministry of Labour, in line with the direction of the East African Community Council of Ministers.

5.2. Directorates (and Departments) within the GLSD

The Ministry has three Directorates, namely, the Directorate of Labour, Employment and Occupational Safety and Health; the Directorate of Gender and Community Development; and the Directorate of Social Protection. The report will give more coverage to the Directorate of Labour, Employment and Occupational Safety and Health for the reason that it is responsible for labour administration (as opposed to the Directorates on Gender and on Social Protection), and the assessment of this Directorate was within the terms of reference of the mission.

5.2.1. Directorate of Labour, Employment, Occupational Safety and Health

The Directorate of Labour, Employment and Occupational Safety and Health is responsible for the implementation of labour policies and laws. Its main functions include formulation, implementation and enforcement of labour policies and laws; development and dissemination of national guidelines on labour and employment and inspection of workplaces to ensure compliance with labour laws, regulations and standards; participation in negotiations concerning national, regional and international treaties on labour and employment as well as overseeing their implementation; liaise with international and national organizations on matters of common concern, provision of technical advice to stakeholders on labour matters; collection, analysis, dissemination of information on labour matters; registration of labour unions; promotion of employment, labour productivity and industrial relations; and to conduct statutory inspections to ensure safety and health at the workplace.

The Directorate is divided into three Departments each of which is headed by a Commissioner. These are the Departments of Labour, Industrial Relations and Productivity, Occupational Health and Safety, and Employment Services. Before the MGLSD was restructured, the Ministry of Labour and Social Affairs used to be

¹⁵ The mission team was informed that the MGLSD (as a whole) receives 0.5 per cent of the government's annual budget. As a percentage of the Ministry's entire budget, the Directorate of Labour.

¹⁶ ILO Report of the technical assistance mission on Labour inspection issues, Kampala, Uganda (13-17 July 2009).

responsible for vocational training, a portfolio which is now managed by the Ministry of Education and Sports.¹⁷

Department of Occupational Safety and Health

The Department of Occupational Health and Safety is based at the headquarters of the Ministry, and its services have never been decentralized. It is by far the largest technical unit by staffing allocation in the Ministry (although it is dramatically understaffed).¹⁸ The Department is divided into divisions dealing with occupational health and occupational safety. Its role is to ensure a safe and healthy environment at the workplace. Its functions include the formulation and review of guidelines, programmes, policies and laws on occupational health and safety; promotion of awareness on occupational safety and health among stakeholders; the conducting of occupational health and safety inspection at the workplace to ensure that occupational accidents, diseases and injuries are minimized. According to the Ministerial Policy Statement, there were 48 approved positions with only 26 having been filled as at June, 2011 (10 women). The staff ranges from medical doctors, occupational nurses, occupational hygienists to mechanical, electrical and civil engineers.

The Department undertook 370 inspections in 2010/11; however lack of transport facilities was cited as impeding provision of services to the districts and effective carrying out of inspections. Inspectors expressed frustration at lack of prosecutions of infringement of OSH legislations due to lack of in-house expertise.¹⁹ Other than general induction after recruitment, there was no training to update staff on developments in their field of work. While the Department indicated its collaboration with the Uganda Bureau of Standards, the Ministry of Public Works and the Environmental Management Authority, there was however minimal collaboration with the general labour inspection within the Ministry because they spent most of the time dealing with individual complaints as opposed to carrying out labour inspections.

Department of Labour, Industrial Relations and Productivity

The Department of Labour, Industrial Relations and Productivity is responsible for labour relations functions such as handling of individual labour complaints; labour inspections; child labour; dispute resolution; registration of trade unions; administration of workers' compensation; administrative support to the Labour Advisory Board, the Medical Arbitration Board, and the Minimum Wages Advisory Board (which has not been operational for many years); giving support to employers and workers on workplace HIV and AIDS programmes; advocacy for productivity improvement and labour migration.

According to the Ministerial Policy Statement, the Department had 17 approved positions, 10 of which were filled as at June, 2011 (3 women). The mission is of the view that this high vacancy rate will frustrate the efforts of the Ministry to provide policy guideline and technical direction and assistance to the districts. In addition, the Ministry has not been able to liaise with the districts where labour offices exist to get reports on

¹⁷ The MGLSD does however collaborate with the Ministry of Education and Sports on training matters as a member of the Industrial Training Council. Also, the Ministry of Education and Sports has a seat on the Labour Advisory Board. The Minister indicated that she would propose a meeting with the Ministry of Education to improve collaboration on these matters. She considered improving vocational training services was a priority and that vocational institutes should be established in the districts that reflect the characteristics and needs of the local economies.

¹⁸ See below under Human Resources.

¹⁹ The last prosecution was said to have been done in 2006.

their activities. However, despite this staff shortage, the Department was able to inspect 450 workplaces and to develop regulations relating to check-off, dispute resolution, and employment agencies. While the record of developing regulations is impressive, the challenge may be their enforcement given the limited staff compliment in the Department and weak coordination with the districts.

The Director of Labour indicated that there is a modest budget within the department for staff training and that the Principle Personnel Officer is the overall coordinator of training. However, she said that training remains one of their weakest areas of the Department.

Department of Employment Services

The role of the Department of Employment Services is to promote employment and labour productivity. Its functions include formulation and review of guidelines, programmes and policies relating to employment; supporting the development of a labour market information system; supporting of training on labour productivity; registration and placement of job seekers; regulation and monitoring of private employment agencies; career guidance; collection and analysis of labour market information; and externalization of labour. According to the Ministerial Policy Statement, the Department has 12 posts which have been approved, 7 of which have been filled (1 woman). While employment services fall under the services that have been decentralized, the mission was informed that the service was virtually non-existent in the districts. At the headquarters, there were about 40 job seekers registered per day with very limited placement. Only the basic services of job seeker registration and job vacancies are offered at the MGLSD, all of which is done manually and is not available electronically outside of the Ministry. Other services such as career counselling, access to vocational training and the collection of labour market information are not provided.

The lack of reliable labour market information hinders the Department's ability to identify employment trends and employer needs for workers. While the Department does not gather its own statistical information, it does analyse the results of household surveys every two to three years and produces an annual labour market information bulletin. The challenge however is to produce labour market information that is relevant to the district level since information from the districts limited. Officials noted the start of a pilot project in the Department to update databases and instruments for gathering labour market information. They further mentioned that improved coordination and sharing of information within the MGLSD as well as across relevant institutions (e.g. Ministry of Education and Sports, Bureau of Statistics, training institutions, investment authorities etc.) would contribute to building up the knowledge base of the Department and improving the quality of public employment services available to Ugandans.

The effectiveness of the Department was said to be hampered by lack of resources to have up-to-date labour market information, lack of institutional framework to generate information from the districts, and high rate of staff turnover due to bleak promotion prospects. Furthermore, the Ministry has adopted the National Employment Policy, 2011 whose purpose is "to guide all stakeholders on creation and enhancement of the quality and availability of gainful employment opportunities".²⁰ To this end, the Policy provides for the creation of a National Employment Council to coordinate, guide, streamline and

²⁰ The National Employment Policy for Uganda, 2011: *Increasing Decent Employment Opportunity and Labour Productivity for Socio-Economic Transformation*, p23.

monitor efforts towards implementation of the Policy.²¹ Given the above challenges, a concern was raised about the capacity of the Department to oversee the implementation of the Policy and its ability to provide the necessary technical support to the envisaged Council.

5.2.2. Directorate of Gender and Community Development

The Directorate of Gender and Community Development is divided into three departments, namely, Department of Community Development and Literacy; of Gender and Women Affairs; and Culture and Family Affairs. It is responsible for the formulation, coordination, implementation, monitoring and review of policies, standards and guidelines on Government policies and plans for social transformation. Its main focus is on the initiation, implementation and evaluation of laws, policies, and programmes that addresses issues relating to gender, culture, community development and the family institution; mobilization and empowerment of communities to harness their potential for sustainable and gender responsive development; development and issuing of operational standards and guidelines for service delivery on gender and community development; promotion of social development through advocacy and implementation of laws that protect the rights of the poor and other vulnerable groups; and to review and promote positive cultural values.

5.2.3. Directorate of Social Protection

The Directorate of Gender and Community Development is divided into three departments, namely, Department of Community Development and Literacy; Gender and Women Affairs; and Culture and Family Affairs. It is responsible for the formulation, coordination, implementation, monitoring and review of policies, standards and guidelines on Government policies and plans for social transformation. Its main focus is on the initiation, implementation and evaluation of laws, policies, and programmes that addresses issues relating to gender, culture, community development and the family institution; mobilization and empowerment of communities to harness their potential for sustainable and gender responsive development; development and issuing of operational standards and guidelines for service delivery on gender and community development; promotion of social development through advocacy and implementation of laws that protect the rights of the poor and other vulnerable groups; and to review and promote positive cultural values.

5.3. Administrative and Policy Support Units

The Ministry has units which provide administrative and policy advice to the technical Directorates. These are the Department of Finance and Administration, the Planning and Policy Analysis Units.

²¹ The National Employment Council is at the Permanent Secretary's level and its members are Ministries of Finance; Public Service; Agriculture; Tourism, Trade and Industry; Works; Education; Local Government; Health; Foreign Affairs; Lands and Housing Development; Internal Affairs; Energy and Mineral Development; Information; East African Community; National Planning Authority; Bureau of Statistics; Investment Authority; Federation of Uganda Employers; National Organisation of Trade Unions; Central Organisation of Free Trade Unions; and Enterprise Uganda (Ltd).

5.3.1. Department of Finance and Administration

The Department of Finance and Administration is by far the largest department with a staff complement of 86 approved positions, 65 of which were filled. It has three sections, namely, Finance, Administration and Human Resources and its functions include provision of services such as the management and disbursement of funds, procurement, and other human resources functions such as to initiate recruitment, to manage the performance management system, and coordinate training. During interviews with the department, the mission was informed of the dissatisfaction of staff regarding the general human resource situation in the Ministry which include high vacancy rate due to lengthy processes of approval for positions and recruitment of staff; staff are appointed on acting capacity in higher positions for a long time, thus creating a legitimate expectation that they would be appointed permanently in those positions; bleak prospects for promotion resulting in an officer serving in one position for many years;²² there are no tools or means to undertake the work staff have been employed to do; and despite the existence of a training policy in the government, there were limited training opportunities in the Ministry due to lack of resources. The mission was informed that only 4 per cent of the ministerial budget could be used for training of staff. These challenges have resulted in low morale and high turnover of staff, leaving the Ministry with limited knowledge base within its ranks.

5.3.2. Planning and Policy Analysis Unit

Even though the Planning and Policy Analysis Units appear as separate entities in the organizational chart of the Ministry, they however operate as one office due to staff constraints. According to the staff figures of the Ministry, the unit has a staff complement of nine approved positions, six of which have been filled. The mandate of the Unit is to coordinate plans of the Ministry and those of the Social Development Sector which is coordinated by the Ministry (individual units in the Ministry do not do their own planning). The Unit also prepares the budget framework paper in consultation with other Departments to come up with budget estimates for the Ministry. Furthermore its role includes collection, analysis and dissemination of data for use in planning; development of relevant information systems for the sector; management of statistical database for the Ministry; monitoring and evaluation of Ministry plans and projects to ensure that they are in accordance with overall national development plan. The capacity on this unit to produce data was said to have been weakened by resource constraints as a result of which the last labour market survey was done in 2006.

Officials at the Ministry of East African Community Affairs noted that the ILO is supporting a regional manpower survey on skills and carrying out work in each EAC Member State. This work is being coordinated through the National Planning Authority, however, and not through the MGLSD.

The Ministry's statistical unit has one statistician (it is budgeted for two). Recently, the Uganda Bureau of Statistics (UBS) launched a national program for statistical coordination in an effort to share and align the different statistical sources across the government. Under this program, the UBS has posted and paid for the statistician within the Ministry, whose main focus of work is on household surveys.

²² A Senior Labour Officer that the Mission met in Jinja District has been in the same position for 30 years.

There are ongoing efforts to develop a consolidated and computerized management information system for the government's Social Development Sector.²³ This is still in development and currently does not include data on labour disputes, public employment services, or information gathered through labour inspections.

5.3.3. Related Agencies

There are public agencies which are autonomous in their operations but fall within the political mandate of the Ministry. The main agencies which have a bearing on labour administration and activities of the Ministry are the Industrial Court and the National Social Security Fund. Other agencies which this report will not attempt to analyse are the Uganda Foundation for the Blind, National Library of Uganda, National Council for Children, National Council for Disability, National Women's Council, National Youth Council, National Cultural Centre.

