GUIDELINES ON RECRUITMENT AND PLACEMENT OF UGANDA MIGRANT WORKERS ABROAD

Ministry of Gender, Labour and Social Development, Kampala.

September 2013
FOREWORD

Migration for job prospects is increasingly recognized as a strategy for reducing the challenge of unemployment in many countries. Migration can also help reduce poverty and contribute to economic growth. The improvement of skills and the accumulation of financial capital from working abroad or by activities of migrant workers have positive effects on the labour market like increased employability and the capacity to start a business back home. However, these effects may be hampered when there are no effective mechanisms for access to jobs abroad. More importantly, without a proper migration management system in place, legal migrant workers may find themselves as vulnerable to abuse and exploitation by recruitment companies/agencies and employers as workers who have migrated without employment contracts.

Overseas employment is one of the major ways Uganda is integrated into the global economy to promote maximisation of the potential of the Ugandan labour force. Ugandans have been migrating abroad in several countries in search of employment opportunities in Kuwait, Somalia, Iraq, United Arab Emirates and South Sudan.

Despite the tangible benefits of the programme, there are challenges of irregular migration (individual movements), recruitment of persons by un-licensed and unauthorized private recruitment agencies and risks to exploitation and trafficking.

It is in the context of the above that the Ministry responsible for Labour and Employment, in collaboration with key stakeholders, has developed guidelines for externalisation of labour and accessing jobs for Ugandan migrant workers abroad aligned to the national legislative framework and the international labour and migration standards.

The overall objective of the guidelines is to facilitate recruitment and mobility of Ugandans to decent employment opportunities and to better manage legal migration of workers between Uganda and the destination countries.
The guidelines cover, among others, the requirements for application for license for recruitment companies, standards for operation, and management of migrant workers abroad in the destination country. The role of the line ministries, social partners and other stakeholders at each stage has been defined.

It is hoped that the guidelines will create more understanding of the legal provisions for recruitment, professional ethics, management of Uganda migrant workers, their deployment and protection abroad, synergy among the different stakeholders and mobilise collective responsibility.

I urge all stakeholders to make use of these guidelines and to ensure that they are amply implemented.

Mary Okurut (MP)
MINISTER OF GENDER LABOUR AND SOCIAL DEVELOPMENT
# TABLE OF CONTENTS

- FOREWORD .................................................................................. ii
- TABLE OF CONTENTS ................................................................... iv
- GLOSSARY ..................................................................................... vii
- ACRONYMS .................................................................................... ix
- ANNEXES ....................................................................................... x

## 1.0 INTRODUCTION AND BACKGROUND ........................................ 1

## 2.0 UGANDA LABOUR MARKET .................................................... 1

## 3.0 THE EXTERNALISATION OF LABOUR PROGRAMME .................. 2

## 4.0 LEGISLATIVE FRAMEWORK AND OTHER RELEVANT LAWS ...... 3

### 4.1 National Legislation ................................................................. 3

### 4.2 International and Regional Treaties .......................................... 4

## 5.0 OVERALL OBJECTIVE: ............................................................ 4

## 6.0 PRINCIPLES ............................................................................. 5

#### 6.1.1 Non Discrimination .......................................................... 5

#### 6.1.2 Decent Work ................................................................. 5

#### 6.1.3 Protection from Forced Labour .................................... 5

#### 6.1.4 Information Sharing and Transparency ........................... 5

#### 6.1.5 Professionalism ............................................................. 5

## 7.0 APPLICATION FOR A LICENCE ............................................... 6

### 7.1 Requirements for registration and licencing ............................ 6

### 7.2 Training for the license applicants ........................................ 7

### 7.3 Documents to be submitted by the applicants for licenses .......... 8

### 7.4 License application fee .......................................................... 8

### 7.5 Bank Guarantee ..................................................................... 9

### 7.6 Renewal of License ............................................................... 9

### 7.7 Cancellation of License ......................................................... 9

## 8.0 ACCREDITATION OF FOREIGN PRINCIPAL/EMPLOYER ........... 10

### 8.2 Evaluation of the foreign principals ....................................... 10

### 8.3 Criteria for accreditation ...................................................... 10

### 8.4 Cancellation of accreditation ................................................. 11

### 8.5 Verification of Foreign Principals/Employers ............................ 11

### 8.6 Companies/persons not permitted to operate as private recruitment agencies 11

### 8.7 List of companies authorised to recruit Migrant Labour ........... 12

## 9.0 REGISTRATION OF NAME HIRES ........................................... 12

### 9.3 Letter of Recommendation .................................................. 12

### 9.4 Documents required for registration ....................................... 13

## 10.0 ADVERTISEMENT FOR OVERSEAS JOBS ............................. 13

### 10.1 Advertisements for overseas jobs by licensed agencies ............ 13

### 10.2 Advertisement for manpower pooling ................................... 14

## 11.0 STANDARDS FOR OPERATION OF RECRUITMENT AGENCIES .... 14

### 11.1 Office, Location and personnel of Recruitment Agencies ........ 14

### 11.2 Inspection of Private Recruitment Agencies .......................... 15
11.3 Routine/regular inspection ......................................................... 15
11.4 Spot inspection ........................................................................ 15
12.0 VETTING OF APPLICANTS FOR WORK ABROAD .................. 15
12.1 Check Procedure ...................................................................... 15
13.0 RECRUITMENT ....................................................................... 16
13.1 Recruitment officials .................................................................. 17
13.2 Selection of migrant workers ....................................................... 17
13.3 Trade Testing ........................................................................... 17
14.0 MEDICAL EXAMINATION FOR EMPLOYMENT ABROAD ........ 18
14.1 Medical Check up ...................................................................... 18
14.2 Inoculation ............................................................................... 18
15.0 TERMS AND CONDITIONS OF WORK .................................... 18
15.1 Decent Work ............................................................................ 18
15.2 Employment Contract ................................................................. 18
  15.2.1 Minimum standards for employment contract .......................... 18
15.3 Written Employment Contract .................................................... 19
15.4 Individual Employment Contract ............................................... 19
15.5 Signing of the Contract ............................................................... 20
15.6 Migrant Workers to retain copy of the contract ............................ 20
  15.6.1 Signing of Placement Agreement ........................................... 20
14.7 Termination of Contract ............................................................. 21
16.0 WELFARE AND ACCOMODATION ....................................... 21
16.1 Living Conditions of Workers ..................................................... 21
17.0 ISSUANCE OF PASSPORTS AND VISA FOR THE MIGRANT WORKERS ........................................... 21
  17.1 Procurement of Passport and Visa ............................................. 21
18.0 DOCUMENTATION COSTS ........................................................ 22
19.0 CLAIMS ARISING FROM THE EMPLOYMENT RELATIONSHIP ....... 22
20.0 BILATERAL AGREEMENTS ....................................................... 23
20.1 Government to Government Recruitment ..................................... 23
21.0 ORIENTATION FOR MIGRANT WORKERS ................................. 23
  21.1 Access to Information ............................................................... 23
22.0 PRE-DEPARTURE STAGE .......................................................... 25
22.1 Check List ................................................................................. 25
22.2 Departure ................................................................................ 26
23.0 ARRIVAL OF OVERSEAS UGandan WORKERS ........................ 26
  23.1 Management of Ugandan Migrant Workers ................................. 26
24.0 MIGRANT WORKERS’ RESOURCE CENTRES AND OR REGISTERS ........................................ 27
24.1 Protection of the rights of migrant workers in the destination countries .... 27
24.2 Documents for verification by the Ugandan Missions Abroad ............ 28
25.0 COMPLAINTS AND GRIEVANCE PROCEDURES ..................... 28
  25.1 Procedures .............................................................................. 28
  25.1.1 Grievance Procedures at the Employers’ Premises ..................... 28
25.2 Migrant Workers Committee ...................................................... 28
25.3 Floor Leaders ......................................................................... 29
26.0 MIGRANTS’ ASSOCIATIONS AT DESTINATION ....................... 29
27.0 REMITTANCES ....................................................................... 29
27.1 Remittances ................................................................. 29
28.0 REMITTANCE TRANSFER .......................................................... 30
28.1 Flexible Remittance Transfer Services ........................................... 30
28.2 Cost of Transfer of Remittances .................................................. 30
28.3 Incentive Programmes ............................................................. 31
29.0 ASSOCIATIONS ..................................................................... 31
29.1 ASSOCIATIONS OF RETURNEE MIGRANTS .................................... 31
29.2 ASSOCIATION FOR PRIVATE RECRUITMENT COMPANIES/ AGENCIES ......................................................... 32
30.0 REPORTS ............................................................................ 33
31.0 RESEARCH AND INFORMATION ON UGANDAN MIGRANT WORKERS ................................................................. 33

