



A JOINT PRESS STATEMENT

STATE OF LABOUR RIGHTS IN UGANDA: PURSUING THE RIGHT TO LIVELIHOOD AND DIGNITY FOR ALL WORKERS

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For Immediate Release:

We, the Civil Society Organizations (CSOs) working on labour rights, trade, investment, land, health and development related issues wish to congratulate all workers for their contribution towards economic development of Uganda.

We recognize and appreciate the efforts of Government of Uganda towards enforcing and strengthening legislations that promote labour rights and administration in Uganda. Such efforts include the ongoing labour law reforms (Employment Amendment Bill, 2022), Employment (Sexual Harassment Regulations, 2012), National Action Plan on Business and Human Rights, among others.

However, wish to register our apprehension for the continued violation and abuse of workers' rights in Uganda.

Our concerns are informed by the fact that increasingly, there are a number of labour rights abuses experienced especially by vulnerable groups like women, youth and people with disabilities. This is partly because there are glaring gaps in labour rights policies and the administration of the existing laws which has contributed to the rampant casualization of labour, fissured employment relationships, poor and precarious working terms and conditions, lack of adequate maternity protection, unfair dismissals, low wages, inadequate occupational safety and health and insufficient social protection.

Casualization of labour is rampant especially in factories, plantations and commercial investment schemes where workers are employed without formal contracts hence no job security as well as limited access to remedy for human rights abuses by business operations including delays or lack of compensations in case of workplace accidents. The Uganda Annual National labour Force Survey of 2021 revealed that the majority of employed persons (67%) were employed on the basis of oral agreements. Only 33% had written contracts. This challenge pertains also in other countries in East Africa and Africa at large given the way investors are attracted.

The workers' situation is made even worse and untenable as a result of the existing unfair existing Minimum Wage of Uganda Shillings of 6,000 (approximately 1.61 USD). This rate has not been reviewed since 1984. The lack of a viable minimum wage in place has exposed workers to gross economic exploitation and income inequality.

According to International Labour Organization (ILO) estimates, every year 2.34 million people die due to occupational fatalities, 2.02 million of which result from work-related diseases, equivalent to 5,500 deaths every day. As these figures suggest, these are too many avoidable fatalities. Uganda's Annual National Labour Force Survey 2021 showed that 35% of the working population was exposed



to dust, fumes or chemicals with proportions of 42% in industry, 39 % in Agriculture and 30% in Services.

We note that whereas each district is mandated to have a labour officer, many districts do not have substantive labour officers in place. Those in place also experience difficulty in executing their jobs due to under-funding to the labour functions, lack of transport to carry out routine and effective supervision and corruption, which hinders compliance to their rulings. It is also pertinent to note that the industrial Court of Uganda which is mandated to dispense labour justice in the country currently has only 2 judges. According to the Industrial court statistics for the year 2022, 2509 cases had been brought forward from 2021 and in 2022, 603 cases were registered. Out of all these cases, only 431 cases were completed in the year 2022 leaving a total number of 2681 cases pending and the same were carried forward to 2023. In the year 2020, the Labour Disputes (Arbitration and Settlement) Act was amended to provide for the composition of the court to include five (5) judges but the three extra judges have not been appointed to date.

Workers especially women, casual workers in factories, plantations and commercial investment schemes are poorly paid thereby depriving them of their means of livelihood and the right to live in dignity. Additionally, they also work under very precarious conditions and are subjected to work without or with inappropriate Personal Protective Equipment which exposes them to hazardous chemicals.

We note specifically, that a number of investment related policy frameworks in Uganda are blind to the protection of Economic, Social and Cultural Rights. Specifically, the Investment Code Act, 2019 despite recently being amended still has many gaps for example, it does not provide for a requirement for Human Rights Impact Assessment to be undertaken by investors prior and during the implementation of investment projects. It does not provide for Performance Requirement measures and Due diligence. The Employment Act, 2006 also does not protect workers against casualization of labour. In addition, the current provisions of the Employment Act, 2006 do not protect workers currently working under the new forms of work which are rampant on the Labour market for instance temporary agency work (workers employed by both labour intermediaries/brokers and user undertakings), outsourcing, telework, remote work, platform work etc. All these forms of work are precarious and exploitative outside a clear regulatory framework.

Uganda has signed a number of Bilateral Investment Treaties (BITs), of which 6 are in force. The treaties focus on protecting the rights of investors at the expense of citizens' rights. As such, investors have not been held accountable for the acts they have committed in violating people's rights and environmental rights. This lacuna in our investment related policy frameworks has hit harder on women workers since they have limited capacity and ability to understand and negotiate better employment terms.

It is against this background that SEATINI Uganda, NOTU, FIDA Uganda, Action Aid International Uganda, Coalition of Human Rights Defenders, UCCA and Voices For Labour wish to call upon the Government of Uganda and investors to prioritize workers' rights over profits. Therefore, we call



upon the Government of Uganda to address gaps in all labour and investment related legal frameworks to ensure the protection of rights of women workers, community and environmental rights.

Specifically, Government of Uganda should;

1. Consider reviewing the Investment Code Act, 2019 to address the challenges associated with Largescale Land Based investments to include Human Rights Impact Assessment, Performance Requirements and specifically enforce the African Union Guidelines for Largescale Land Based Investments and the UN Guiding Principles on Business and Human Rights.
2. Review the Employment Act, 2006, the Occupational Health and Safety Act, 2006, and Workers' compensation Act 2000 to protect people's (workers' and communities') right to dignity and livelihood.
3. As an active member of the International Labour Organization (ILO) and signatory to Minimum Wage-Fixing Machinery Convention No. 131 domesticated in Minimum Wages Advisory Board and Wages Councils Act; the Government of Uganda should implement the 2015 Recommendations of the Minimum Wages Advisory Board to enhance the protection of workers from exploitation. In addition, we also call upon the Government to expedite the process of ratifying the ILO Convention No. 190 and align the legal framework to address violence and harassment in the world of work.
4. Review all Bilateral Investment Treaties (BITs) in order to enhance the balance between protection of the rights and obligations of the people/citizens and the environment on one hand and the protection of the rights and obligations of the investors on the other hand.
5. Investigate into the situation of workers in commercial investment schemes such as factories, flower firms, and plantations with a view to secure redress for the affected persons.
6. Investigate into the situation of land dispossession of communities by commercial investment schemes with a view to secure redress for the affected persons and communities.
7. Direct all investments to take up the responsibility of providing workers, both casual and staff workers with proper and adequate personal protective gear for protection against the exposure to various injuries during their work
8. Consider increasing the number of labour officers (at least two in each district) and ensure that they are fully equipped and capacitated to deliver on their duties and responsibilities.
9. Fast-track cabinet's approval of the Social Impact Accountability and Assessment Bill (2021) as this legislation will provide approaches for identifying and mitigating the potential social risks, including adverse social impacts of investment projects. As well as providing for social accountability and mechanisms for social assistance for the vulnerable, marginalized people.
10. Appoint three additional judges of the Industrial Court
11. Expedite the process of ratifying the ILO Convention no.190 and align the legal framework to address the violence and harassment and in the world of work.
12. Mainstream the Principles in the National Action Plan on Business and Human Rights in the Binding laws such as the Investment Code Act, 2019.



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