5.3.4. Industrial Court

The Industrial Court has been established by law under Section 7 of the Labour Disputes (Arbitration and Settlement) Act, 2006 (No. 8) with the mandate to arbitrate on labour disputes referred to it; and to adjudicate upon questions of law and fact arising from references to the Industrial Court by any other law. The composition of the Court is the Chief Judge, a Judge, an independent member, a representative of employers and a representative of workers. Even though the Chief Judge has been appointed to facilitate the appointment of other members of the Court, it has still not been operational due to a technical legal question relating to the designation of "Chief Judge" which was seen as likely to cause confusion with the "Chief Justice" who is the head of the Judiciary. The mission was informed that an amendment to the Act to rectify this situation has been completed and would soon be tabled before Cabinet and Parliament.

The Industrial Court, which is the apex of the industrial relations machinery, has been elevated to the level of High Court. It is important that the potential of the Court to promote equity, effective and expeditious settlement of labour disputes, industrial harmony, improved working conditions and therefore higher productivity as well as sustained employment is fully utilised.²⁴

The mission was also informed that the non-operationalization of the Court has virtually paralyzed the dispute resolution system in the country because disputants have no forum to turn to if the conciliation efforts by a labour officer have not been successful in the settlement of a dispute.

5.3.5. Medical Arbitration Board

The role of the Medical Arbitration Board is to resolve disputes in cases of workers' compensation.²⁵ The Board consists of four members (two physicians, one surgeon and one occupational health expert). The number of meetings it holds depends on available financing but on average, it holds two to three meetings each quarter and deals with eight

²³ This includes four components: Social Security, Gender, Labour and Employment; and Community Mobilization and Development.

²⁴ The National Employment Policy for Uganda, April 2011, p. 20.

²⁵ Established under the Workers' Compensation Act 2000 (Ch 225).

to ten cases at each meeting. There are roughly 80 cases pending and most cases are already two years old before they are heard. The board is centralized in Kampala and is under the authority of the Department of Labour, which is responsible for enforcing the Board's decisions. Cases have to be referred by labour officers and Ministry officials noted that district cases do not usually get referred. Many labour officers are not even aware that the Board exists.

5.3.6. National Social Security Fund

The National Social Security Fund (NSSF) is a provident fund that was established by the National Social Security Fund Act, 1985 (as amended) to provide social security services to employees in Uganda. As per the Act, the NSSF pays five different kinds of benefits: age, survivors, withdrawal, emigration grant; and invalidity. There are plans to eventually introduce an unemployment benefit as well as a maternity benefit. The Minister of Gender, Labour and Social Development has the power to appoint a maximum of eight Board members, two of which represent Government, two for workers' organizations, one for employers' organizations and others being people with expertise in the area of social security. Despite the power to appoint the Board of the Fund by the Minister of Gender, the Fund reports to the Minister of Finance and the Central Bank of Uganda who play a more oversight role. In addition, the Fund operates under the regulatory framework of the Retirement Benefit Regulator with the responsibility to regulate occupational schemes in the country.

The NSSF operates out of 24 locations in the country and carries out its own compliance inspections to make sure that employers are paying the necessary contributions to the fund. In total it has 47 officers or "compliance managers" who are responsible for ensuring that the statutory contributions are paid into the fund by employers subject to the Act.

Eighty per cent of the contributions collected come from Kampala, with the rest from the Districts. The NSSF receives contributions from some 9,000 companies (out of an estimated total of 60,000 enterprises in Uganda). At the time of the mission, the Fund had a value of about 1 billion USD, with collections reaching approximately 18 million USD per month and monthly pay-outs averaging around 5 million USD. The NSSF covers all employers who have five or more employees between 16 and 55 years of age, with the exception of employees under the Government Pensions Act.

The NSSF used to be under the authority of the MGLSD until 2006 when it became the responsibility of the Ministry of Finance. According to Ministry officials, under the MGLSD, there was greater cooperation and sharing of information between the NSSF and labour officers. Now that the NSSF reports to the Ministry of Finance there is no formal or even informal sharing of information. The NSSF gathers value information on companies that would be particularly useful to labour inspectors in the planning of their visits. During the visit with the ILO mission team, NSSF officials expressed openness to the possibility of sharing enterprise information with the MGLSD to improve the effectiveness of labour inspection and other activities.

The NSSF, and the industry, is facing a period of transformation. A pending law originating from the Ministry of Finance would see the creation of a regulatory authority for the industry in the country, which already numbers some 60 private occupational schemes. Another proposed law would see the breaking up of the NSSF in an effort to increase competition.

5.4. Field Structure and Decentralization²⁶

In the mid 1990s, key aspects of labour administration were decentralized to the districts in accordance with the decentralization policy. The idea behind the policy was to strengthen governance at the local level and to bring government services closer to the people. The 1995 ILO technical assistance mission found, however, that labour officers were present in 20 of the country's 39 districts at the time, and overall had lost more than 75 per cent of its human resources. Since then, the number of districts has grown rapidly, swelling to 111, not including the Kampala Capital City District. And yet the number of labour officers in these districts has not grown in step, putting ever greater demands on already limited district resources and staff to provide labour administration services for the population. Officials report that at the end of 2011 only 34 labour officers were working in the 111 districts. When compared to the situation in 1995, one sees that the number of districts has grown by 185 per cent while the number of labour officers has only increased by 70 per cent.

The Employment Act of 2006 provides for the appointment of a labour officer in every district, but budgetary limitations and differing political priorities at the district level have meant that this legal requirement is far from being met. Section 9 of the Act provides that:

- (4) Every District Service Commission shall appoint a district Labour Officer and such other officers, as may be necessary for purposes of administering this Act.
- (5) For the avoidance of any doubt, every district shall have at least one district Labour Officer.

Officials within the Department of Labour, Industrial Relations and Productivity (DOL) identified decentralization as a major challenge for the effective functioning of labour administration and inspection in Uganda. This is due not only to the low number of labour officers in most of the 112 Districts throughout the country but also because, where such officers are in place, there is little if any coordination or exchange of information between the district LOs and the DOL. Labour officers in the districts are not in direct contact with the DOL but report instead to the respective district Chief Administrative Officer (CAO).²⁷ Even so, the DOL is supposed to provide technical backstopping and guidance on policy implementation to all labour officers in the country.

This does not mean, however, that there is an absence of communication between the districts and MGLSD on labour matters. Officials noted that some districts indeed seek assistance from Kampala to address certain labour problems whether related to disputes, occupational injuries or other matters. However, such communication appears to be more ad hoc than systematic and mostly at the discretion of district authorities.

Local district governments face the same budget and staffing constraints as agencies at the central level and must make choices based on priorities and available resources. MGLSD officials noted that issues such as health and education consistently rank high on the list of policy priorities for district governments, often leaving labour and employment matters on the periphery. Anecdotally, CAOs have been known not to allocate sufficient funding for the functions of labour officers in the districts – a result perhaps of a lack of knowledge on labour and employment issues or the benefit provided by these services. The Ministry of Public Service has instructed CAOs that the costs must be borne by the

²⁶ See Annex 5 for a the District Political and Administrative Structure.

²⁷ See the political structure of districts in Annex 5.

districts, which has led to a prioritization of resources for other services. Moreover, district LOs sometimes have a dual role as community development officers, which is one of the technical mandates of the MGLSD. Such additional non-labour tasks inevitably dilute the work carried out on labour and employment matters in the districts.

Despite the decentralization policy, Section 8(1) of the Employment Act provides that the administration of the Act is the responsibility of the Department of Labour acting under the authority of the Minister, as well as the local authorities as may be required under the Local Governments Act. It goes on to say that the Commissioner may delegate or revoke any of his or her powers to a district labour officer for the proper administration of the Employment Act within the country (Section 8(2)).

The CEACR has noted on several occasions the negative effects of the decentralization on human resources and on logistical and material resources of labour inspection and observed with concern that this had resulted in discretionary power for local government authorities to decide to maintain or quite simply to abolish a labour inspection service.

Officials suggested to the 2009 ILO mission that decentralization could have been effective had it been accompanied by the decentralization of the civil servants. The transfer and distribution of adequate human and material resources was one of the preconditions for the implementation and success of the decentralization process. However, resources had not been transferred, and those derived from district taxation were distributed among the departments in accordance with the priorities of each district. According to the officials of the Ministry of Local Government, it is for the central government to allocate funds for the operation of the labour administration.

With regard to inspection staff, the Acting Labour Commissioner stressed the difficulty of districts recruiting labour officers. Even with the favourable provision under the Employment Act (2006), the Minister's repeated reminders to district authorities in this regard have had no effect. District authorities do not always recognize the value of labour officers and district resources are too limited for things to be otherwise.

The way in which decentralization was carried out appears to have had an overall negative impact on the provision of labour-related services in the districts (labour inspection, employment services, dispute resolution etc.). The Permanent Secretary mentioned that the MGLSD's approach now was to try to recentralize those functions of labour administration and employment. This marks a change of approach from what the Ministry told the 2009 ILO mission when it said that recentralizing the labour inspection function was not one of the Ministry's priorities.

The Minister was clear that the decentralization policy was not going to be reversed. She nevertheless highlighted one possibility for overcoming the negative impact of decentralization on labour administration in the districts. The idea would be to set up regional administrative centres that would have responsibility over a group of districts. This would mean a concentration and sharing of resources in order to better service the needs of districts that otherwise would not have the budget or staff to adequately deal with labour administration and inspection concerns.

5.4.1. Kampala Capital City Authority (KCCA)

The Kampala Capital City Authority has a total of five labour officers working in the Labour Section (three men and two women). As in the Ministry, the KCCA labour officers are responsible for a wide range of functions including industrial dispute resolution, workers' compensation claims, employment services and labour inspection. The officers said that, by far, most of their time was spent dealing with employment disputes. These

typically involve individuals who are claiming unfair dismissal or unpaid wages. The KCCA office receives approximately 1,000 complaints per year and has a clearance rate of around 80 per cent.

Labour inspection visits are mostly carried out in response to complaints, although the officers said they do carry out labour inspection campaigns noting that in 2011, there was a campaign to verify the permits of foreign workers employed in companies. The mission team made the point that inspecting permits for migrant workers is an issue more appropriate for immigration officials and that, according to Convention No. 81, any additional duties entrusted to labour inspectors should not interfere with the effective discharge of their primary duties, which are enforcement and improvement of the legislation on legal provisions relating to conditions of work and the protection of workers while engaged in their work. The CEACR recalled in its General Survey of 2006 that the primary duty of labour inspectors is to protect workers and not to enforce immigration law. In some cases the Committee has noted that a large proportion of inspection activities are spent on verifying the legality of the immigration status. Since the human and other resources available to labour inspectorates are not unlimited, this would appear to entail a proportionate decrease in inspection of conditions of work.

The labour officers indicated that they had received training on the new 2006 laws.

5.4.2. Jinja District

Back in the 1980s, prior to decentralization, Jinja used to be a regional office boasting 30 labour officers specializing in areas such as public employment services, industrial relations and labour inspection. As a result of decentralization, many of these posts were reassigned to districts formerly under Jinja's responsibility.

Jinja is a mostly agricultural economy in Eastern Uganda with an estimated population of 461,500 people in 2009.²⁸ It has high levels of unemployment and a largely unskilled population of workers. With strong job demand and scarce opportunities, labour officials noted that working conditions in general are poor. There are no institutions or services for vocational training in the district and that developing the skills of the workforce, providing career guidance and job placement services was a major challenge for the district authorities.

In addition to shortages in human resources, the major constraint of course is budgetary. Other than the salaries of the two labour officers in the district,²⁹ there are no funds specifically allocated to labour activities. The District Chairperson noted that labour inspection in particular suffers from this lack of operational funding. The district itself has very little revenue of its own to fund activities, with 97 per cent of the budget coming from the central government. The policy of decentralization was supposed to empower local governments but the budgeting process was not likewise decentralized (the Chairperson described this situation as having manpower to manage but without resources to deliver). The Deputy Chief Administrative Officer noted that in prioritizing budget resources, labour issues are often at the bottom of the priority list. This situation has led to an erosion of the labour department, resulting in limited operations and services on the ground.

²⁸ Uganda Bureau of Statistics, 2009 Statistical Abstract, online at:

http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/2009Statistical_%20Abstract.pdf.