32.0 THE ROLES OF STAKEHOLDERS ................................................ 33
32.1 The Ministry responsible for Labour and Employment ....................... 33
32.2 Ministry of Foreign Affairs .......................................................... 34
32.3 Ministry of Internal Affairs, Immigration ......................................... 35
32.4 Joint Intelligence Committee (JIC) ..................................................... 35
32.5 Ministry of Education and Sports ...................................................... 35
32.6 Ministry of Finance Planning and Economic Development ................... 35
32.7 Ministry of Health ........................................................................ 36
32.8 Local Governments ...................................................................... 36
32.9 Other line Ministries .................................................................... 36
32.10 CIID and Interpol ........................................................................ 36
32.11 Federation of Uganda Employers .................................................... 36
32.12 Workers’ Representatives ............................................................... 37
32.13 Recruitment companies/agencies ...................................................... 37
32.14 The Community ........................................................................ 38
32.15 Uganda Bureau of Statistics ........................................................... 38
32.16 Banks ....................................................................................... 38
32.17 Uganda Revenue Authority ............................................................ 38
32.18 Migrant Workers ........................................................................ 39
32.19 Civil Society Organizations ............................................................ 39
32.20 Associations for private recruitment/ agencies .................................. 39
32.21 Migrants’ associations at destination ............................................... 40
32.22 Associations of returnee migrants .................................................. 40

ANNEX 1. SAMPLE EMPLOYMENT CONTRACT ...................................... 42
ANNEX II: FEES ........................................................................... 45
ANNEX III: REPORT FORMAT .......................................................... 47
ANNEX IV .................................................................................... 48
ANNEX V ...................................................................................... 59
THE REPUBLIC OF UGANDA ............................................................ 60
<table>
<thead>
<tr>
<th><strong>GLOSSARY</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accreditation</strong></td>
<td>refers to the grant of authority to a foreign principal to recruit and hire Ugandan workers through a licensed agency for overseas employment</td>
</tr>
<tr>
<td><strong>Destination country</strong></td>
<td>A country where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity at the contractor’s facility. The country that is a destination for migratory flows.</td>
</tr>
<tr>
<td><strong>Domestic worker</strong></td>
<td>An individual whose nationality or country of origin is the same as that of the country in which the employer’s facility is located.</td>
</tr>
<tr>
<td><strong>Foreign principal</strong></td>
<td>refers to the employer in the destination country or foreign placement agency hiring or engaging Ugandan workers for overseas employment through a licensed private recruitment agency</td>
</tr>
<tr>
<td><strong>Illegal migrant worker</strong></td>
<td>A foreign worker who is not legally authorized to work within the destination country.</td>
</tr>
<tr>
<td><strong>Name hire</strong></td>
<td>refers to a worker who is able to secure an overseas employment opportunity with an employer without the assistance or participation of any licensed</td>
</tr>
</tbody>
</table>
Migrant worker

A person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a citizen.

Recruitment

refers to the process of attracting, screening, selecting, and onboarding a qualified person for a job, provided by an employer in another territory and the preparation for their departure.

Recruitment agencies

A licenced employment agency that carries out, under contract, and in exchange of the contractor to ease or speed up access to employment and recruitment.
<table>
<thead>
<tr>
<th>ACRONYMS</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immuno- Deficiency Syndrome</td>
</tr>
<tr>
<td>CEA</td>
<td>Certificate for Employment Agencies</td>
</tr>
<tr>
<td>CID</td>
<td>Criminal Investigations Department</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organisation</td>
</tr>
<tr>
<td>EEU</td>
<td>External Employment Unit</td>
</tr>
<tr>
<td>GDP</td>
<td>Growth Domestic Product</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
</tr>
<tr>
<td>JIC</td>
<td>Joint Intelligence Committee</td>
</tr>
<tr>
<td>NGO</td>
<td>Non Governmental Organisation</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>UAE</td>
<td>United Arab Emirates</td>
</tr>
<tr>
<td>UBOS</td>
<td>Uganda Bureau of Statistics</td>
</tr>
</tbody>
</table>
ANNEXES

ANNEX 1.  SAMPLE EMPLOYMENT CONTRACT .......................................................... 42
ANNEX II:  FEES ..................................................................................................... 45
ANNEX III: REPORT FORMAT .............................................................................. 47
ANNEX IV: BILATERAL AGREEMENT ................................................................. 48
ANNEX V: MIGRANT WORKER’S REGISTRATION FORM ................................. 59
1.0 INTRODUCTION AND BACKGROUND

1.1 Close to 190 million people (3% of the world’s population comprising almost equal proportions of men and women) live outside their country of birth. This proportion has remained relatively stable for several decades. (OECD, 2009) It is increasingly accepted that international migration can help reduce poverty and contribute to economic growth in the migrants’ countries of origin. According to a World Bank study an average increase of 10% of emigrants in the total population of a developing country is associated with a 1.6 % point reduction in poverty (using an international poverty line of USD 1 day).

1.2 Educated migrants have better prospects for the advance of skills and knowledge. The improvement of skills and the accumulation of financial capital from working abroad or by activities of the diaspora have positive effects on the labour market like increased employability and the capacity to start a business back home. Yet these effects may be hampered when there are no effective mechanisms for access to jobs abroad. Though it is widely acknowledged that migrant workers with a legal status can better access legal protection and basic services compared to irregular or undocumented migrants, this is not always the case in reality. Without an effective migration management system in place, legal migrant workers may find themselves as vulnerable to abuse and exploitation by their labour agents and employers as workers who have migrated without employment contracts.

2.0 UGANDA LABOUR MARKET

2.1 Uganda’s labour market faces many challenges and opportunities. Uganda’s unemployment rate stands at 4.2% and the youth unemployment rate is estimated to be 4.7%, much higher than the national figure. The level of youth employment has a special significance since the nature and extent of employment of the youth is an important indicator of the additional employment generated by the economy. Close to 480,000 youth leave and or graduate from the education system annually of which 36,000 have degrees. Over 2 million literate youth are jobless and a further 2 million are underemployed. Only 20% of the youth are able to get jobs. A high proportion of youths work as self employed. The unemployment rate in urban areas is three times higher than rural areas. The highest unemployment rate of 11 percent was found in Kampala while in Western and Eastern regions the unemployment rate was just 2 percent. The Urban Labour Force survey of 2010 (UBOS, 2010) shows
unemployment in Kampala and its suburbs of Wakiso and Mukono was 13.5 percent (124,000 persons).

2.2 The National Development Plan 2010/11-2014/15 notes that the Uganda labour market is faced with notable mismatch between what the education system offers and the labour market requirements. The Status of the Labour Market Information in Uganda 2011 shows that 90% did not have specialised training (certificate, diploma or degree). Almost 58% of those who joined the workforce had no education or primary level education. In addition, available studies and labour market indicators point to unmet skills demand in the hospitality industry, ICT sector, business management and financial sector, mining and engineering, and environmental technologies.

2.3 The above and many other factors affecting employment of the labour force call for innovative ways to promote maximisation of the potential of the Ugandan labour force, providing timely information and advice, increasing access to decent employment opportunities and facilitating the recruitment process of Ugandan migrant workers to make it more expeditious, efficient and cost-effective.

2.4 The Government of Uganda recognizes the significance of building partnerships between the public and private sector, including private recruitment companies / agencies, social partners and civil society organisations to harness each other’s core capabilities. Private recruitment companies/ agencies have an important role to play in the functioning of the labour market and promotion of employment. Private recruitment companies provide access to permanent jobs, facilitate workers’ transitions from one job to another and perform other functions, including job search, training and retraining and accessing the global job markets. It is important to note that they supplement or complement Government’s public employment services but should not replace them.

3.0 THE EXTERNALISATION OF LABOUR PROGRAMME

3.1 Overseas employment is one of the major ways Uganda is integrated into the global economy to promote maximisation of the potential of the Ugandan labour force. Better management of migration and stimulation of employment through externalisation for labour are essential elements of strategies to alleviate poverty, unemployment, promotion of decent
work and national development. Ugandans have been migrating abroad in several countries in search of employment opportunities. Through collaboration and licensing of private agencies/companies, Government has enabled many Ugandans to obtain productive, fulfilling and creative work in several occupations, among others security guards, drivers, customer care, cooks; waitress; Waiter; Sales person, Hotelier; carpenter; laundry shift leader; dry cleaner; technician; air craft cleaner, loader and cashier. Twenty four (24) private companies have been licensed so far. Thirty nine thousand one hundred and fifty two (39152) Ugandan migrant workers have accessed jobs in Iraq, UAE, South Sudan, Somalia and Kuwait. Remittances from Ugandans working abroad amount to US$ 34 million in 2012.

Through a government to government bilateral agreement between the Ministry of Public Service and the South Sudan, civil servants have accessed jobs in the Sudan. A new opportunity for jobs in the category of Specialist Medical Doctors and Nursing for (400) Uganda health personnel on a three year contract is being discussed in collaboration with the Health Commission and the Republic of Trinidad and Tobago.

