

# The Employment (Recruitment Of Migrant Workers) Regulations, 2021 : Statutory Instrument No. 47 Of 2021, Laws Of Uganda.

## WHY THESE REGULATIONS MATTER

Uganda enacted the Employment (Recruitment of Migrant Workers) Regulations, 2021 in response to widespread abuse, exploitation, and unethical recruitment of Ugandan migrant workers especially women domestic workers in the Gulf States. The Regulations aim to promote ethical recruitment, decent work, and protection of migrant workers' rights throughout the migration cycle.

### Key Objectives

- Regulate recruitment and placement of Ugandan migrant workers
- Protect the dignity, rights, and safety of Ugandan migrant workers abroad
- Prevent exploitation, trafficking, and fraudulent recruitment
- Strengthen accountability of recruitment agencies

### Who is Protected?

Migrant Worker: A Ugandan citizen engaged or seeking paid work abroad

### Exploitation includes:

- Forced labour
- Sexual abuse
- Servitude
- Use in illegal activities
- Child labour
- Non-fulfilment of employment contract terms

## REGULATION OF RECRUITMENT AGENCIES

### Who can be Licensed?

- Only Ugandan-owned companies (no partnerships)
- All directors and shareholders must be Ugandan citizens
- Must meet strict financial, integrity, and compliance standards

### Key Requirements

- Minimum capital of UGX 50 Million
- Bank guarantee increased to UGX 100 million
- Mandatory pre-licensing seminar
- Proof of ethical management systems
- Clean criminal and compliance record

### Who is prohibited?

- Travel agencies and airline sales agents
- Political, religious, or cultural organizations
- Insolvent companies
- Persons linked to trafficking or illegal recruitment

### Obligations of Recruitment Agencies

#### Licensed agencies must:

- Provide pre-departure orientation and rights education
- Ensure workers review and receive copies of contracts

- Guarantee contracts comply with Ugandan and international labour standards
- Take full responsibility for worker safety and welfare
- Be liable for all acts of their agents and representatives

### Protection Measures for Ugandan Migrant Workers Abroad.

- Maximum fee chargeable to workers: UGX 20,000 only
- Domestic workers: All recruitment and placement costs must be paid by the foreign employer
- Mandatory 14-day pre-departure training
- Clearance by the Ministry before deployment
- Trade testing through the Directorate of Industrial Training

### Oversight, Inspection, and Enforcement

- Ministry may inspect agencies anytime, with or without notice
- Licences may be suspended or revoked for:
  - ▶ Exploitation
  - ▶ Contract substitution
  - ▶ Illegal fees
  - ▶ Fraud or misrepresentation
- Stronger penalties introduced:
  - ▶ Up to 5 years imprisonment
  - ▶ Fines up to UGX 20 million

### Accreditation of Foreign Recruitment Agencies

- Must be accredited by Ugandan missions abroad
  - ▶ Required to disclose:
    - ▶ Business licences
    - ▶ Worker accommodation facilities
    - ▶ Complaints mechanisms
    - ▶ A Ugandan complaints officer
- Accreditation may be revoked for abuse or non-compliance



## COMPLAINTS & ACCESS TO JUSTICE

### What exists

- Complaints can be filed with the Ministry (MGLSD)
- Bank guarantees may be used to compensate workers
- Matters may be referred to court if unresolved

### Key Gaps and Challenges.

- Complaints apply only to Ugandan agencies, not foreign employers
- No clear court jurisdiction specified
- Workers abroad must appear physically to file complaints
- Weak enforcement due to limited funding and staffing
- No regular overseas monitoring or sufficient labour attachés
- Complaints against foreign employers left to foreign agencies themselves
- No national reintegration framework for returnees
- No protection for undocumented or irregular migrant workers
- It is a gender-blind framework that ignores:
  - ▶ Sexual violence
  - ▶ Reproductive health

- ▶ Maternity protection
- ▶ Gender-sensitive reporting mechanisms

**OVERALL ASSESSMENT**

- Strengths**
- Clearer recruitment framework
  - Stronger sanctions
  - Increased accountability of agencies
  - Recognition of exploitation as a rights violation
- Limitations**
- Weak enforcement capacity
  - Limited extraterritorial protection
  - Inadequate access to justice

- Gender blindness
- Exclusion of irregular migrants

**Recommendations**

- Increase funding to MGLSD, embassies & labour migration units
- Extend complaints mechanisms to foreign recruiters & employers
- Guarantee legal aid, representation & translation services
- Clearly assign jurisdiction to the Industrial Court
- Reinstate NGOs in pre-departure training
- Reinvest labour migration revenues into worker protection