²⁹ There is one Senior Labour Officer and one Labour Officer in Jinja district.

One suggestion that was raised in Jinja to address the erosion of labour services and activities would be to revive in some way a system of regional coordination and even sharing of technical and other resources for mutual support.

The Senior Labour Officer in Jinja is also the acting Senior Community Development Officer and has even been for a time the Assistant CAO. His multiple functions prevent him from focusing on labour related activities. He indicated that there are roughly 200 labour related complaints/disputes in the district every year and that these are brought to the District Offices instead of to the Magistrate Court.³⁰

Labour inspection visits in the district number roughly 10 per month and are mostly partial and reactive, commonly related to workers' compensation complaints (i.e. non-payments) or to labour disputes generally. Labour officers must provide their own transportation when carrying out these visits although there is a modest fund available to compensate for these expenses. Even so, labour inspectors commonly end up using their own funds to pay for fuel and service their vehicles.

There is limited knowledge among employers and workers in the district about the contents of the labour laws and there is need for training support for labour officers, particularly in light of recent legislative and regulatory revisions in this area.

The District Chairperson noted that they have infrequent contact with the MGLSD in Kampala and that there were cordial and regular meetings with the social partners in the district.

5.4.3. Mukono District

Mukono District is in Central Uganda and contains an estimated 952,300 inhabitants in 2009.³¹ Like Jinja, Mukono has a predominantly agricultural economy with some tourism related to Lake Victoria. Officials noted that employers tend to try to avoid formalizing employment relationships (e.g. by contract) and that there is much informal employment in the district. Mukono used to be a larger district but in the continuing process of decentralization, other districts were carved out from its earlier territory. There is a labour department in the district offices responsible for labour matters.

Mukono has only one Labour Officer (Senior) for the entire district.³² Prior to decentralization there were four labour officers. The official noted that his job had been largely reduced to desk work and that the last inspection carried out was some three years ago. This does not appear to be for want of transportation as the district office does have vehicles that are said to be available for officers to perform their work. Rather, the lack of work on labour inspection or other key labour administration activities such as public employment services is due to the overwhelming number of labour complaints and disputes. The Senior Labour Officer basically deals only with complaints and disputes, related in particular to unpaid wages and workers' compensation claims.

Approximately five cases are brought daily to the Labour Officer. Each case takes on average 2-3 months to resolve. Labour officers have the power to institute civil or criminal

³⁰ Complaints/disputes relate most often to cases of unpaid wages, unfair dismissal, leave entitlements and maternity benefits.

³¹ See note 27 above.

³² This official has spent 19 years as a Labour Officer and the past 10 years as Senior Labour Officer.

proceedings but only before the Industrial Court which, at the time of writing, had not been established. Some cases are brought to the Magistrates Court (civil jurisdiction). Even so, one major challenge remains the enforcement of decisions (whether by the court or in the course of, admittedly rare labour inspections). Officers noted that the Employment Act is silent on the issue of enforcement including a system of administrative sanctions available to labour officers when carrying out inspections.

Annual work plans are developed for each technical area at the district level, including labour. The implementation of work plans at the district level are supposed to be funded by a local tax but this does not happen in practice. Mukono officials highlighted that the decentralization of labour services (esp. labour inspection, public employment services, vocational training) has led to a divergence in political priorities between the central and district levels whereby the priorities set at the central level by the MGLSD on labour matters are not always reflected (and thereby funded) at the district administrative level. It was suggested that there should be some conditionality placed on the funds from the central government to ensure that an appropriate level is used for labour administration functions.

There is no registry of companies in the district, although the Labour Officer estimates that there are some 400 enterprises.³³

Unlike in Jinja, the Labour Officer has access to government transportation (when a vehicle from another department is available).

There is no dedicated body in the district for regular tripartite consultation although the social partners do make their interests known to the district office and the labour officer in particular on an ad hoc basis.

5.5. Human Resources

All sectors of the MGLSD have been affected by staffing losses. The number of vacant positions, along with extended periods of managers in an acting capacity has meant that the Ministry, and in particular the Department of Labour, are in a weak position to apply the newly adopted labour laws and recommendations and to implement the commitments under the National Employment Policy and National Development Plan.

Within the Ministry as a whole, only two thirds out of a total of 269 approved posts were filled as of 30 June 2011.³⁴ This percentage is even smaller when one singles out the Department of Labour and Industrial Relations (59 per cent), Occupational Safety and Health (54 per cent) and Employment Services (58 per cent). Even with all these vacancies, there are very few promotions, with vacant management positions commonly filled on a long term acting basis. At the time of the mission, not one of the three departments under the Directorate of Labour had an appointed Commissioner, although a new Labour Commissioner was later appointed in early 2012. The lack of confirmed managers and in particular the lack of career advancement opportunities for labour officers was cited by several officers as a demotivating factor.

³³ It was suggested, but not confirmed, that Local Service Officials who collect taxes have a database on enterprises and their workers.

³⁴ Ministerial Policy Statement for Gender, Labour & Social Development, p. 137.

The reason for the large number of vacant posts is due largely to the lack of budgetary resources to pay for the staff³⁵ and was also a consequence of the MGLSD restructuring that took place in 2007. While the positions are approved in the Ministry structure, this does not automatically mean that they are funded. Filling posts has to be done in consultation not only with the Ministry of Public Service (who is responsible for the recruitment of all civil servants) but also with the Ministry of Finance to ensure adequate budget resources are available.

Officials noted that the turnover of staff is higher in the Directorate of Labour than in other MGLSD Directorates (and highest within the OSH Department). Staff frustration stemming from the lack of resources to carry out their work was given as a main reason for such high turnover.

As already mentioned, the staffing situation of labour officers at the district level is very low with 34 labour officers employed out of a total of 111 districts. This dire situation is in part due to the mixed mandate of the officer (labour and community development), the political priorities of the Chief Administration Officers as well as budget limitations for staff. The MGLSD has asked the Ministry of Local Government for grants to support qualified officers in the districts but these requests have not yet resulted in firm commitments to subsidize additional labour officers. Even when staffing allocations for the MGLSD is increased at the district level, the mission team was told that new officers are frequently appointed as community development officers with no competencies or responsibilities over labour matters.³⁶

The Minister highlighted the need to have a better and more systematic training program for labour officers (including specifically on matters of labour inspection). While the Ministry of Public Service has a general training policy for new civil servants, the MGLSD does not have a written training policy in place – though it does have a training committee. Currently, all new labour officer recruits require at least a university bachelor's degree. However, new staff only receives standard training that is given to all civil servants and, other than on the job training, there is only ad hoc if any formal instruction on the technical competencies they have been hired to perform.³⁷

The probationary period for new professional staff is one year (used to be two years) and all labour officers must complete annual performance appraisals. Contracts are given for a period of two to three years and officials confirmed in their posts must work for at least three years before being considered for promotion.

5.6. Cooperation with other public institutions

The development of the National Employment Policy was led by the MGLSD in collaboration with other relevant Ministries. Also, the Department of Occupational Safety

³⁵ The Ministry most recently received a Shs 2.4 billion (1 million USD) allocation for wages but would require Shs 3.2 billion (1.4 million USD) to pay for wages if all the Ministry posts were filled.

³⁶ The Department of Community Based Services (part of the district administrative structure) is the implementing agency for the MGLSD at the district level. As such, labour and employment issues fall under this broader umbrella of social development. Consequently, a labour officer in a district office is seldom just a labour officer but carries other tasks related to the larger community services portfolio.

³⁷ Regulations require that a minimum of four per cent of budget resources be spent on staff training.

and Health regularly works with the Ministry of Health on joint training initiatives, the Ministry of Agriculture, the National Environmental Authority as well as the Ministry of Works in the granting of building permits.

At one point, all government inspectorate units used to be coordinated through a Government Inspection Services Committee that was chaired by the head of the Public Service Commission.

6. Labour Inspection

In Uganda, all labour officers are legally empowered to engage in labour inspection activities. The term labour officer (both in law and as used in this report) includes the functions of a traditional labour inspector. The powers of a labour officer under Section 10(2) of the Employment Act with respect to labour inspection reflect the same powers set out in Art. 3 of ILO Convention No. 81, namely:

- a) securing the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work;
- b) the supply of technical information and advice to employers, employees and their organizations concerning the most effective means of complying with legal provisions; and
- c) bringing to the notice of the Minister defects or abuses not specifically covered by existing legal provisions.

The mission team was told that on the whole, the approach to labour inspection was more reactive than proactive (a situation that was also the case in dealing with labour disputes). In fact, labour officers whether at the central level or in the districts, spend the bulk (if not all) of their time dealing with complaints brought by workers with cases of unfair dismissal, unpaid wages and workers' compensation.

Labour Officers carry out inspections of workplaces, investigate cases of breach of contract, mediate disputes between workers and employers and provide relevant technical advice.³⁸

6.1. Comments by the ILO supervisory bodies

The CEACR noted on several occasions the negative effects of the Uganda decentralization policy on labour inspection services, in particular on the human and material resources made available at the district level to carry out labour inspection activities. The Committee observed with concern that decentralization meant that local government authorities had the discretion to decide whether or not to support labour inspection activities.

The CEACR has consistently urged the Uganda Government to reconsider the question of the decentralization of the labour inspection system or, at the very least, the way in which it is implemented, in accordance with the principles laid down in ILO

³⁸ The National Employment Policy for Uganda, April 2011, p. 19.

Convention No. 81.³⁹ In 2001, 2003 and 2008, this situation was submitted for discussion to the ILO Conference Committee on the Application of Standards, which endorsed the recommendations of the CEACR and on each occasion formulated conclusions inviting the Government to take the recommended measures in order to re-establish a labour inspection system in industrial and commercial enterprises in compliance with the principles laid down by the Convention and with its objectives.

Both Committees have suggested recourse to the technical assistance of the ILO for this purpose. In 2001, at the Conference Committee on the Application of Standards, the Government undertook in particular to re-examine the decentralization measures, if necessary with ILO technical assistance (ILC, 89th Session, June 2001), but took no further action in this respect. This forced the CEACR and then the Committee on the Application of Standards to repeat their requests in 2003 and 2008, emphasizing the need to take, in collaboration with the social partners, the administrative and financial measures essential for the functioning of the labour inspection services in compliance with Convention No. 81. The CEACR observed that the concept of a central inspection authority was meaningless, as no budget was allocated to it at the national level and, generally speaking, local government authorities did not see the point of establishing or maintaining inspection services, and particularly of allocating funds for their operation. The Government recognized that the decentralization methods were contrary to the Convention and the CEACR pointed out that the obligations deriving from the ratification of the Convention were in any case the responsibility of the State and applied to the whole of the national territory. It stressed, in particular, the urgent need to establish the conditions for the publication of an annual report on inspection activities, which is an indispensable instrument for the evaluation of the situation in this area and, consequently, for the identification of the means and priority actions needed to improve it.

During the ILC Session in May–June 2008, in the Committee on the Application of Standards, the Government nonetheless gave the undertaking that it would adopt measures to introduce an inspection system in line with the requirements of the Convention and stated that, under the Employment Act No. 6 (2006), at least one labour officer would be recruited in each district.⁴⁰

6.2. General labour inspection (excluding OSH)⁴¹

According to the CEACR report covering 1994, the Labour Department had 83 employees, of whom 62 worked in the districts. Despite limited resources, the inspection staff managed to carry out 280 fully fledged visits, 292 visits to monitor implementation and 436 visits for other purposes. As prescribed by Art. 3(1)(a) of the Convention, these inspections focused on application of the provisions on working conditions (general conditions and occupational safety and health) and the protection of workers. Of the many

³⁹ Art. 4: “So far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority.”

⁴⁰ Art. 9: (4) Every District Service Commission shall appoint a district Labour Officer and such other officers, as may be necessary for purposes of administering this Act. (5) For the avoidance of doubt, every district shall have at least one district Labour Officer.

⁴¹ As understood in the context of Convention 81, the term “labour inspection” covers all aspects of inspection at the workplace including working conditions and occupational safety and health. For the purposes of this section, however, labour inspection is understood to exclude occupational safety and health, which is discussed further below.

complaints from workers that had reached it, the labour inspectorate was able to deal with 1,252 and refer 32 to the courts.

A total of 370 workplaces were inspected in FY 2009-10 according to the Ministry Policy Statement to ensure compliance with the lawful terms and conditions of employment were respected and with the standards of workplace safety and health. In FY 2010-11 a total of 450 workplaces had been inspected at the time of publication of the following year's Ministry Policy Statement.⁴² The plan for FY 2011-12 is to further increase the number of labour inspections to 750.