3.2 Despite the above achievements, there are challenges of coordination, licensing of private recruitment agencies and facilitating access to decent job opportunities abroad to all the prospective migrants due to irregular migration, recruitment of persons by un-licensed and unauthorized private recruitment agencies/individuals.

3.3 Comprehensive information on the victims is still limited. The Immigration Department, Ministry of Internal Affairs, however, has intercepted several cases of irregular movements of Ugandans for purposes of employment. Uganda Missions abroad have handled and reported cases of abuse and exploitation of migrant workers abroad. This malpractice has resulted in inhumane work conditions, in which the basic labour rights of the workers are not respected. Many migrant Ugandans have ended up being exploited by con-men and others subjected to harsh working conditions, including trafficking.

4.0 LEGISLATIVE FRAMEWORK AND OTHER RELEVANT LAWS

4.1 National Legislation
The relevant national legislation on externalization of labour include:

i. The Employment Act No.6, 2006

iii. The Prevention of Trafficking in Person Act No. 6, 2009 and

iv. The Uganda Citizenship and Immigration Control Act

v. The National Security Act

4.2 International and Regional Treaties

i) The UN Convention on the Protection of the Rights of Migrant Workers and members of their families,

ii) ILO Convention on Private Employment Agencies

4.3 The Ministry responsible for Labour and Employment, in collaboration with key stakeholders, has developed guidelines for Externalisation of Labour and accessing jobs for Ugandan migrant workers abroad aligned to the national legislative framework and the international labour and migration standards. The guidelines will create more understanding of the legal provisions for recruitment, ethics, management of Uganda migrant workers, their deployment and protection abroad. The role of the line ministries, social partners and other stakeholders at each stage has been defined.

5.0 OVERALL OBJECTIVE:

5.1 The overall objective of the guidelines is to facilitate recruitment and mobility of Ugandans to decent employment opportunities and to better manage legal migration between Uganda and the destination countries.

5.2 The specific objectives are:

i. To promote decent work and high quality placement and recruitment services for migrant workers abroad.

ii. To provide guidance to private recruitment companies/agencies and migrant workers on their obligations concerning the procedures for application for licences, recruitment and the roles of the different stakeholders.

iii. To promote ethical conduct by private recruitment companies/ agencies in their operations.

iv. To minimise the chances of Ugandan migrant workers going through illegal means;
v. To put in place a mechanism for remedy of the inhumane treatment and exploitation of the migrant Ugandan workers.

6.0 PRINCIPLES

6.1 The spirit of the guidelines is based on the following principles:

6.1.1 Non Discrimination

The guidelines shall guarantee equality of opportunity. No migrant worker shall be discriminated against on the basis of race, colour, sex, religion, political opinion and social origin.

6.1.2 Decent Work

Decent employment provides motivation, good terms and conditions of work, productivity improvement, competitiveness and career progression. All parties shall refrain from exploitation, treatment of migrant workers as commodities and accord them greater human dignity and protection.

6.1.3 Protection from Forced Labour

Protection of the rights of migrant workers shall be given priority by all stakeholders. No migrant workers shall be hired or recruited using forced or compulsory means nor be coerced into signing a contract without ascertaining their terms and conditions of work.

6.1.4 Information Sharing and Transparency

All parties commit themselves to transparency and information sharing to facilitate better management and protection of the migrant workers in country and destination country.

6.1.5 Professionalism

All parties shall cooperate; uphold professionalism, the code of conduct and ethics in their operations.
6.1.6 Confidentiality

Personal information of the migrant workers shall be treated with confidentiality.

7.0 APPLICATION FOR A LICENCE

7.1 Requirements for registration and licencing

7.1.1 Operators of private recruitment companies /agencies require specific skills and an understanding of human beings with their different needs and aspirations. Thus, private recruitment companies/ agencies should be registered as a special category for the purpose of proper deployment of the migrants and not as private business. They should ensure that their operations are not for profit making alone but are in line with the principles of human dignity and the benefits of the migrants in order to avoid malpractice and abuse of the workers.

7.1.2 An organization intending to operate as a recruitment company/agency shall be required to make an application for a license to the Department of Employment Services, Ministry responsible for Labour and Employment. Prior to registration and licensing a prospective private recruitment company/ agency shall demonstrate both human and financial capacity and marketing capability to handle migrant labour. The Directors and staff should have experience in management of human resources and financial capacity to handle the needs of workers.

7.1.3 The financial capability of a private recruitment company/ agency is an important criterion to assess its business conduct. Proof of the agency’s sound financial capabilities shall be given in the form of a deposit and/or a specified minimum start-up capital in the bank.

7.1.4 Another important requirement for the issuance of a license to operate a private recruitment company/agency for migrant labour is personal qualification of eligibility. The applicant should have specific professional work experience. The age of the applicant shall be above the age of consent. Under age persons should not be included in the management or directors of the private recruitment company/agencies.
7.1.5 Since the main operations of the private recruitment companies/agencies is recruitment, training, accessing persons to jobs and negotiating for their contracts of employment, an application for a license leads to the expectation that the applicant shall have knowledge, fully comply, not only with the Statutory Instrument on Externalisation of Labour but also all other relevant labour laws and regulations. The applicant shall therefore be required to present a certification stating that the applicant is in compliance with labour standards and does not have criminal record and/or previous trade interdictions.

7.1.6 The license applicant(s) shall demonstrate their suitability for job placement operation. This criterion refers to management capabilities, professional competence, working experience and educational background related to job placement activities to ensure quality control regarding the services provided.

7.1.7 The basic requirements for any job placement activities emphasize the competence of a license applicant in identifying and selecting qualified nationals for jobs, and in identifying suitable job opportunities for them abroad. Marketing capabilities are of specific importance in the area of recruitment for abroad and today where the global job placement market is already saturated. An agency applying for a license shall demonstrate marketing competence, in identifying decent employment opportunities for jobseekers and in negotiating contracts, which not only benefit the agency, but also the workers to be engaged.

7.2 Training for the license applicants

7.2.1 The applicants shall be trained and required to pass two modules of the Certificate for Employment Agencies (CEA) test conducted by the Department of Employment Services, Ministry responsible for Labour and Employment. The training is aimed at enhancing their capacity and more knowledge of managing and operating private recruitment company/agency operations. The module shall focus on the legislative framework, managing and counseling capabilities for private recruitment companies/agencies.

7.2.2 The Department of Employment Services shall have the responsibility of providing orientation to officials and staff of licensed agencies and representatives of the foreign employers on the requirements, standards, laws and regulations in the recruitment and employment of Ugandan migrant workers.
7.3 **Documents to be submitted by the applicants for licenses**

7.3.1 Applicants shall provide the following documents for checking by the Department of Employment Services:

i. A certified copy of the Articles of Incorporation or of Partnership duly registered with the Registrar of companies, in the case of corporation or partnership.

ii. Proof of financial capacity showing income returns for the past two years and a bank statement indicating a maintaining balance of not less than ten million Uganda shillings.

iii. A duly executed Special Power of Attorney and/or a duly concluded Recruitment/Service Agreement.

iv. Manpower request(s) or visa certification from new employer(s)/principals(s) for not less than one hundred (100) workers.

v. All members of the Board of Directors or partners of the applicant agency shall be cleared from Interpol and other government agencies.

vi. Individual income tax returns for the past two (2) years of the proprietor, partners, stockholders/incorporators, as the case may be.

vii. Proof of possession by the chief executive officer of a bachelor’s degree and three years business experience.

viii. List of all officials and personnel involved in the recruitment and placement, together with their appointment, bio-data and two (2) copies of their passport-size pictures as well as their clearances from the Interpol.

ix. Proof of publication of notice of the application with the names of the partners, incorporators and officers.

x. Presentation of a bank guarantee

xi. Proof that they are compliant with labour standards

xii. Foreigners shall be required to get clearance from their country of origin.

7.4 **License application fee**
7.4.1 A license is not in any way meant to restrain competition but is used mainly as a means of improving the functioning of the labour market. An applicant for license shall pay a non-refundable fee for the application form as indicated in Annex II to the guidelines.

7.4.2 The license fee for private recruitment companies/agencies shall be reviewed from time to time.

7.4.3 Licenses for the operation of Private Employment companies/agencies shall be issued for a period of time of twenty four (24) months.

7.5 Bank Guarantee

7.5.1 All applicants shall pay a Bank Guarantee as indicated in Annex II of the guidelines. The fees shall be paid in the authorized bank.

7.6 Renewal of License

7.6.1 A private recruitment company/agency shall submit an application for the renewal of its license on or before its expiration. The agency may be allowed to renew within thirty (30) days from the expiry thereof but shall pay a fine of two hundred thousand Uganda shillings.