Ministry officials noted that while there is no strict requirement for labour officers to carry out a certain quota of labour inspections per month (as is the case for other countries in East Africa), the internal requirement is to perform three monthly inspection visits. In practice, officials said that the number of visits ultimately depends on the funds available for transportation. In any case, there is no joint visit planning between general labour inspectors and OSH inspectors, even though the Permanent Secretary has encouraged this practice. Labour officers do not plan visits based on a list of priority enterprises or sectors. Instead visits are usually carried out based on geographic location, with inspectors visiting workplaces as they go along. Labour officers are required to use a standardized inspection report form (see Annex 8) when visiting an enterprise but the mission team was informed that this is not always systematically done.

In the districts, inspection visits are carried out infrequently (both general and OSH inspections) since labour officers are most often preoccupied with the resolution of disputes. Where visits do take place, however, these are mostly based on incidents or complaints (reactive) rather than being planned as part of the labour officers routine activities (proactive).

The Director of Labour mentioned that the Ministry has a responsibility to provide technical assistance to enterprises and workers in the informal economy and that there is an urgency to improve services in this respect. She noted that the approach of "mobile clinics" adopted by the Ministry of Health for public awareness and services on HIV/AIDS could perhaps serve as a model for extending the reach of labour administration services to this part of the economy.

6.3. OSH inspection

Unlike general labour inspection, occupational safety and health remains a centralized function of the MGLSD with OSH inspectors concentrated in the Ministry offices in Kampala both in terms of policy development and provision of services. There are in fact no OSH specialists working in the districts. With this centralized configuration, the acting Commissioner confirmed that it is an enormous challenge to cover all the districts in the country, especially with limited staff and means for transportation. The OSH Department has a total of 26 staff out of a possible 48 budgeted positions (22 vacant posts). The inability of the OSH inspectors to effectively cover the entire Ugandan territory has drawn calls for the Ministry to place OSH inspectors at the district level.⁴³

The situation of OSH inspection highlights a dichotomy of the labour inspection functions within the Ministry. On the one hand, general labour inspection is predominantly

⁴² 10 flower farms, 50 agro-processing workplaces, 100 construction sites; 100 manufacturing facilities; 180 statutory inspections; 10 oil and gas installations.

⁴³ 2009 ILO Mission Report.

decentralized at the district level and is characterized by poor coordination between district labour officers and the Ministry (where district LOs exist at all). On the other hand, OSH inspection is entirely centralized, both in terms of policy and inspection actions, leading to a situation where the Ministry is unable to service all the districts' needs satisfactorily from Kampala.

The Director of Occupational Safety and Health told the 2009 mission team that the lack of human and financial resources was the main obstacle to the application of the Occupational Safety and Health Act of 2006. Moreover, there is no structured training for OSH officers, with new recruits receiving only general orientation training for civil servants. If officers desire training on a particular technical subject, they have to identify these opportunities and secure funding on their own. The acting Commissioner of the OSH Department indicated the need to strengthen its training committee to make sure these training opportunities are better identified and taken advantage of.

Under the OSH Act, there is provision for statutory inspections to be carried out. To fulfil these statutory requirements teams of OSH inspectors from the MGLSD go out to the districts to perform these visits as resources are available. Fewer statutory OSH inspections are being carried out however because of the reduction in resources.

The Permanent Secretary noted that two sectors of major concern within the country for occupational safety and health conditions include the horticultural sector as well as in the rapidly developing oil and gas sector. Another area of concern has to do with the conditions of Uganda workers in employment abroad. While investigations on alleged violations outside of Uganda are not within the government's jurisdiction, the Policy Statement indicates that the Ministry investigated five occupational accidents of Ugandans working abroad including in Southern Sudan, the United Arab Emirates and Iraq.

The Department of Labour mentioned that it would like to strengthen coordination between the activities of general labour inspectors and occupational safety and health inspectors. While joint visits do occasionally take place, they are not routine and there is no systematized approach or agreement upon which such coordination exists.

The OSH Department plans its work using quarterly work plans which target specific districts. Teams of inspectors (usually teams of four) then decide on the schedule for performing the visits. The visits do not target specific enterprises but rather geographic areas. In most cases, inspectors do not give notice to employers in advance of their visits. However, advanced notice is given for OSH inspections in the oil and gas sector.

The Department keeps a central register of all workplaces visited and is working to collaborate with other agencies to find out information such as whether an enterprise has workers' compensation coverage or not (which is a precondition for employers in getting a business licence). There used to be collaboration with the National Social Security Fund but since the NSSF is no longer under the authority of the MGLSD (now with the Ministry of Finance), sharing of information on enterprises no longer takes place. It does however systematically receive information from the National Environment Management Authority (NEMA) on company environmental impact assessments. The mission team was informed, however, that there is no systematic sharing of data between labour officers carrying out general labour inspections and OSH inspectors, even though they are under the same Ministerial Directorate.

The mission team further learned that there is no laboratory available to OSH inspectors where they might analyze samples obtained during their inspection visits or carry out other tests.

Also, it is generally acknowledged that there is massive under-reporting of occupational accidents and diseases in the country. This has the effect of depriving

affected workers of their rights under law while at the same time preventing the Ministry from improving its policy responses by having reliable data about the trends and tendencies of occupational accidents and diseases in the country.

6.4. Sanctions, remedies and prosecutions

Labour officers have the power to initiate civil or criminal proceedings before the Industrial Court for violations of the Employment Act and may even prosecute and appear in his or her own name (Section 14). However, since the Industrial Court has not been set up, this power is not effective in practice.

In terms of enforcing the OSH Act, the acting Commissioner noted that while there is supposed to be a position for a prosecutor within the OSH Department, this position has not been filled. Prior to decentralization, there was an allocation for legal training. However, the last OSH case that was brought to court was in 2006, and it was not brought by a labour officer.

Officers told the mission team that cooperation between the Labour Department and the Solicitor's office has been limited, although the experience has been more positive in some districts.

7. Social partners and tripartite structures

As was the case in countries in East Africa, the history of trade unionism and employers' organizations dates back to the colonial era. Trade unions were in particular established under the tutelage of the British Trade Union Congress. The main social partner organizations in the country are the Federation of Uganda Employers, the National Organization of Trade Unions and the Confederation of Free Trade Unions.

The Minister said that the existence of two peak trade union organizations is a challenge to the strength of workers' organizations in the country, and this rivalry also weakens the efforts of the Ministry to advocate effectively for and execute its mandate.

The Permanent Secretary told the mission team that collective industrial disputes were on the rise in the country.⁴⁴

7.1. Federation of Uganda Employers

The formation of the Federation of Uganda Employers (FUE) dates back to 1958 when leading companies came together to promote partnership on issues of mutual interest. Formerly known as the Society of Ugandan Employers, the FUE was established and registered in July, 1960, and it gained the current name in 1961 after its merger with the Federation of Industry. The FUE has a membership of 416 individual members and 19 sectoral associations and is affiliated to the East African Business Council and the Pan-African Association. As the only employers' organization in existence in the country, it represents employers in statutory bodies such as the Labour Advisory Board, the Board of the National Social Security Fund, the Minimum Wages Advisory Board and the Private Sector Business Development Supervisory Committee.

⁴⁴ The mission team did not obtain any hard data to confirm this trend although it was told that the MGLSD does maintain a registry of industrial disputes.

During the interview, FUE representatives expressed the need for the strengthening of the Ministry by having a stand-alone Ministry as is the case in other countries in the East African Community, and in order to give it more focus. A concern was expressed that while the policy of decentralization had the noble purpose of bringing services closer to the communities, labour administration services were decentralized without sufficient human resources in the districts. A specific call was made for all labour administration services to be re-centralized to allow for proper recruitment and capacity building of staff.

Regarding labour inspections, employers were of the view that labour inspectors had no background in labour relations and have not been properly inducted and trained in their work. They were not properly capacitated to conduct inspections because they had to deal with complaints or were assigned other duties by district administration, and only visit workplaces at the invitation of employers when there was an industrial action. Employers expressed a need for the development of a code of ethics for inspectors, and the enforcement of existing public service code of conduct to regulate their professional integrity.

In the area of social dialogue and tripartism, employers expressed the urgency to finalize the Industrial Relations Charter to guide the relationship between the tripartite partners. A concern was expressed about the rivalry between trade unions and their federations which has negatively affected existing agreements at the enterprise level. A call was made for the amendment of the Labour Unions Act, 2006 for it to address issues relating to representativity of trade unions for purposes of recognition and collective bargaining rights. The need to build the capacity of the newly inaugurated Labour Advisory Board was emphasized to enable it to properly advise the Minister and to put across the interests of the social partners. A strong case was made for the operationalization of the Minimum Wages Advisory Board to fix minimum wages and terms and conditions of employment. Representatives of employers lamented the low level of wages being paid to workers which they argued was the cause of low morale existing among workers and low productivity.

In the area of dispute resolution, employers expressed a concern at the low calibre of labour officers to resolve disputes which was attributed to their low level of skills due to no training in conciliation/mediation. As a result, employers and workers have devised their own systems of dispute resolution, bypassing the statutory processes. Employers urged the Ministry to expedite the conclusion of the legislative process that would lead to the operationalization of the Industrial Court to resolve the bag log of cases requiring arbitration.

Finally employers expressed the need for strengthening of the public employment services for them to be able to effectively regulate private agencies. Their concern was based on increased human trafficking of labour to the Middle East under the guise of employment.

FUE works closely with the government, and the National Organisation of Trade Unions to strengthen tripartism that brings the social partners together to promote industrial peace, enhance employment support social security, develop vocational and managerial skills. FUE serves on various tripartite bodies namely; the National Social Security Fund, Labour Advisory Board (LAB), Minimum Wages Advisory Board, Uganda Industrial Court among others. FUE works closely and shares experience with sister federations worldwide like the Federation of Uganda Employers, Association of Tanzania Employers, Confederation of Norwegian Business and Industry, only to mention but a few. FUE is affiliated to the East African Business Council, East, Central, and Southern African Employers' Conference, Pan-African Employers' Confederation, International Labour Organisation where it represents Uganda employers.

7.2. National Organisation of Trade Unions and the confederation of Free Trade Unions

The National Organisation of Trade Unions and the Confederation of Free Trade Unions are the main trade union federations with the former enjoying the most representative status. The mission met the organizations separately, but there was a convergence of views on major issues.

There was an agreement with the employers on the necessity to have a stand-alone Ministry of Labour in line with a practice in the East African Community, and to give the Ministry an “identity” and focus. This would also avoid the competition for resource allocation among the various Directorates.

A concern was expressed at the performance of the Directorate of Labour which was attributed to poor human resource practices such as lack of promotion prospects and no training. This has resulted in low morale for staff and a high turn-over of young graduates who have joined the private sector.

Labour inspections were said to be “dead” because of lack of transport, low salaries which have “compromised” the integrity of labour inspectors, lack of independence since inspectors feared to antagonize district administrators some of which are employers; there was no training of staff; there was insufficient number of staff in the districts and they were often assigned to perform other functions not related to their core mandate; and where there were no labour officers, their work was being done by development officers with no knowledge of and training in labour matters.

The recent inauguration of the Labour Advisory Board was seen as a welcome development, but the need for more capacity training of Board members in the form of training in social dialogue and negotiation skills was expressed. A need to develop rules of procedure to regulate business and operations of the Board was highlighted.

In conclusion, workers representatives urged government to expedite processes that would lead towards the establishment and/or operationalization of the Occupational Health and Safety Board, the Industrial Court, the Industrial Training Board and the Minimum Wages advisory Board.

The COFTU representative above all deplored the “inertia” (if his exact words, or otherwise inaction) of the MGLSD in a context of general precariousness of employment unfavourable to stronger trade unionism. The result was a derisory level of union contributions. The lack of any link between the authority responsible for dealing with foreign investments and the one responsible for protecting workers and the lack of consultation of the social partners aggravated this state of affairs. The union representative said that some of the information communicated by the mission had surprised him, for example, the Government’s duty to allocate resources to local government for the administration of labour. He requested that the mission report be communicated to the social partners.

7.3. Labour Advisory Board (LAB)

The main structure of social dialogue is the Labour Advisory Board which was appointed in April 2011 but only inaugurated in October 2011. The Board is established in terms of Section 21 of the Employment Act, 2006 to advise the Minister on matters relating to employment and industrial relations, the International Labour Organization, vocational guidance and training, implementation of Child Labour Policy, HIV and AIDS

at Work Policy and the National Employment Policy, regulation of employment agencies and bureaus, and overseeing of the dispute resolution process.