7.6.2 The renewal of licenses shall be contingent on performance. The Department of Employment Services, Ministry responsible for Labour shall develop an agency rating system which will provide a guide for assessing performance.

7.7 Cancellation of License

7.7.1 If any derogatory record is discovered after issuance or renewal of license, the license of a partnership or corporation shall be suspended and the appointment of any officer or employee with derogatory record may be cancelled. Derogatory records refer to the existence of negative information, such as, but not limited to the following:

i. Probable cause or prima facie finding of guilt for illegal recruitment or other related cases.
ii. Conviction for illegal recruitment or other related cases and/or crimes involving moral turpitude

iii. Revocation or cancellation of license by the Administration for violation of regulations.

iv. Involvement in trafficking in persons

8.0 ACCREDITATION OF FOREIGN PRINCIPAL/EMPLOYER

8.1 A foreign principal (employer) may be granted authority to recruit and hire Ugandan workers through a licensed agency for overseas employment.

8.2 Evaluation of the foreign principals

8.2.1 The principal/employer shall submit the following documents to the Ministry responsible for Labour through the Uganda licensed agency for evaluation and accreditation:

i. Service agreement with the licensed agency;

ii. Master employment contract of the direct employer or foreign placement agency containing the minimum requirements for contracts of employment of migrant workers;

iii. Manpower request indicating the position and salary of the workers to be hired.

iv. Valid business license, registration certificate or equivalent document or proof of existence of project validated or certified by the issuing authority in the host country;

v. Visa assurance or any equivalent document validated by the issuing authority.

8.3 Criteria for accreditation

To qualify for accreditation, the employer: shall satisfy the Department of Employment Services that she/he:

i. has submitted an application for accreditation

ii. is in a sound financial position

iii. has human resource policies and processes of a high standard

iv. has a demonstrable commitment to training and employing Ugandans, and

v. has good workplace practices – including a history of compliance with all immigration and employment laws and policies in the country of employment
8.4 Cancellation of accreditation

8.4.1 The following shall be grounds for revocation or cancellation of accreditation:

i. Expiration of the principal’s business license;

ii. Upon written mutual agreement by the parties to pre-terminate the Agreement;

iii. False documentation or misrepresentation in connection with the application for accreditation;

iv. Final judgment in a disciplinary action against the foreign principal.

8.5 Verification of Foreign Principals/Employers

8.5.1 The Uganda Mission in the destination country shall review and verify the recruitment documents of foreign principals, including the employment contract of Uganda nationals. The purpose is to establish the existence of the employing person, company or project, its capability to hire workers at the acceptable rates, and at desirable conditions, in conformity with the minimum standards prescribed by the Statutory Instrument on Externalization for Labour and taking into account the labour laws and legislation of the host country.

8.6 Companies/persons not permitted to operate as private recruitment agencies

8.6.1 The following organizations, companies and persons are not qualified to operate as private recruitment companies/agencies:

i. Travel agencies and sales agencies of airline companies

ii. Officers or members of the Board of any corporation or members in a partnership engaged in the business of a travel agency.

iii. Corporations and partnerships, when any of its officers, members of the board or partners, is also an officer, member of the board or partner of a corporation or partnership engaged in the business of a travel agency.

iv. Persons, partnerships or corporations which have derogatory records.

v. Civil Servants

vi. Former members of the Armed Forces

vii. Any official or employee of the Department of Employment Services and other government agencies directly involved in the implementation of the Employment
(Recruitment of Ugandan Migrant Workers Abroad) Regulations of 2005 and other labour laws.

viii. Persons or partners, officers and Directors of corporations whose licenses have been previously cancelled or revoked for violation of recruitment regulations.

8.7 List of companies authorised to recruit Migrant Labour

8.7.1 The Department of Employment Services, Ministry responsible for Labour and Employment, shall keep a list of recruitment companies/agencies that are licensed and authorized to send Ugandans overseas for work and those that have been de-listed, suspended, revoked, cancelled, banned or have been refused a renewal of license with full details of the agency’s official representatives.

8.7.2 The list shall be disseminated to the key stakeholders in the line ministries, social partners and CSOs and in strategic places. Such a list (with information on licensed agencies, their addresses and possibly the expiration date of the license) ensures that anyone can verify whether the private recruitment company/ agency they wish to consult is legitimate.

9.0 REGISTRATION OF NAME HIRES

9.1 A name hire shall be required to register with the Department of Employment Services, in the Ministry responsible for Labour and Employment, to document his/her status as a Ugandan migrant worker.

9.2 Before registration the Ministry responsible for Labour and Employment shall verify the job offer, employer and location of the place of work with the foreign mission in the destination country.

9.3 Letter of Recommendation

9.3.1 Upon confirmation of the job offer and employer, the Ministry responsible for Labour and Employment shall issue a letter of recommendation. The letter shall specify the following:

i. Name of the person;
ii. Passport Number and date of issue;
iii. Title of the job and company;
iv. Statement urging the migrant worker to report to the nearest Ugandan mission.

The letter of recommendation from the Department of Employment Services, Ministry responsible for Labour and Employment shall be presented to the Immigration Port of Exit, the airport or at the border if the name hire is travelling through a neighbouring country.

9.4 Documents required for registration

9.4.1 A name hire worker shall be registered upon submission of the following documents:
   i. EE4 Information Sheet
   ii. Valid Passports;
   iii. Employment contract or offer of employment or equivalent document, indicating the terms and conditions of employment;
   iv. Visa/and work permit, visa assurance or equivalent entry document
   v. Certificate of medical fitness issued by an approved Medical Hospital or Clinic;
   vi. A copy of the air ticket;
   vii. Clearance letter from Interpol;
   viii. Letter from LC I; and
   ix. Recommendation letter from parents and or spouse plus his/her identification document.

9.4.2 Register of Name Hires/Uganda Migrant Workers going Abroad to work on their own

The Department of Employment Services, Ministry responsible Labour and Employment shall keep a register of the name hires. The Immigration posts at the airport and the borders shall also keep registers of Uganda migrant workers going abroad to work on their own and shall share that information with the Department of Employment Services, Ministry responsible for Labour and Employment and the Director External Security.

10.0 ADVERTISEMENT FOR OVERSEAS JOBS

10.1 Advertisements for overseas jobs by licensed agencies
10.1.1 Licensed recruitment companies/ agencies shall advertise for actual job vacancies with prior approval from the Department of Employment Services. The Advertisements shall indicate the following information:
   i. Name, address and license number of the agency;
   ii. Work site of prospective principal/project;
   iii. Skill categories and qualification standards; and
   iv. Number of available positions

10.2 Advertisement for manpower pooling

10.2.1 Licensed recruitment companies/ agencies shall advertise for manpower pooling with prior approval from the Department of Employment Services subject to the following conditions:
   
   i. The advertisement shall indicate in bold letters that it is for manpower pooling only and that no fees will be collected from the applicants; and
   ii. The advertisement shall indicate: the name, address and the license number of the agency, and worksite of the prospective registered/accredited principal and the skill categories and qualification standard.
   iii. Foreign principals/employers who wish to advertise overseas job vacancies may do so only through a licensed agency or through Department of Employment Services, Ministry responsible for Labour and Employment.

11.0 STANDARDS FOR OPERATION OF RECRUITMENT AGENCIES

11.1 Office, Location and personnel of Recruitment Agencies

11.1.1 A private recruitment company /agency shall submit contract of lease or proof of building ownership, indicating the office address, providing for an office space of at least one hundred (100) square meters.

11.1.2 A private recruitment company/agency may have more than one office for purposes of recruitment and mobilization of migrant workers for employment.
11.2 Inspection of Private Recruitment Agencies

11.2.1 The Officers from the Employment Services Department, Externalisation Unit shall conduct an inspection of the premises and facilities including pertinent documents on the following instances:

i. Before issuance of a license
ii. In case of transfer of office
iii. Routine/regular inspection
iv. Spot inspection

11.3 Routine/regular inspection

11.3.1 Routine inspection of offices or of the pre-departure orientation seminar shall be carried out to determine compliance with existing rules and regulations.

11.4 Spot inspection

11.4.1 The Department of Employment Services shall also conduct inspection(s) upon receipt of a complaint or report of violation of existing rules and regulations for migrant workers abroad.

12.0 VETTING OF APPLICANTS FOR WORK ABROAD

12.1 Check Procedure

12.1.1 Prior to recruitment and selection applicants/candidates for work abroad shall undergo screening and vetting. Screening and Vetting is a formal check procedure carried out by the Joint Intelligence Committee (JIC).