In terms of Regulation 9 of the Employment Regulations, 2011, the Board is made up of an independent chairperson, representatives of the Ministries responsible for the Public Service, Finance, Education, Local Government, Trade and Industry, and Justice; representatives of employers' organizations; representatives of trade union organizations; representative of persons with disabilities; and the government agency responsible for environmental protection. The Secretary of the Board is the Commissioner responsible for Labour.

Since the Board had just been inaugurated, efforts have been on securing office space where the Board would operate and on securing secretarial staff. Members of the Board interviewed echoed sentiments already expressed by other parties on the need to have a fully fledged Ministry of Labour to give it more focus. They felt that a dedicated Ministry would enhance their effectiveness in that they would be dealing with a Minister dedicated to a single mandate. Furthermore, Board members indicated that Uganda's labour market was dominated by informal work and expressed the need to have the Board structured in a way that would enable the expression of the views of informal economy workers.

7.4. Minimum Wages Advisory Boards and Wages Councils

Section 3 of the Minimum Wages Advisory Boards and Wages Councils Act, 1957 (Chapter 221) makes provision for the Minister to appoint a minimum wages board if s/he considers desirable to fix a minimum wage and determine other conditions of employment for any employees or group of employees in any occupation. The First Schedule of the Act stipulates the composition of the board as being the chairperson, two other persons, assessors appointed by the chairperson who shall be persons with expert knowledge of any of the matters with which the board's inquiry is concerned, and an equal number of persons representing employers and workers directly connected with the occupation.

Furthermore, Section 7 of the Act provides that if the Minister is of the opinion that no adequate machinery exists for the effective regulation of wages and conditions of service for employees in any particular trade, industry or occupation, s/he may establish a wages council to submit to him/her wage regulation proposal as to the remuneration that should be paid and conditions of employment that should be provided for those employees.

The mission was however informed that the system of minimum wage setting has not been functioning since 1996 when the last attempt to review minimum wages was made but failed due to opposition from some leading ministries and offices in government. All parties interviewed agreed that minimum wages in the country were the lowest in the region (about US\$40 per month) and had drastically been eroded by inflation. An urgent need to re-institutionalize minimum wages system by constituting a wages advisory board to perform its functions was emphasized.

8. Findings and Recommendations

8.1. National labour administration system

8.1.1. Structure, mandate and resources of the Ministry of Gender, Labour and Social Development

The Ministry of Gender, Labour and Social Development comprises three distinct mandates within a single Ministry, of which labour is only one Department. As a result of past structural reforms, the Department of Labour has lost certain traditional functions including oversight over the National Social Security Fund, and responsibility for vocational training and youth employment. In addition, the Government adopted a National Employment Policy in April 2011. However, the lack of resources and the institutional weakness of the Department of Labour raises concern over the Ministry's ability to implement the policy.

The percentage of the national budget devoted to labour matters is miniscule. Moreover, at the district level, conditional grants are inadequate to support the various labour administration functions and local revenue arrangements are insufficient to fill this gap.

Recommendation

Re-establish a standalone Ministry of Labour, as urged by the EAC Council of Ministers, with adequate resources to strengthen labour administration and inspection services throughout Uganda. In doing so, the Government may wish to refer to the provisions of ILO Convention No. 150 on Labour Administration as well as to the Report prepared for the General Discussion at the 100th ILC on Labour Administration and Inspection, which provides comparative guidance on the organization and structure of labour ministries.

8.1.2. Coordination of labour administration and inspection functions

The national system of labour administration has been affected by the policy of decentralization of labour administration services to the districts. As has already been pointed out in the main part of the report, the headquarters has not been effective in the performance of its coordination role; decentralization of services has not been accompanied by provision of requisite resources to enable districts to perform their responsibility of service delivery; there is general lack of capacity of staff in the districts regarding their technical competence and numbers.

Recommendation

Given the unlikely reversal of the governments decentralization policy, the MGLSD should reassert its active role of coordination, policy setting and provision of technical support and guidance to the districts in order to improve the delivery of labour administration services at the local level. The mission is of the view that the Constitution of Uganda and the Local Government Act provides sufficient scope within which the Ministry can be able to influence delivery of services in the districts.

8.2. Labour legislation

8.2.1. New labour laws

A large number of new laws and regulations have been recently adopted in the field of labour and employment. This implies additional responsibilities on the MGLSD, and particularly the labour inspection function, to apply the new statutes. Yet there is already a general lack of awareness on the part of labour officers on the content and application of the law.

Recommendation

The MGLSD and the Department of Labour in particular, should develop a realistic and achievable plan to raise awareness on the new legislation among labour officers, particularly on the means to enforce these laws.

8.2.2. Enforcement and Sanction Provisions

Despite having adequate legislation largely in compliance with international labour standards, there are inadequate measures to enforce decisions or rulings taken by labour officers within the Employment Act of 2006 or provisions for sanctions to compel compliance with the labour law.

Recommendation

The MGLSD should consider strengthening the level of sanctions so as to be reasonably dissuasive. At the same time, it is important to consider effective legal mechanisms to ensure that such fines are in fact paid by employers when imposed.

8.3. Field structure

8.3.1. Decentralization

The Government policy of decentralization, and especially the proliferation of new districts in recent years, has deeply and negatively affected the delivery of labour administration services in the districts. Labour issues are often not given priority by Chief Administrative Officers; there are few labour officers in the districts who are often assigned duties beyond their scope as labour officers; and there are limited resources. As a result and despite the existence of a legal framework for labour inspection, the labour inspection system has almost collapsed. The Commissioner has no supervisory power over district labour officers and the Commissioner is not able to produce reports on the regular achievements, trends and challenges of labour administration and labour inspection in the country. This situation needs to be addressed urgently by the Government because delivery of services by the Directorate of Labour has been compromised. In addition, there have been numerous comments by the ILO Committee of Experts urging the Government to rectify the situation, but to date there has not been noticeable progress

Recommendation

The MGLSD should endeavour to raise awareness within the Government on the importance of labour administration for the country's social and economic development and to ensure decent working conditions for workers. In so doing, the Ministry should take measures within its means and competences to establish an effective labour administration

with the resources and personnel necessary for its operation, including as an essential prerequisite for the effective operation of an inspection system.⁴⁵

8.4. Human Resources

8.4.1. Staff development

There is a high turnover of staff in the Directorate of Labour with limited recruitment of new staff to replace them resulting in many unfilled positions. This has generally been attributed to poor working conditions and unfavourable human resource policies (e.g. low salaries, limited career advancement). Newly recruited staff (both at the headquarters and districts) have not been properly trained in key labour administration activities such as labour inspection, employment services, dispute resolution and labour law.

Recommendation

A budgeted national training plan for labour officers should be adopted and implemented at the central and district levels that addresses the specific technical knowledge and skills required by new recruits and existing staff to fully carry out their duties.

8.5. Planning, monitoring and evaluation

8.5.1. Statistics and labour market information

The Department of Employment Services gathers only limited labour market information which limits the objective basis for policy planning, programming and monitoring. In addition, records are not routinely kept on the results of labour inspection activities and disputes and there is no employer registry at the MGLSD that could assist the Ministry in planning, programming and evaluation of its policies as well as assisting labour inspectors in planning inspection visits.

Recommendation

The Ministry should review its existing and available sources of labour market information and develop an information management strategy that effectively consolidates labour market data, maximizing coordination with other statistical bodies such as the Uganda Bureau of Statistics. Any existing information gaps should be identified and action taken to fill these information needs. Specifically, the Ministry should ensure at a minimum that information gathered through labour inspection activities is systematically available for all labour officers as well as managers at the central and district levels to assist in planning and policy development of the Department of Labour. The Ministry should also explore the possibility of improving information sharing with the NSSF which expressed openness in this regard.

8.5.2. Annual report on labour inspection

Section 20 of the Employment Act (No. 6) requires the MGLSD to publish an annual report containing information on labour inspection. This unfortunately is not regularly carried out. Such a report is required under Articles 20 and 21 of Convention No. 81 and

⁴⁵ ILC C. App 2008.

would also enable the Ministry, as well as the social partners and the ILO's supervisory bodies, to gain a sufficiently clear idea of the way the labour inspection system functions and hence to envisage or propose, as the case may be, the necessary means of improving it.

Recommendation

The ILO urges the Ministry to publish an annual report on labour inspection, which would assist in strengthening the central authority's role of the Labour Department with respect to the district labour offices (see below). In so doing, it should set up a procedure for the submission of periodic district reports by labour inspectors on their activities.

8.6. Labour inspection system

8.6.1. Central Authority

Labour inspection in Uganda is a decentralized service. There is no properly functioning central authority within the MGLSD on labour inspection to guide labour inspection action throughout the country as required under Convention No. 81.

Recommendation

The need for such systems to be under the supervision and control of a central authority so as to ensure equal protection for workers in industrial and commercial establishments throughout the country. (Art. 4 of C81).

8.6.2. Qualified and Trained Labour Inspectors

There is currently a lack of appropriate technical training for labour inspection officers both in terms of a national strategy for LI training covering induction training and professional development as well as in terms of technical materials sufficient to build the knowledge and skills of labour inspectors. Art. 7(3) of Convention No. 81 requires that labour inspectors should be adequately trained for the performance of their duties.

Recommendation

In addition to recruiting qualified personnel, the Ministry should consider designing and adopting a comprehensive strategic national training plan adapted to the real needs of labour inspectors.

8.6.3. Labour inspectors and dispute settlement

Labour officers in Uganda are responsible for a variety of functions including labour inspection, but due to the lack of properly functioning dispute resolution institutions, most of a labour officer's time (particularly at the district level) is devoted to dispute resolution. Because the Industrial Court has not yet been established as provided by law, labour officers in some instances are overwhelmed by conducting hearings and delivering rulings on matters which would ordinarily be under the purview of this specialized court. According to the Convention and comments by the CEACR, labour inspectors should mainly be responsible for the functions laid down by Convention No. 81 (enforcement of legal provisions relating to conditions of work and protection of workers; supplying technical information and advice to employers and workers and their representative organizations on the most effective means of complying with legal provisions; and bringing to the notice of the competent authorities any legal deficits affecting workers). These functions are sufficiently varied and complex and require for their satisfactory

exercise the constant devotion and attention of labour officers. Any further duties which may be entrusted to labour inspectors should not interfere with the effective discharge of their primary duties.

Recommendation

Along with parallel efforts to establish effective dispute resolution machinery that could remove some of the work burden on labour officers/inspectors, the Ministry should ensure that the function of the labour inspection system is not compromised by a focus on dispute resolution at the expense of labour inspection. In so doing it may consider the creation of a separate cadre of labour inspectors, particularly at the Ministry level. A dedicated corps of labour inspectors will ensure that their tasks are not diluted by other responsibilities currently held by labour officers and could further reinforce efforts to strengthen the central authority on labour inspection.

8.6.4. OSH inspection

OSH inspection remains a centralized function of the MGLSD carrying out visits from Kampala to the districts. In practice, however, there are very few OSH inspections carried out in the districts.

Recommendation

To improve the coverage of OSH inspection across the country, the Department of Occupational Safety and Health should improve its coordination with district labour inspectors and possibly carry out joint visits with other inspection bodies outside of the Ministry (e.g. Ministry of Health). In addition, given that the lack of resources is an important hindrance on the action of OSH inspectors in the district, greater focus should be given to the preventive role of OSH inspectors in developing awareness raising and target campaigns to address identified occupational safety and health challenges in the country. Furthermore, the Ministry should consider designing and adopting a comprehensive strategic national training plan adapted to the real needs of OSH inspectors, and provide them the necessary tools and equipment necessary to discharge their duties.

8.7. Social Dialogue

8.7.1. Labour Advisory Board

The LAB has been recently established holding its first meeting and having carried an induction orientation with ILO assistance. They have discussed matters of secretarial support, office facilities and terms and conditions of appointments and have committed to meet again before the end of the year. While they have a mandate based under the Employment Act they as yet do not have a plan of work. Moreover, a lack of clarity on its mandate, composition, rules of procedure, and the need to build the capacity of its members in social dialogue and negotiations skills was highlighted.

Recommendation

Adequate financial and technical support should be given by the Ministry to enable the LAB to properly execute its mandate. Further legal or regulatory clarification of its role and functions should be considered to ensure its smooth operation. It should urgently clarify its work plan, perhaps using this ILO needs assessment report as a starting point for identifying priorities.

8.7.2. Broader Social Dialogue Mandate

Concerns were raised that the mandate for social dialogue under the LAB is narrow and limited to labour and employment matters and does not include consideration of broader national socio-economic policies.

Recommendation

The Ministry should make strategic efforts to expand the role and influence of social dialogue within the government and beyond to address broader socio-economic policy development.

8.7.3. Minimum Wages Advisory Board and Wages Councils

Despite provisions in the law, the Ministry has not yet established the Wages Advisory Board or Wage Councils whose responsibilities are not only to establish minimum wages but to consider the establishment of terms and conditions of employment. As a result, the last minimum wage revision took place in 1984 and labour officers indicate that in many circumstances current wages are unable to provide an adequate living standard for most workers.

Recommendation

The Ministry should establish the Wages Advisory Board and in consultation with social partners, arrive at an agreed method for determining wages (e.g. enterprise, sectoral etc.). The Government is also encouraged to take advantage of courses offered by the ILO on wage setting systems in order to build the capacity of WAB members who may be appointed to serve on the Board.

8.7.4. Occupational Safety and Health Board

Recommendation

The Ministry should further establish the Occupational Health and Safety Board to advise the Minister on policy and standards related to OSH matters.

8.8. Industrial Relations and Collective Bargaining

8.8.1. Trade Union Representativity

There is currently no legal standard or guidelines for determining the representativity of competing trade unions within an enterprise or for collective bargaining.

Recommendation

The Government should work to finalize the Industrial Relations Charter in close consultation with the social partners to ensure swift and greater clarity on the matter of trade union representativity.

8.8.2. Public Sector Collective Bargaining

Recently, a number of public sector unions were recognized by the Head of the Civil Service for the purpose of collective bargaining and progress has been made towards improving public service labour relations.

Recommendation

Given the relatively new phenomenon of public sector unions and collective bargaining in Uganda, the Ministry should consider requesting technical assistance from the ILO to improve its knowledge on collective bargaining in the public sector.

8.8.3. Productivity Improvement

A small unit on productivity improvement has been established within the Department of Labour, Industrial Relations and Productivity with the mandate to advocate for productivity improvements in line with the resolution of the East African Community.

Recommendation

Given the lack of policy clarity in the area of productivity, the Ministry should consult the social partners with a view to arriving at a consensus on a productivity model suitable for the country in order to improve its competitiveness.

8.9. Dispute Resolution

8.9.1. Labour officers

The bulk of work carried out by Ugandan labour officers focuses on the resolution of individual labour disputes primarily dealing with unpaid wages, unfair dismissal, leave entitlements and workers' compensation. A large number of cases are resolved beyond the three month period established by law. In addition, labour officers are not sufficiently trained if at all to conciliate or mediate disputes. Employer and worker representatives suggested that most disputes could be resolved through conciliation if labour officers were properly trained in dispute resolution, and if the capacity of management and workers' representatives at the enterprise level was strengthened in grievance handling.

Recommendation

The Ministry should finalize and adopt regulations dealing with conciliation, mediation and arbitration. It should also consider taking advantage of courses on dispute prevention and resolution offered by the ITC-ILO in order to build the knowledge and skills of labour officers to improve the effective and timely handling of disputes.

8.9.2. Industrial Court

The dispute resolution system has been hampered by delays in the enactment of a legislative amendment required in the appointment of judges of the Industrial Court to operationalize the court. However, the mission is of the opinion that even if the Court was operational, there would still possibly be a backlog of cases in the Court because the system does not appear to be putting much emphasis on the resolution of dispute through conciliation.

Recommendation

The mission recommends that the Ministry expedites the process of amending the Labour Disputes (Arbitration and Settlement) Act, 2006 to hasten the establishment of the Industrial Court to better handle labour disputes and improve the overall efficiency of the labour administration system. In view of the number of districts in the country and in order to anticipate the tribunal's workload and ensure the effective application of labour legislation, special labour sections should be established in territorial courts or consideration given to organizing regular regional sittings of the Court.

8.9.3. Medical Arbitration Board

While the Medical Arbitration Board is established and functioning, its role is essentially limited to cases arising in Kampala and there is poor awareness as to its role and functions.

Recommendation

The Department of Labour should consider ways to raise awareness among labour officers as well as workers and employers on the role and functions of the Medical Arbitration Board. At the same time, consideration should be given to extending services to workers in the districts including, for example, through special sittings of the Board outside of Kampala.

8.10. Public employment services

8.10.1. Institutional Capacity

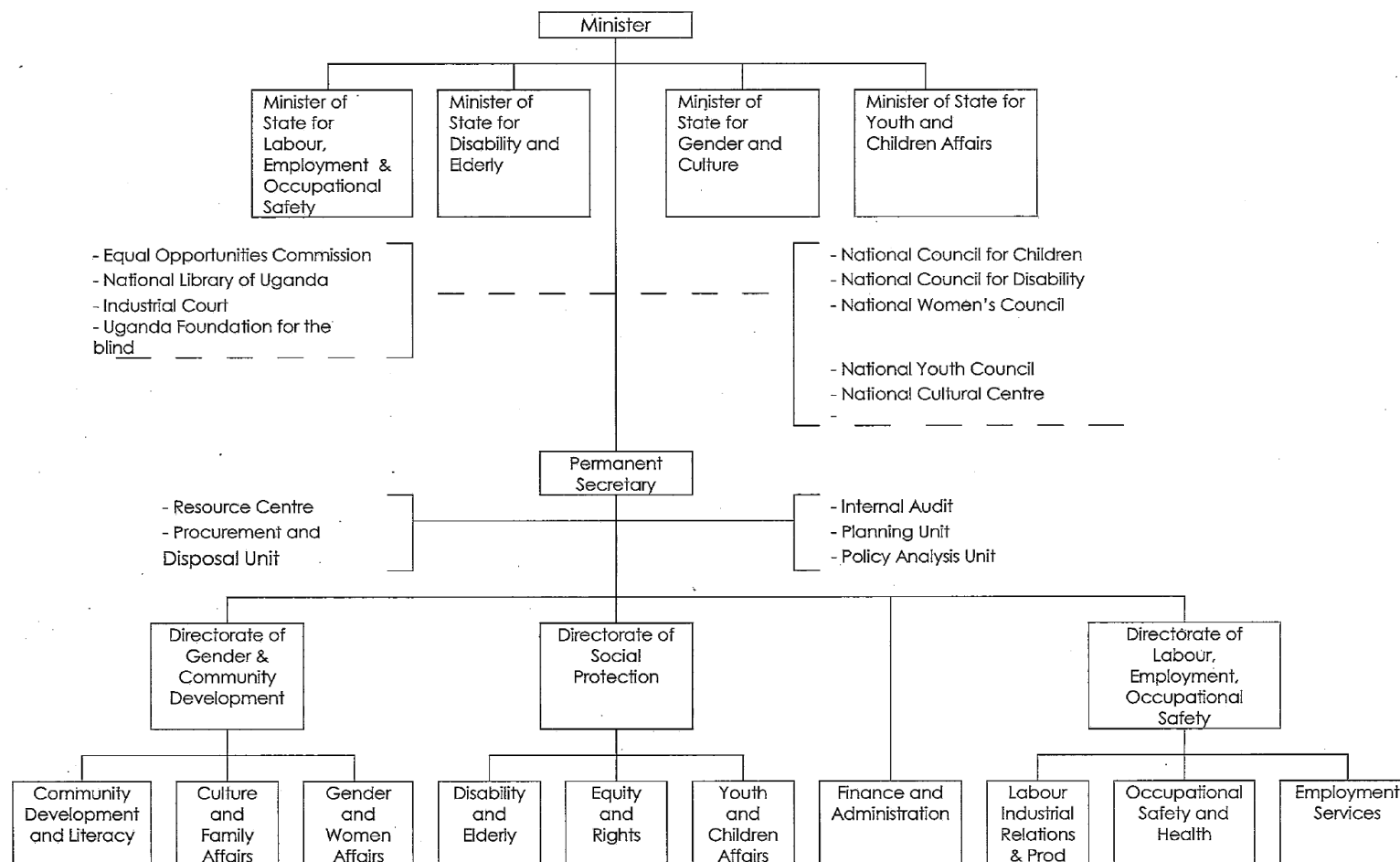
At the central level, the public employment services unit is understaffed and cannot adequately perform the traditional PES services of job placement, postings and statistical gathering on the labour market situation. As such, there is little demand for the existing services available. Moreover, PES is virtually non-existent in the districts.

Recommendation

The Ministry should begin to strengthen its public employment services by building the capacity of officials responsible for managing and implementing the system. It should also consider the possibility of building a national network or database of job postings and job seekers to better facilitate the matching of skills with available positions.

Annex 1

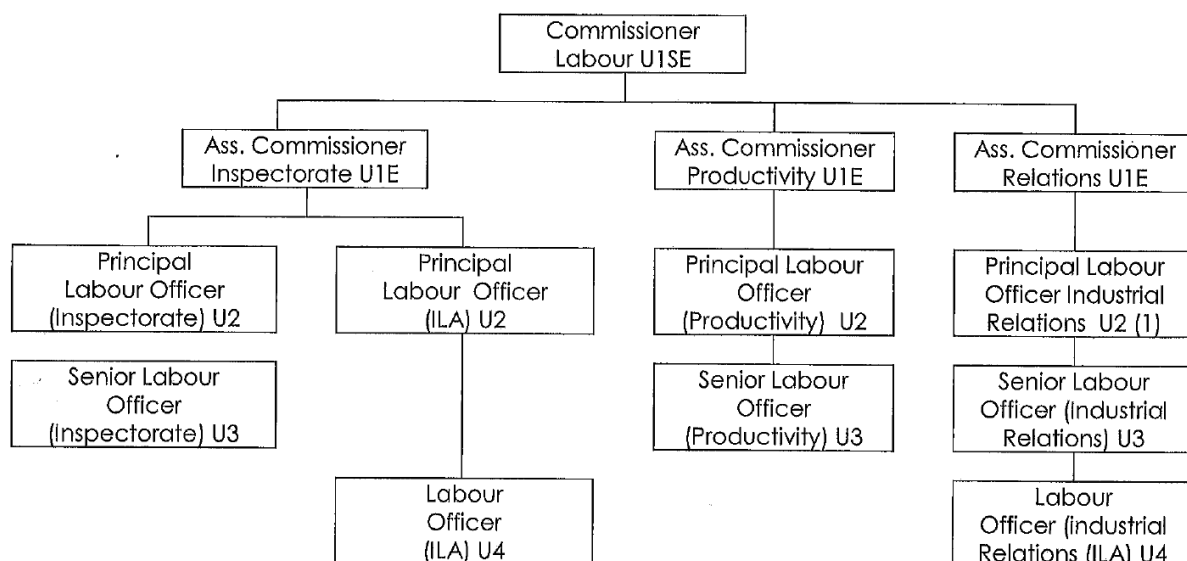
Ministry of Gender Labour and Social Development Structure⁴⁶



⁴⁶ Ministerial Policy Statement for Gender, Labour & Social Development, FY 2011/12, June 2011, page 136.