12.1.2 All private employment companies shall ensure that applicants for work abroad present clearance from the Local Councils (LC) I and III, parents and spouse. In addition to the Local Council clearance applicants from former members of the armed forces, shall present clearance from the DGISO, DGESO and the RDC. To do this in a systematic manner,
recruitment companies shall require intending migrant workers to fill a standard application form, Annexe II, with the following details:

i. Names and photographs of the applicants/candidates
ii. Parents of the candidate(s)
iii. Village, Parish, sub-county
iv. District of Origin
v. Nationality
vi. Details of Passport (if available)
vii. Employment Record
viii. Certificate of Good Conduct

12.1.3 The Department of Employment Services shall submit the filled forms to the Chairman JIC(DGISO) copied to the Deputy Director CID in charge of Crime Intelligence(DDCID (Cl) CMI and DGESO for vetting and screening. The Chairman JIC shall in turn formally communicate the results of the vetting to the Department of Employment Services.

12.1.4 Thereafter, the Department of Employment Services shall communicate the results of the vetting to the private employment company. Government security/force veterans seeking foreign employment shall be required to produce Discharge Certificates from their former agency/force.

The Check procedure and vetting shall also apply to Uganda migrants going out to work abroad on their own without the services of the private recruitment companies.

The vetting process shall be finalised within a period of one month for the newly recruited migrants and four days for the vacationers.

13.0 RECRUITMENT

12.1 No recruitment of Ugandan migrant workers shall take place before the following documents are submitted to the Department of Employment Services:

i) Job order;
ii) Contract between the foreign company and Ugandan recruitment company;

iii) Contract to be signed by the migrant worker

13.1 Recruitment officials

13.1.1 The private recruitment company /agency shall use officials to advertise job openings, mobilize and recruit migrant workers within the local governments. The recruitment company/agency shall provide names of the districts where recruitment will take place. The recruitment officials shall be approved by the Department of Employment Services. A Copy of the authorisation to recruit shall be copied to the Chief Administrators within the respective local governments.

13.2 Selection of migrant workers

13.2.1. The recruitment company/ agency shall shortlist qualified candidates according to job qualifications required by the employer. The following shall be considered during the selection process:

   i. Must be a Ugandan citizen;
   ii. Must be 18 years or above;
   iii. Must have a minimum education applicable to the state of employment;
   iv. Must have a valid Ugandan passport; and
   v. Must have no criminal record.

13.3 Trade Testing

13.3.1 Skills are an important development factor across the full migration cycle – pre-departure, employment abroad, return and employment in the country. Training and trade testing for the Uganda Migrant workers shall be done for classified categories of jobs/skills in collaboration with the Ministry of Education and Sports to prepare young potential migrant workers and to verify their skills. The Ministry responsible for Labour and Employment and the Ministry of Education and Sports shall develop the classified categories of occupations and skills for training, trade testing and certification for Uganda migrant workers.
13.3.2 To facilitate portability of skills, the Ministry responsible for Labour and Employment in collaboration with the Ministry of Education and Sports shall share the National Qualifications System with the destination countries.

14.0 MEDICAL EXAMINATION FOR EMPLOYMENT ABROAD

14.1 Medical Check up

14.1.1 The private recruitment company/agency shall refer the candidate(s) for employment abroad for medical examination only after the agency and/or its foreign principal or employer have interviewed him and pre-qualified him for an existing overseas position duly covered by an approved job order by the Department of Employment, Externalisation Unit.

14.1.2 A Medical Officer approved by the Ministry of Health, shall carry out the medical examination of the selected candidate(s). The candidate(s) shall be provided with a valid certificate to the effect of their fitness and that they are free from any diseases or infections, such as, Tuberculosis or HIV/AIDS. The HIV/AIDS test should not be used for discrimination.

14.2 Inoculation

14.2.1 If inoculation is required, the candidates shall also undergo vaccination in accordance with the requirements of the host country.

15.0 TERMS AND CONDITIONS OF WORK

15.1 Decent Work

Decent work entails certain basic conditions at work: a decent wage, working hours compensation for injury arising out of work, social security annual leave, accommodation, medical treatment and food.

15.2 Employment Contract

15.2.1 Minimum standards for employment contract
The Ministry responsible for Labour and Employment has set up minimum standards for employment contracts to be signed by the selected workers. A model employment contract for migrant workers should as a minimum include the following:

i. Description of the job, site of employment and duration of contract;
ii. Basic and overtime remuneration;
iii. Regular working hours, rest days, holidays;
iv. Transportation clauses to country/place of employment, and return;
v. Employment injury and sickness compensation, emergency medical care;
vi. Valid contract termination grounds;
vii. Settling of dispute clause;
viii. Non-cash compensation and work related benefits.

A model employment contract is attached as Annex1 to the guidelines.

15.3 Written Employment Contract

15.3.1 All selected migrant workers should receive a written employment contract that is enforceable, clear, and in a language the migrant worker understands. The employer should deliver the employment contract to the migrant worker prior to departure, and with adequate time for the migrant to review all provisions before signing.

15.4 Individual Employment Contract

15.4.1 The individual employment contract should contain all necessary information. The information includes:

i. Worker’s full name,
ii. Date and place of birth,
iii. Passport number or equivalent identification
iv. Worker emergency contact information
v. Contract duration and conditions of renewal
vi. Nature of the work and the place where it is to be performed
vii. The occupational category in which the worker is placed
viii. Clearly defined wage rates, overtime, including maximum allowable overtime hours consistent with local laws and customer codes of conduct
ix. An estimate of the minimum net pay a worker can expect to receive per month,

x. Expected regular working hours, overtime hours,

xi. Frequency of rest days, and holidays,

xii. Bonuses, indemnities, and allowances, if any, and

xiii. Descriptions of non-cash compensation and work-related benefits including medical and social insurance benefits, emergency, and

xiv. Annual leave.

15.5 Signing of the Contract

15.5.1 The migrant worker and the employer shall review and sign the contract. The migrant worker shall read and understand the entire contents of the employment contract before it is signed. The worker shall be informed of the amendments and/or additional terms before the amendments are formalized in the worker’s contract. The employer shall not impose any additional terms or requirements on the worker after the employment contract is signed without written consent of the worker.

15.5.2 For most of the workers, the prospect of going abroad fills them with both excitement and apprehension. Driven by poverty, unemployment and the desire look for a better life, they may be unable to make informed decisions about the consequences of their migration choice. At the same time, their low education and skills, as well as their complete reliance on the recruitment companies/agencies for information and arrangements, may not allow their grasp and appreciation of the situation to go beyond the consuming thought of being able to earn more money. The selected migrant workers shall not be pressurised into signing a contract, the content and significance of which they have little understanding.

15.6 Migrant Workers to retain copy of the contract

The migrant workers shall retain a signed copy of their own contracts and ascertain their actual terms and conditions of work.

15.6.1 Signing of Placement Agreement
The migrant worker shall sign the placement agreement with the recruitment agency. The placement agreement shall specify the roles of the recruitment agency and the obligations of the migrant worker to the recruitment agency.

14.7 Termination of Contract

All standard employment contracts have a termination clause. The employer and migrant worker shall strictly follow the procedures laid down to terminate the contract.

16.0 WELFARE AND ACCOMMODATION

16.1 Living Conditions of Workers

16.1.1 The hygiene and living conditions of workers have an impact on their health and productivity. Some large companies and formal sectors have in the past provided accommodation to their employees in labour camps. Some workers are accommodated in small rented houses and share rooms. All private recruitment companies /agencies should take special attention on the living conditions of the workers, gender needs and provide a description of the accommodation arrangements to the migrant workers.

16.2 Transport

The mode of transport offered to workers to and from the work sites should be decent for that purpose.

17.0 ISSUANCE OF PASSPORTS AND VISA FOR THE MIGRANT WORKERS

17.1 Procurement of Passport and Visa

71.1 Passports are very sensitive and they are the most important documents for the migrant workers for entry in the destination country. They shall be accorded due attention during the procurement process to avoid any kind of fraud.
17.1.2 Some of the migrant workers have low literacy and may not know how to sign the passport application forms. Recruitment companies/agencies shall identify the workers in such categories and assist them to complete the formalities for obtaining passports from the Passport Office, Ministry of Internal Affairs.

Procurement of a visa is a responsibility of the employer. Its cost shall not be passed on to migrant workers by the recruitment agencies.

18.0 DOCUMENTATION COSTS

18.1 Documentation costs to be paid by the worker shall include, but not limited to, expenses for the following:
   i. Passport
   ii. Interpol Clearance
   iii. Authentication of documents
   iv. Trade Test, if necessary
   v. Inoculation, when required by the host country

19.0 CLAIMS ARISING FROM THE EMPLOYMENT RELATIONSHIP

19.1 The Directors and officers of corporations or partnerships shall jointly and severally be liable over claims arising from the employer-employee relationship. The following are some of the safety nets that the organisation intending to operate as a recruitment company/agency shall undertake:
   i. To select only medically and technically qualified recruits;
   ii. To assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;
   iii. To assume liability for all claims and liabilities which may arise in connection with the implementation of the contract, including but not limited to payment of wages, death and disability compensation and repatriations;
   iv. To guarantee compliance with the existing labour and social legislations of Uganda and of the country of employment of the recruited workers;
   v. To assume full and complete responsibility for all acts of its officials, employees and representatives done in connection with recruitment and placement;
   vi. To negotiate for the best terms and conditions of employment;
vii. To disclose the full terms and conditions of employment to the workers;
viii. To deploy at least fifty (50) workers to its new markets within one (1) year from the issuance of its license;
ix. To provide orientation on recruitment procedures, terms and other relevant information to its workers and provide facilities thereof;
x. To repatriate the deployed workers and his personal belongings the need arises.
xi. Private recruitment companies/ agencies should not make workers available to a user enterprise to replace workers of that enterprise who are on strike.