Annex 2

Organizational Structure of the Department of Labour, Industrial Relations and Productivity



Support Staff

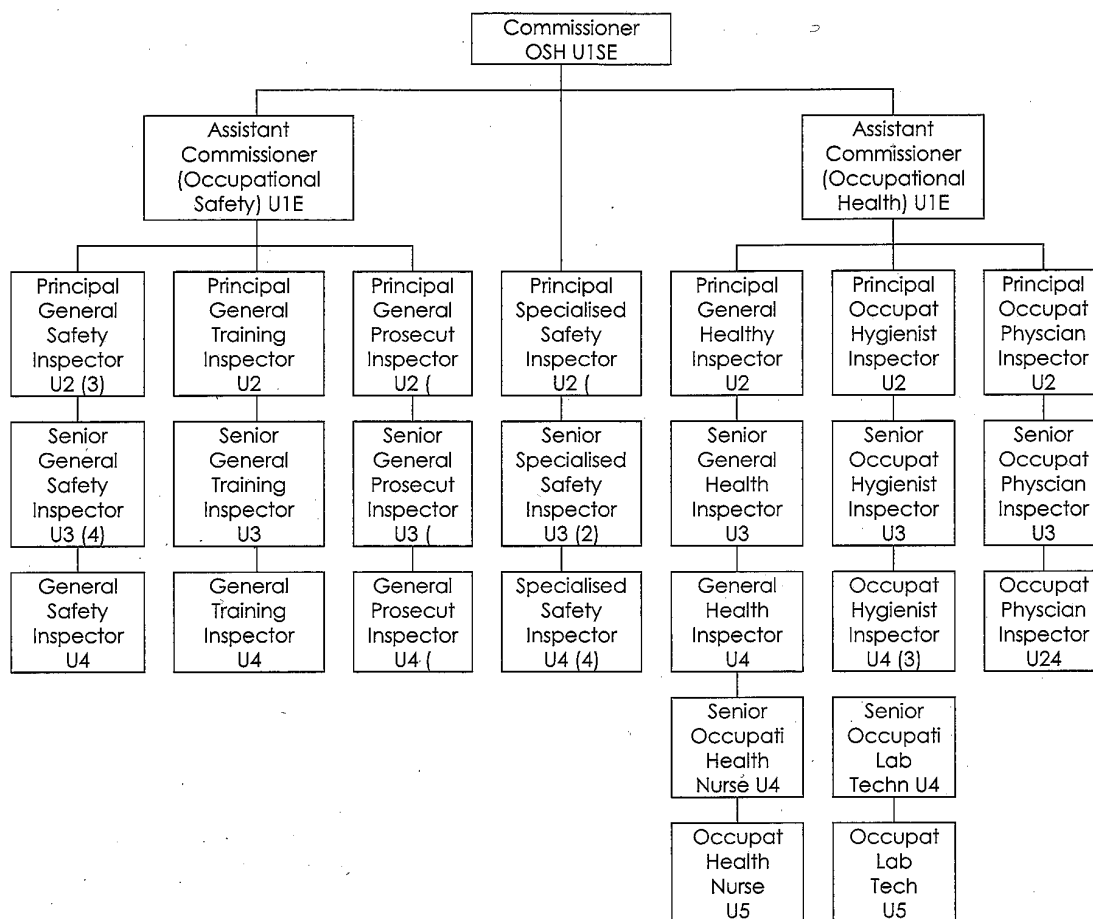
- a) Personal secretary U4 (1)
- b) Steno-Secretary U5 (1)
- c) Drivers U8 (1)
- d) Office attendant U8 (1)

Details of the departmental Structure including Staff list as of 30th June 2011

No	Post Title	Scale	Appr Post	Filled Post	Vac Post	Name of Incumbent	Sex	Status	Salary Per Year
1	Comm	U1SE	1	1	0	Vacant			16,887,211
2	AC/LI	U1 E	1	0	1	Vacant			15,934,825
3	AC/IR	U1 E	1	1	0	Luyima Harriet	F	Conf.	15,934,825
4	AC/P	U1E	1	0	1	Vacant			15,934,825
5	PLO (I.R)	U2L	1	1	0	Rwomushana J	M	Conf	12,175,376
6	PLO Praty	U2L	1	1	0	Nabiwande Nuluyati	F	"	12,175,376
7	PLO (ILA)	U2L	1	0	1	Vacant			12,175,376
8	PLO / Insp	U2L	1	1	0	Bwire Abraham	M	Conf.	12,175,376
9	SLO (I.R)	U3L	1	0	1	Vacant			9,335,843
10	SLO (Pdy)	U3L	1	1	0	Nabwire Rebecca	F	Conf.	9,335,843
11	SLO Insp	U3L	1	0	1	Vacant			9,335,843
12	LO (ILA)	U4L	1	1	0	Mupapa Moses	M	Conf.	6,847,956
13	LO (I.R)	U4L	1	1	0	Mukamba M.	M	"	6,847,956
14	P/Secretary	U4L	1	1	0	Twinomujuni Didus	M	"	6,847,956
15	S/Secretary	U5L	1	0	1	Vacant			4,114,236
16	OA	U8L	1	1	0	Asidoru D			1,476,768
17	Driver	U8	1	0	1	Vacant			1,476,768
18									
	Sub Total		17	10	7				169,012,359

Annex 3

Organizational Structure of the Department of Occupational Safety and Health



Support Staff

- a) Personal Secretary U4 1
- b) Steno Secretary U5 1
- c) Driver U8 3
- d) Office Attendant U8 1
- e) Records Assistant U7 1
- f) Office Typist U7 1

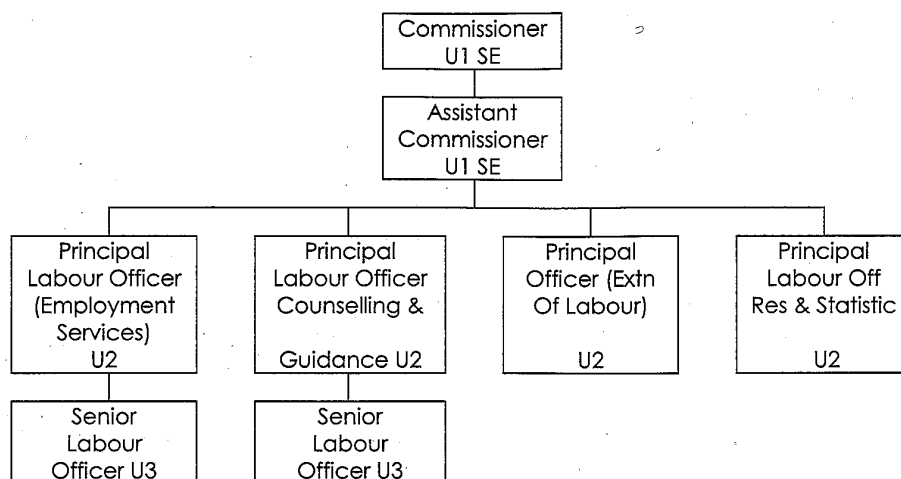
Details of departmental Structure including Staff list as of 30th June 2011

No	Post Title	Scale	Appr Post	Filled Post	Vac. Post	Name of Incumbent	Sex	Status	Salary Per Year
1.	Comm.	U1SE	1	0	1	Vacant			16,887,211
2.	AC/Safety	U1E	1	0	1	Vacant			15,176,028
3.	AC/OH	U1E	1	0	1	Vacant			15,176,028
4.	PGHI	U2 U	1	0	1	Vacant			14,393,544
5.	PGSI	U2 U	3	1	2	Katula Yusuf	M	Conf	43,180,632
6.	PGTI	U2 U	1	0	1	Vacant			14,393,544
7.	PSSI	U2 U	1	1	0	Miyagi A. B.	M	Conf.	14,393,544
8.	POP	U2 U	1	0	1	Vacant			14,393,544

No	Post Title	Scale	Appr Post	Filled Post	Vac Post	Name of Incumbent	Sex	Status	Salary Per Year
9.	POH	U2 U	1	1	0	Mugisa D.	M	Conf.	14,393,544
10.	PGPI	U2 U	1	0	1	Vacant			14,393,544
11.	POSI	U4 U	1	0	1	Vacant			10,153,440
12.	SGHI	U3 U	1	0	1	Vacant			10,153,440
13.	SGSI	U3 U	4	3	1	Emong Okwakol	M	Conf.	40,613,760
14.						Nkonge Dauglas	M	"	
15.						Yiga J. F,	M	"	
16.	SOP	U3 U	1	1	0	Mubokyi S (Dr.)	F	"	10,153,440
17.	SOH	U3 U	1	0	1	Vacant			10,153,440
18.	SGTI	U3 U	1	0	1	Vacant			10,153,440
19.	SGPI	U3 U	1	1	0	Okimait A.	M	Conf.	10,153,440
20.	SSSI	U3 U	2	1	1	Katusabe Eva	F	Conf.	20,306,880
21.	OP	U4 U	1	1	0	Nsubuga M (Dr.)	M	Conf.	8,064,240
22.	OH	U4 U	1	1	0	Nuwamanya W	F	"	8,064,240
23.	OH/B	U4 U	1	1	0	Miti Ronaldey	M	"	8,064,240
24.	OH/Phy	U4 U	1	0	1	Vacant			8,064,240
25.	SSI(Eng	U4 U	1	0	1	"			8,064,240
26.	SSI (Gas)	U4 U	1	0	1	"			8,064,240
27.	SSI (Electr)	U4 U	1	1	0	Angiris Samuel	M	Prob.	8,064,240
28.	SSI(Const)	U4 U	1	0	1	Vacant	F	Conf.	8,064,240
29.	GH/Insp	U4 U	1	1	0	Khayongo B C	F	Prob.	8,064,240
30.	GS/ Insp	U4 U	1	2	-1	Oyara F. A	M	Conf.	8,064,240
31.			0	0	0	Asimwe Alex	M	"	8,064,240
32.	GI(Train)	U4 U	1	0	1	Vacant			8,064,240
33.	GI(Pros)	U4 U	1	2	-1	Nassolo Jude	F	Prob.	8,064,240
34.						Ahimbisibwe C	F	Conf.	
35.	SOH/Nurse	U4 U	1	0	1	Vacant			8,064,240
36.	SOL/Tech	U4 U	1	0	1	Vacant			8,064,240
37.	OH/Nurse	U5 U	1	1	0	Luyiga S.V	F	Conf.	5,135,292
38.	L/ Tech	U5 U	1	1	0	Eliatu Tom	M	"	5,135,292
39.	P/Secre	U4 L	1	1	0	C. Ajambo	F	Conf.	6,847,956
40.	S/Secre	U5 L	1	0	1	Vacant			4,114,236
41.	Rec. Ass	U7L	1	1	0	Tabiruka Nuwa	M	Conf.	2,353,284
42.	Off Typist	U7 U	1	1	0	Nasunna M.	F	Conf.	1,476,768
43.	OA	U8 U	1	1	0	Yiga Abdu	M	"	1,476,768
44.	Driver	U8 U	3	2	1	Vacant			4,430,304
	Sub Total		48	26	22				452,358,439

Annex 4

Organizational Structure of the Department of Employment Services



Support Staff

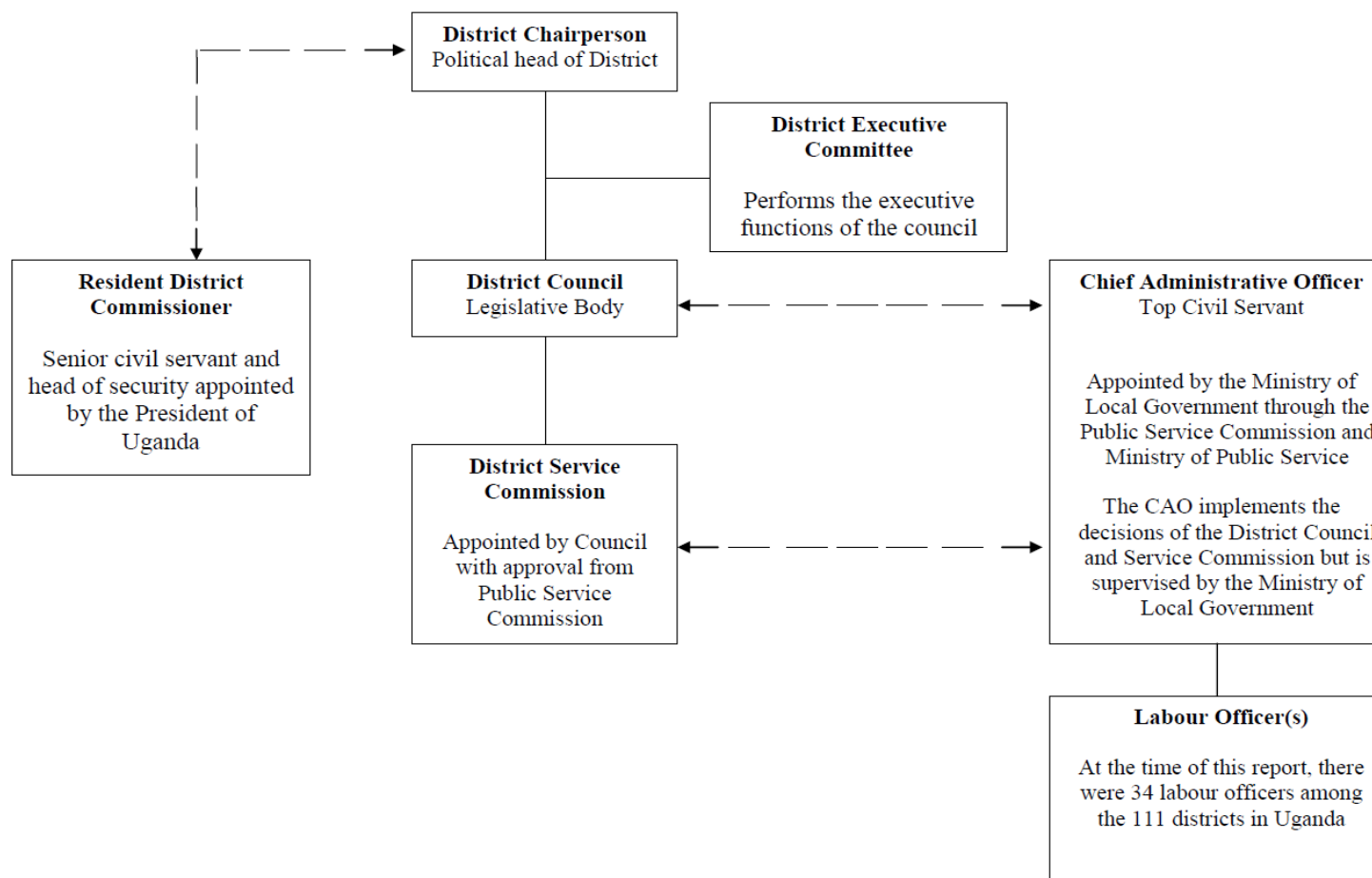
- a) Personal secretary U4 (1)
- b) Steno-Secretary U5 (1)
- c) Drivers U8 (1)
- d) Office attendant U8 (1)

Details of departmental Structure including Staff list as of 30th June 2011

No.	Post Title	Scale	Appre Post	Filled Post	Vac Post	Name of Incumbent	Sex	Status	Salary Per Year
1	Comm.	U1S E	1	0	1	Vacant			16,887,211
2	AC /E	U1E	1	1	0	Ojj Andira	M	Conf	15,934,825
3	PLO (R & S)	U2 L	1	1	0	Turyasiima M	M	"	12,175,376
4	PLO (ES)	U2 L	1	0	1	Vacant			12,175,376
5	PLO (C & G)	U2 L	1	0	1	Vacant			12,175,376
6	PLO (E L)	U2 L	1	1	0	Kiberu G.	M	Conf	12,175,376
7	SLO	U3 L	2	1	1	Atuku Grace	M	"	18,671,686
8			0	0	0	Vacant			0
9	P/Secretary	U4 L	1	1	0	Obua Lilian R	F	Conf	6,847,956
10	S/Secretary	U5 L	1	0	1	Vacant			4,114,236
11	OA	U8 U	1	1	0	Oneka Santos	M	Conf	1,476,768
12	Driver	U8 U	1	1	0	Daniel Ssegawa	M		1,476,768
	Sub Total		12	7	5				114,110,954

Annex 5

District Political and Administrative Structure⁴⁷



⁴⁷ Source: Interviews with MGLSD staff and officials in Jinja district.

Annex 6

Agenda of Uganda Needs Assessment Mission

Time	Meeting	Officials	Remarks
28 November 2011 (Monday) MGLSD			
8.30-9.30	ILO team meets with Directorate heads for briefing and to harmonize the scheduled activities	DL, CLIR, COSH and the Coordinating Officer	Technical
9.30-10.30	Introductory briefing with PS MGLSD	PS, AGDL CLIR	Top Executive
10.30-11.30	Courtesy call on MGLSD Minister		Policy
11.30-12.30	Directorate of Labour, Employment , Occupational Safety and Health	All Directorate Staff	
14.00-15.00	Department of Labour, Industrial Relations and Productivity	CLIR, AC/P, PLO/I, PLO/IR, PLO/P, SLO/P, LIA,	
15:00-16:00	Department of Employment Services	DL/ACE, PLO/RI, PLO/E,	
16:00-17:00	Department of Occupational Safety and Health	COSH, ACOSH, POSH, SOSH. OSHO SHI,	
	Directorate of Gender and Culture	(Director and Dept Heads)	Gender
	Directorate of Social Protection	(Director and Dept Heads)	HIV, OVC,
29 November 2011 (Tuesday) MGLSD + Special agencies/institutions			
8.30-10:00	Joint Meeting of MGLSD Support units (Finance and Administration, Internal Audit, Procurement and Disposal Unit, Resource Centre)	USFA, PAS, PPO, SPO, IA, PA, SA,	
10:00-11:00	Joint Meeting of MGLSD Support units (Policy Analysis Unit, Planning Unit, Statistics Unit)	AC/P, SS, SPA,	
11.00-12.00	Directorate of Gender and Culture	(Director and Dept Heads)	Gender
12.00-13.00	Directorate of Social Protection	(Director and Dept Heads)	Social protection for the vulnerable
14:00-15:00	Industrial Court/Medical Arbitration Board	CLIR & RI, SLO/P	
15:00-16:00	National Social Security Fund	ED, Heard Legal & Operations	
16:00-17:00	Equal Opportunities Commission	Chairperson, Board members, Accounting Officer	

30 November 2011 (Wednesday)			
Social Partners (morning) + Nearby District Labour Office (afternoon)			
9:00-10:00	Federation of Uganda Employers	ED, Board Members and Technical Staff	
10:00-11:00	NOTU and COFTU	SGS, Executive Members	
11:00-12:00	Labour Advisory Board officials	Board	
14:00-17:00	District Labour Office near Kampala (KCCA and Wakiso)	CAO, DCO, LO, fulltime Political leadership	
1 December 2011 (Thursday)			
Districts Day - Visit 2 District Labour Offices			
9:00-12:00	First District Labour Office (Jinja District)	CAO, DCO, LO, fulltime Political leadership	
12:00-14:00	Travel to second district labour office		
14:00-17:00	Second District Labour Office (Mukono & Buikwe)	CAO, DCO, LO, fulltime Political leadership	
2 December 2011 (Friday)			
Other Related Institutions + Presentation of initial findings			
8:30-10:30	Line ministries (Finance, Public Service)		
10:30-13:30	Line Ministries (Local Government, Internal Affairs and MEACA, Education)		
14:30-17:00	Presentation and discussion of preliminary findings with the PS and senior managers. Discussion of next steps.		

Annex 7

ILO Conventions ratified by Uganda⁴⁸

Convention	Ratification date	Status
C5 Minimum Age (Industry) Convention, 1919	04:06:1963	denounced on 25:03:2003
C11 Right of Association (Agriculture) Convention, 1921	04:06:1963	ratified
C12 Workmen's Compensation (Agriculture) Convention, 1921	04:06:1963	ratified
C17 Workmen's Compensation (Accidents) Convention, 1925	04:06:1963	ratified
C19 Equality of Treatment (Accident Compensation) Convention, 1925	04:06:1963	ratified
C26 Minimum Wage-Fixing Machinery Convention, 1928	04:06:1963	ratified
C29 Forced Labour Convention, 1930	04:06:1963	ratified
C45 Underground Work (Women) Convention, 1935	04:06:1963	ratified
C50 Recruiting of Indigenous Workers Convention, 1936	04:06:1963	ratified
C64 Contracts of Employment (Indigenous Workers) Convention, 1939	04:06:1963	ratified
C65 Penal Sanctions (Indigenous Workers) Convention, 1939	04:06:1963	ratified
C81 Labour Inspection Convention, 1947	04:06:1963	ratified
C86 Contracts of Employment (Indigenous Workers) Convention, 1947	04:06:1963	ratified
C87 Freedom of Association and Protection of the Right to Organise Convention, 1948	02:06:2005	ratified
C94 Labour Clauses (Public Contracts) Convention, 1949	04:06:1963	ratified
C95 Protection of Wages Convention, 1949	04:06:1963	ratified
C98 Right to Organise and Collective Bargaining Convention, 1949	04:06:1963	ratified

⁴⁸ This ratification information is up to date as of 11 January 2012.

C100 Equal Remuneration Convention, 1951	02:06:2005	ratified
C105 Abolition of Forced Labour Convention, 1957	04:06:1963	ratified
C111 Discrimination (Employment and Occupation) Convention, 1958	02:06:2005	ratified
C122 Employment Policy Convention, 1964	23:06:1967	ratified
C123 Minimum Age (Underground Work) Convention, 1965	23:06:1967	ratified
C124 Medical Examination of Young Persons (Underground Work) Convention, 1965	23:06:1967	ratified
C138 Minimum Age Convention, 1973	25:03:2003	ratified
C143 Migrant Workers (Supplementary Provisions) Convention, 1975	31:03:1978	ratified
C144 Tripartite Consultation (International Labour Standards) Convention, 1976	13:01:1994	ratified
C154 Collective Bargaining Convention, 1981	27:03:1990	ratified
C158 Termination of Employment Convention, 1982	18:07:1990	ratified
C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	27:03:1990	ratified
C162 Asbestos Convention, 1986	27:03:1990	ratified
C182 Worst Forms of Child Labour Convention, 1999	21:06:2001	ratified

Ratified: 30 Conditional ratification: 0 Declared applicable: 0 Denounced: 1

Annex 8

Inspection Report Form⁴⁹

1. District Code and File No.....
2. Locality/ Physical Address
3. Name of undertaking.....
4. Name of Local Manager.....
5. Postal Address.....Email Address.....
6. Telephone Number.....
7. Nature of Business.....
8. Place and Name of the District.....
9. Employment Card (Yes / No).....
10. Muster rolls (Yes / No).....
11. Number employed

	African*	Asians	Europeans	Others
Males
Females
Juveniles
Total

12. Districts of origin:-

Apach..... Moyo.....

Bushenyi.....Bungibugyo.....

Iganga Tororo

KabaroleMukono.....

Kamuli..... Hoima.....

Kibale.....Mbale.....

Kitgum Rakai.....

Lira Luwero.....

Masindi Kotido.....

** Indicate name of Country*

⁴⁹ The Employment Regulations, 2011, First Schedule, Part A.

Moroto..... Kiboga.....
 Pallisa Kapchorwa
 Mubende..... Kalangala.....
 Soroti..... Jinja.....
 Arua Gulu.....
 Kabale..... Kampala.....
 Kasese..... Kisoro.....
 Kumi..... Masaka.....
 Mbarara..... Mpigi.....
 Rukungiri..... Nebbi.....
 Others

13. Occupations and wages

Occupation	Apprentice(s)	Persons with Disability	Male/ Female	Number	Wage rate(s) (Ug.shs)	P.D, P.W, P.M	Bonuses or Allowances not included in wage
.....		
.....		
.....		
..		

14. Drugs and equipment (Yes/No).....
 15. Medical facilities (Yes/No).....
 16. Normal Hours of work per day Weekly.....
 1. Morning shift from.....to.....
 2. Afternoon shift from.....to.....
 3. Night Shift from.....to.....
 17. Holidays/Leave (Yes/No).....
 18. Maternity Leave/Paternity Leave (Number of days
 19. Weekly rest (Yes/No).....

20. Employment Contract
21. Staff Rules and Regulations.....
22. Code of Conduct
23. Human Resource Manual.....
24. Joint staff Committee (Yes/No).....
25. Name of Trade Union, if any:.....
26. Collective Bargaining Agreement.....
27. Member of Federation of Uganda Employers.....
28. Other Sectoral Association.....
29. Insurance Policy No..... Valid until.....
30. Factory certificate No.....
31. Number employed in factory
32. Absenteeism/ Weekly
33. Rationing: (a) Daily.....
(b) Weekly:.....
- 34 Approximate monthly value of rations: Shs.....
35. Cash in lieu of rations: Shs.....
- 36 Number rationed.....
37. Extra food supplied: Uji/Tea/other.....
38. Food store
39. Canteen/Eating room
- 40.Kitchen

41. Sanitation and Housing

Latrines	Type	Condition	Female	Adequacy
At place of work				
At dwellings				

42. Dwellings:

Type of construction	Single Employees	Married Employees
.....

43. If temporary camp, has use been authorized (Yes/No)
44. Water supply.....
45. Ablutions
46. HIV/AIDS at the Work Place Policy (Yes/No).....
- 47 Health and Safety Committee (Yes/No).....
48. Sexual Harassment Policy and Committee (Yes/No).....
- 49.National List of Hazardous Work not permitted for Children displayed (Yes/No).....

Further remarks

Date of Inspection
District/Station

Signature of inspecting officer.....
Action taken
Date.....
Signature.....

Remarks by Commissioner for Labour.....
Date.....
Signature