20.0 BILATERAL AGREEMENTS

20.1 Government to Government Recruitment

20.1.1 Bilateral agreements shall be made between the sending and recipient/host country to safeguard the working conditions of Ugandan migrant workers in line with the Statutory Instrument No. 6, 2005 on Externalisation of Labour and other labour laws.

The agreements shall cover:

i. vacancy notification,
ii. selection and recruitment,
iii. employment contracts,
iv. transport and conditions of employment,
v. dispute settlement procedures,
vi. protection of basic rights,
vii. social security, and
viii. family migration and return.

The Department of Employment Services shall develop implementing guidelines.

21.0 ORIENTATION FOR MIGRANT WORKERS

21.1 Access to Information
21.1.1 Prior to migration migrant workers shall be provided with timely, comprehensive, and accurate information to help them make informed choices. Lack of access to information places migrants in a vulnerable situation. When a person is unaware of his or her rights, it becomes almost impossible for him/her to assert those rights. It is of critical importance that a migrant worker has at his/her disposal specific information about the country of destination: their rights and duties under the legal regime of the receiving country; cultural sensitivities; and the physical environment and the details of their departure.

21.1.2 Information shall be disseminated through orientation training and awareness creation on the relevant laws. The legal orientation should cover the following:

i. Entry rights and work related legislation;
ii. Visas and residence permits;
iii. Citizenship rules;
iv. Legislation regarding health;
v. Social welfare and temporary protection;
vi. Minors and education;
vii. Expulsions.

21.1.3 Orientation on the rights and obligations of workers and those of the recruitment company and the employer at the destination country shall include reading through the contract article by article and explaining the rights and obligations of the migrant workers on the following:

i. The duties and obligations of their employers and labour agents;
ii. The worksite and living conditions;
iii. Practical tips on health and safety;
iv. The location and telephone number of the Uganda Embassy where it exists;
v. Where and how to seek help in times of distress and
vi. Job skills required.

21.1.4 Cultural and social orientation is intended to provide a comprehensive overview of the “way of living” in the country of employment with particular attention to:

i. General rights and obligations of citizens;
ii. Public health services;
iii. The education system;
iv. The social welfare system;
v. The institutions of the Host State;
vi. Public administration;
vii. Housing;
viii. Transportation.

21.1.5 Psycho-social orientation is aimed at developing a better understanding of how the psychic, cultural and social migratory dynamics are being perceived by migrants from different origins and of various cultural backgrounds, who are working and living in wide-ranging labour and social environments.

21.1.6 Orientation on linguistics provides initial cultural and linguistic tools to enable the migrants develop or improve their individual communication skills. The focus may be on:

i. providing some fundamental communicative functions for the labour and social insertion;
ii. oral and written communicative skills;
iii. basic linguistic structures.

21.1.7 Domestic workers have a special vulnerability since they do not have a common employer. They work with individual households or families. For domestic workers, the training shall focus on providing more information to the women and girls on the type or specific household chores, such as, cleaning, washing and cooking in the destination country.

The duration of the orientation and awareness raising for all migrants shall not be less than three days.

**22.0 PRE-DEPARTURE STAGE**

**22.2 Check List**

The Department of Employment Services shall conduct monitoring and inspection visits at the pre-departure stage, using a basic quality checklist for all licensed recruitment agencies. The Check list shall include the following:
i. Training and the Venue/Place;
ii. Staff;
iii. Operations;
iv. Logistics and transportation.

22.2 Departure

22.2.1 Before departure of the newly recruited workers, the recruitment company/agency shall fill the EE4 form. The EE4 form shall be completed by all departing migrant workers and submitted to the Department of Employment Services, External Employment Unit not later than a week after departure. The EE4 Form is attached as Annex V to the guidelines.

The recruitment company shall inform the MGLSD the names, date of departure, routes and points of exit of the migrant workers. This information shall be shared with the Chairperson JIC.

The MGLSD shall forward the lists of migrant workers to the Ministry of Foreign Affairs to distribute to the relevant Uganda Missions. This information shall be shared with the Director General External Security Organisation.

23.0 ARRIVAL OF OVERSEAS UGANDAN WORKERS

23.1 Management of Ugandan Migrant Workers

23.1.1 After recruitment and deployment, the private recruitment company/agency shall continue to manage and supervise the workers throughout the subsistence of the contract in the destination country.

23.1.2 Recruitment companies/agencies shall keep in touch with the workers they deploy through the following mechanisms:
   i. Communicate to different camps on a daily basis by emails and telephone;
   ii. Having leaders among the migrant workers deployed who should act as a first point of reference;
iii. Direct contact when they come on vacation; and
iv. At least one physical visit per year

23.1.3 Upon the expiry of the contract, if any workers return to Uganda, they shall be free to enter into fresh contracts with any other recruitment company/agency. This will be done with the knowledge of the Ministry responsible for Labour and Employment. If any, worker(s) choose to renew the contracts while in the country of employment, they shall remain under the management and supervision of the company that recruited and deployed them, since the workers will not have had access to any other Uganda licensed company and the Ministry;

23.1.4 The Principal Employers, have no right whatsoever, to unilaterally shift management and supervision of workers from one company to another at their own whims as this makes the Ministry’s monitoring and oversight very difficult, if not impossible. It further creates confusion not only among the workers but also their spouses, families, relatives and next of kin.

24.0 MIGRANT WORKERS’ RESOURCE CENTRES AND OR REGISTERS

24.1 Protection of the rights of migrant workers in the destination countries

24.1.1 Protection of the rights of migrant workers in the destination countries shall be considered a priority concern. The role of foreign missions in the labour-receiving countries shall be strengthened to ensure that information on the Ugandan migrant workers is documented and kept on the following:

i. Addresses of their employers,
ii. Duration of stay,
iii. Locations or work sites, where they live and
iv. Respective recruiting agencies.

24.1.2 The foreign missions shall establish migrant workers’ resource centres or registers in each of the major labour receiving countries and shall collaborate with the Department of Employment Services, Ministry responsible for Labour and Employment in the verification of the employers, job orders and monitoring of the migrant workers in the various destination countries.
24.2 Documents for verification by the Ugandan Missions Abroad

24.2.1 The private recruitment company/ agency shall submit the following documents to the Ugandan Missions abroad for verification:

   i. Special power of attorney issued by the principal or employer to the licensed agency or recruitment agreement or service agreement;
   ii. Master employment contract which stipulates among others the minimum provisions of employment contracts of workers;
   iii. Manpower request indicating the position and salary of the workers to be hired;
   iv. Valid business license, registration certificate or equivalent document.

25.0 COMPLAINTS AND GRIEVANCE PROCEDURES

25.1 Procedures

Any person dissatisfied with a decision or action of a recruitment agency or employer shall file a complaint in writing or by telephone against the agency or employer with the Department of Employment Services or to the nearest Ugandan mission. The complainant shall carry evidence in support of the claim and complaint. Where money issues are involved, the complainant shall attach copies of receipts. On receipt of the complaint, the Department of Employment Services or Ugandan mission shall mediate between parties but where it fails; the Mission shall forward the complaints to the respective government authorities.

25.1.1 Grievance Procedures at the Employers’ Premises

The employer shall provide avenues at his premises for migrant workers to lodge complaints and seek remedy without fear of discrimination, intimidation, or retaliation, including mechanisms to report violations anonymously. The employer shall ensure that workers can raise concerns without financial penalty (e.g., payment for phone services). The employer shall also have procedures in place to regularly review and address such reports. Below are some good practices that may help ensure proper grievance procedures are in place.

25.2 Migrant Workers Committee
25.2.1 A migrant workers committee shall be established inside the workplace or site to promote equitable representation of migrant workers concerning grievance issues. This committee shall represent the Ugandan migrants or all nationalities in the workplace. Representatives shall be voted on annually by the workers, and be responsible for representing workers in the grievance and mediation process. This mechanism helps to eliminate some of the apprehension that characterizes the grievance process, in part because of language difficulties and cultural differences between local and migrant workers. Maintaining anonymity is very important.

25.3 Floor Leaders

25.3.1 Worker representation shall also be established at the place of accommodation. Workers shall elect floor leaders responsible for fielding complaints. These elected leaders are then responsible for delivering complaints to the appropriate body in the factory (migrant worker committee, complaints committee). Furthermore, the employer shall not prevent the workers from lodging complaints externally with the relevant body, or seeking assistance, recourse, or protection from the consular or diplomatic authorities of their home country.

26.0 MIGRANTS’ ASSOCIATIONS AT DESTINATION

26.1 Migrants shall organise themselves into associations in the destination country. Associations provide an opportunity for the integration of workers in their new work environment, sharing with each other experiences. Associations also organize cultural programmes and shall observe the various national days of Uganda. They shall also provide various kinds of support services for the new migrants, such as finding suitable accommodation. These services give the migrants a sense of belonging to a larger Ugandan entity. Social interaction among the Uganda migrant workers is also helpful in sharing of work experiences and in learning from each other about “do’s” and “don’ts” and the cultural sensitivities of the countries concerned.

27.0 REMITTANCES

27.1 Remittances
27.1.1 Remittances are one of the positive effects of migration. The return of Uganda migrant workers supports economic development and job creation when returnees bring capital and knowledge back with them. However, information on the share of remittances in GDP is not comprehensive. Documentation of this information is kept by different ministries, Foreign Affairs on the Diaspora, the Ministry of Finance Planning and Economic Development, the Ministry of Public Service, the Ministry of Education and Sports and the Ministry responsible for Labour and Employment. To ensure a coherent approach to measuring the flow and the size of the multiplier effects arising from remittances, (impact of remittances from the migrants that go abroad under the licensed agencies and those that go as individuals) the Ministries of Labour and Employment and that of Finance Planning and Economic Development and the Uganda Bureau of Statistics shall map the job-creating potential of household spending in various categories: current consumption, household improvements, consumer durables, education, and health and community investment. More evidence based research shall be carried out on the extent and the areas in which remittances contribute to the creation of new enterprises and their impact on employment.

28.0 REMITTANCE TRANSFER

28.1 Flexible Remittance Transfer Services

28.1.1 Migrant workers shall be encouraged to open bank accounts in banks of their choice to facilitate remittance transfers. The banks shall provide flexible procedures for the workers who hold Uganda shilling accounts to open dollar accounts. To streamline the remittance transfer services, bank officials shall receive regular training to make them aware of the importance of migrant workers’ remittances and be motivated to make their services more customer-friendly.

28.2 Cost of Transfer of Remittances

28.2.1 Administrative costs for the transfer of remittances of the workers is one of the issues that affects the earnings of the workers. The cost of transfer of remittances defers from bank to bank and service providers. Lowering the cost of remittance transfers and easing the transaction process of remittance transfers leverages the use of migrant earnings for development purposes back home. The M-PESA programme for transferring money via mobile phones without the rigidities inherent in formal banking systems, has reached rural
communities, ensured their financial inclusion and created local jobs. The M-PESA Uganda shall be encouraged to provide an alternative facility for Uganda migrant workers to transfer their remittances to their households and families.

28.3 Incentive Programmes

28.3.1 Uganda, migrants shall be provided with information about the need and encouraged to save to ensure sustainable employment and security of earnings on their return to. Small savers, and incentive programmes shall be established. This will involve offering bonds, shares and mutual funds at attractive rates. Migrant workers shall also be informed about the various forms of saving instruments offered by government, non-governmental and private agencies. In this regard, existing legal requirements shall be relaxed so that selected microfinance institutions can mobilize the migrants’ savings without providing credit.

28.3.2 The Ministry responsible for Labour and Employment in collaboration with the Ministry of Finance Planning and Economic Development, the Central Bank, Commercial banks shall encourage NGOs and the private sector to offer special programmes for the economic reintegration of the returnees. This will include helping them gain access to the formal banking sector, credit agencies for soft loans, land allotment on moderate terms and insurance schemes.

29.0 ASSOCIATIONS

29.1 ASSOCIATIONS OF RETURNEE MIGRANTS

29.1.1 Returnee migrants, after making savings from their earnings, need assistance to invest their savings into viable projects or income generating activities. The migrants shall be encouraged to form an association of returnees to provide a forum for mobilization, working and encouraging each other in this endeavour. The association shall also play the role of the spokesperson of the migrant workers, particularly with regard to realizing their rights and in raising public awareness of the plight of the migrant workers and of the contribution they make to national development and employment creation. The Association shall further consistently advocate for the establishment of better services for the transfer of the
remittances by migrants and the establishment of incentive programmes for income generating activities and local employment projects.

29.2 ASSOCIATION FOR PRIVATE RECRUITMENT COMPANIES/ AGENCIES

29.2.1 Greater transparency, standardization, accountability and ethics are required in the way that migrant workers are deployed and protected for employment abroad. One of the key principles of recruitment and management of migrant workers is that recruitment agencies shall avoid treatment of migrant workers as commodities and accord them greater human dignity and protection.

29.2.2 To this end, private recruitment companies /agencies shall form an association. The Association shall provide a common platform for licensed recruitment companies/agencies to share information and improve cooperation, develop a binding code of conduct and ethics and work closely with the line ministries in promoting safe and legal migration as a strategy for promoting decent employment and national development.

29.2.3 At the same time, associations shall also collect information on high-risk agencies through regular screenings of their members, as well as new membership applications. They shall contribute to promotion of standards in the industry through private agency training seminars. The agencies’ associations shall also disseminate know-how and good business practice.

29.2.4 Recruitment companies/agencies are publicly acknowledging that migration abroad for work can be an empowering experience for Ugandan migrants and the benefits can be an engine for social and economic growth in the country. Through formation of an association the recruitment companies/ agencies shall be more connected to employers abroad and therefore be able to supply to Government with information on the global market demand for skills. They shall also work with training and education institutions in the country to better prepare young workers for the job market in the country, regionally and globally.

29.3 Civil Society Organisations
The openness of the recruitment companies/agencies towards sharing information and cooperating with CSOs is a positive change from the former view towards CSOs and the way they used to jealously guard information. Apart from the desire to improve their public image, recruitment companies/agencies are increasingly recognizing that CSOs play an important supporting role in educating workers on human rights, labour and immigration laws of the destination country, customs and culture of the destination country, and contractual obligations prior to departure where they have comparative advantage.

30.0 REPORTS

All recruitment companies/agencies shall regularly report on the 5th day of the preceding month on their activities by providing administrative records of their operations. The information shall be processed and included in the Annual Migration Report as well as the Labour Report and used to gain a better picture of the global labour market performance as a whole. The reports shall be shared with the JIC (DGISO) and Deputy Director CID in charge of Crime Intelligence (DDCID (CI) CMI and DGESO. A database on migrant workers abroad shall be developed and established for the purposes of dissemination of information to the various stakeholders.

31.0 RESEARCH AND INFORMATION ON UGANDAN MIGRANT WORKERS

31.1 More research and statistical data analysis is needed to better understand the impacts of migration on employment, the country specific backgrounds of migrants, information on the size of high or low-skilled emigration, the length of stay, the migrants skill level, educational and economic background, their employment status before emigration, and whether they worked in the formal or informal sector. This information helps determine what happens when circular migrants return whether they enter or re-enter the informal economy or the wider private sector. The Ministries of Foreign Affairs,(Diaspora) Internal Affairs, that responsible for Labour and Employment and the Uganda Bureau of Statistics shall carry out studies and surveys respectively on specific migration themes.

32.0 THE ROLES OF STAKEHOLDERS

32.1 The Ministry responsible for Labour and Employment
32.1.1 The Ministry responsible for Labour and Employment shall be the lead agency in the implementation of the guidelines and shall coordinate the activities of all other stakeholders. Specifically the Ministry responsible for Labour and Employment shall:

i. Raise awareness on the Statutory Instrument for Externalisation of Labour, other labour laws and issues concerning trafficking related to employment among all parties;

ii. License private recruitment companies/agencies for operations of recruitment for migrant workers abroad;

iii. Provide orientation to officials and staff of licensed companies/agencies and representatives of the foreign employers on the requirements, standards, laws and regulations in the recruitment and employment of Ugandan migrant workers.

iv. Verify the job offer(s), employer(s) and location of the place of work with the foreign mission in the destination country.

v. Develop an private recruitment company/agency rating system;

vi. Keep a list of private recruitment companies that are licensed and authorized to send Ugandans overseas for work and those that have been de-listed, suspended, revoked, cancelled, banned or have been refused a renewal of license;

vii. Issue clearance certificates to migrant workers, agencies and principals;

viii. Inspect private recruitment companies/agencies’ activities;

ix. Provide monitoring and oversight on the operations and activities of private recruitment companies/agencies within the country and in the destination country;

x. Impose sanctions on licensed local recruitment companies/agencies for failure to cooperate in providing welfare assistance to migrant workers and against foreign principals/employers upon recommendation by the Embassies and other authorities;

xi. Develop a database for Uganda migrant labour abroad and recruitment companies

xii. Document and disseminate good business practices of private recruitment companies/agencies for migrant workers abroad.

32.2 Ministry of Foreign Affairs

32.2.1 The Ministry of Foreign Affairs shall:

i. Liaise with Uganda missions abroad to monitor the employers, the principal agencies in the destination country and Uganda migrant workers,
ii. Verify availability of jobs in the destination countries, in collaboration with the Ministry responsible for Labour and Employment

iii. Establish registers for Uganda Migrant Workers in the destination countries.

32.3 Ministry of Internal Affairs, Immigration

32.3.1 The Ministry of Internal Affairs shall:

i. Provide passports to migrant workers

ii. Collaborate with Ministry responsible for Labour and Employment in monitoring irregular movements of migrants and in the identification of trafficking cases/victims

32.4 Joint Intelligence Committee (JIC)

32.4.1 The Joint Intelligence Committee (JIC) shall:

i. Vet the private recruitment companies/agencies before licensing and the selected migrant workers before departure;

ii. Monitor activities of private recruitment companies;

iii. Monitor activities of migrant workers during and after employment abroad;

iv. Maintain a data bank for all private recruitment companies and personnel vetted

32.5 Ministry of Education and Sports

32.5.1 The Ministry of Education and Sports shall:

i. Train young people in the relevant skills for the global market

ii. Provide Trade Testing and Certification for the migrants

iii. Develop the National Professional Qualification’s Framework for Uganda Migrant Workers for the Global Market

32.6 Ministry of Finance Planning and Economic Development

32.6.1 The Ministry of Finance Planning and Economic Development shall:

i. Encourage the private sector to offer special programmes for the economic reintegration of the returnees
ii. Provide guidelines on the method to measure the flow of remittances from migrant workers.

32.7 Ministry of Health

32.7.1 The Ministry of Health shall;
   i. Approve Medical Officer (s) to carry out medical examination for the prospective migrant workers.

32.8 Local Governments

32.8.1 The Local Governments shall:
   i. Assist the recruitment companies /agencies in the mobilization of interested migrant workers;
   ii. Provide recommendation letters for migrant workers for the procurement of passports;
   iii. Monitor the situation of the migrant workers when they come home on leave and irregular movements of migrants within the local governments.

32.9 Other line Ministries

32.9.1 Other line ministries shall:

   i. Identify required Ugandan skills for recruitment under bilateral agreements
   ii. Determine the terms and conditions of the contract in collaboration with the Ministry responsible for Labour and Employment

32.10 CIID and Interpol

32.10.1 CIID and Interpol shall:
   i. Investigate any suspected criminal and derogatory acts by agencies among others trafficking in persons.

32.11 Federation of Uganda Employers

32.11.1 The Federation of Uganda Employers shall:
i. Raise awareness on labour laws and issues concerning trafficking among the private recruitment companies in collaboration with their associations

dii. Identify skilled Ugandans in sectors where there is demand for external labour in collaboration with the Ministry responsible for Labour and Employment

diii. Advocate for code of conduct for decent work for migrant workers

32.12 Workers’ Representatives

32.12.1 They shall:

i. Raise awareness on labour laws and issues concerning trafficking among the workers

ii. Provide information on irregular movements of workers and suspected exploitation of migrant workers

iii. Advocate for code of conduct for decent work for migrant workers

32.13 Recruitment companies/agencies

32.13.1 Recruitment companies/agencies shall:

i. Provide to Government information on the global market demand for skills for migrant work and job orders;

ii. Access decent job opportunities to migrant workers abroad;

iii. Advertise actual job vacancies;

iv. Mobilize and recruit migrant workers;

v. Provide comprehensive and accurate information to the migrant workers on the country of destination before recruitment and departure;

vi. Assist selected migrant workers in the procurement of Passport and Visa;

vii. Manage and supervise the workers throughout the subsistence of the contract in the destination country;
viii. Submit documents on the employment contracts for verification to the Uganda Missions in the destination country;

ix. Regularly report on their activities;

32.14 The Community

32.14.1 The Communities shall:

i. Keep vigilance over the community and provide information on suspected and irregular movements of persons in their locations.

32.15 Uganda Bureau of Statistics

32.15.1 Uganda Bureau of Statistics shall:

i. Carry out research on the remittances of migrant workers abroad and their impact on employment.

32.16 Banks

32.16.1 Banks shall:

i. Provide guidance on the standing orders of payment and on the exchange rates at the time of payment of migrant workers.

ii. Offer bonds, shares and mutual funds at attractive rates for returnee migrants;

iii. Provide customer-friendly services for the transfer of migrant workers’ remittances, guidelines and flexibility on opening dollar accounts;

iv. Sensitize bank officials to make them aware of the importance of migrant workers’ remittances.

32.17 Uganda Revenue Authority

32.17.1 Uganda Revenue Authority shall:

i. Verify and provide copies of the tax returns of the prospective employment companies to the Ministry responsible for Labour and Employment
32.18 Migrant workers

32.18.1 Migrant workers shall:

i. Provide the recruitment company /agency or employer with correct and true statements or certifications regarding their background information, skills, experience and qualifications;
ii. Maintain a high level of productivity and abide by company rules as well as regulations;
iii. Observe and respect the contract of employment, laws, customs, morals, traditions and practices of the country in which they work;
iv. Refrain from committing acts, which are detrimental to national, employer or recruitment company interests during recruitment and employment;

Uphold the requirements on remittance of earnings and to provide material support to their families.

32.19 Civil Society Organizations

32.19.1 CSOs shall:

i. Raise awareness on issues of labour migration including trafficking in persons;
ii. Provide assistance to persons affected by trafficking in collaboration with the Ministry responsible for Labour and Employment.

32.20 Associations for private recruitment/ agencies

32.20.1 Associations for private recruitment companies / agencies shall:

i. Share information and improve cooperation among private recruitment companies/agencies;
ii. Develop a binding code of conduct and ethics;
iii. Collect information on high-risk agencies through regular screenings of their members, as well as new membership applications;
iv. Sensitize the members on the code of conduct and ethics.
32.21 Migrants’ associations at destination

32.21.1 Migrants’ associations at destination shall:

i. Organise migrants into associations in the destination country.

ii. Organise cultural programmes on national days of Uganda.

iii. Provide assistance for the new migrants, in finding suitable accommodation.

32.22 Associations of returnee migrants

32.22.1 Associations of returnee migrants shall:

i. Assist returnee migrants to invest their savings into viable projects or income generating activities.

ii. Advocate for the establishment of better services for the transfer of the remittances by migrants.

iii. The establishment of incentive programmes for income generating activities and local employment projects.
ANNEX 1. SAMPLE EMPLOYMENT CONTRACT

This employment contract is executed and entered into by and between:

A. Employer:

Name: .............................................
Address: .................................
Telephone Number: .............................

B. Represented by:

Name of Recruitment agency/company: .................................
Address: .................................
Telephone Number: .............................

C. Employee

Name: .....................
Civil Status: Passport no: .............................
Address: ............... Place and Date of Issue: .............................

Voluntarily bind themselves to the following terms and conditions:

1. **Site of employment**: .............................

2. **Contract duration** ............................. commencing from employee’s departure from the point of origin to the site of employment.

3. **Employee’s position**: .............................

4. **Basic monthly salary**: .............................
5. **Regular working hours**: maximum of 8 hours per day, six days a week

6. **Overtime pay**:
   (a) Work over regular working hours
   (b) Work on designated rest days and holidays

7. **Leave with full pay**
   (a) Vacation leave
   (b) Sick leave

8. **Free transportation** to the site of employment and, in the following cases, free return transportation to the point of origin:
   (a) Expiration of the contract
   (b) Termination of the contract by the employer without just cause
   (c) If the employee is unable to continue to work due to connected or work-aggravated injury or illness

9. **Free food or compensatory allowance** of US$__________, free suitable housing.

10. **Free emergency medical and dental services** and facilities including medicine.

11. **Personal life and accident insurance** in accordance with the host government and/or ____________ government laws without cost to the worker. In addition, for areas declared by the ____________ government as war risk areas, a war risk insurance of not less than ____________ shall be provided by the employer at no cost to the worker.

12. In the **event of death** of the employee during the terms of this agreement, his remains and the personal belongings shall be repatriated to the ____________ at the expense of the employer. In case the repatriation of the remains is not possible, the same may be disposed of upon prior approval of the employee’s next of kin and/or by the Uganda Embassy/Consulate nearest the job site.
13. The employer shall assist the employee in remitting a percentage of his/her salary through the proper banking channel or other means authorized by law.

14. Termination:

A. Termination by employer:
The employer may terminate this Contract on the following just causes: serious misconduct, willful disobedience of employer’s lawful orders, habitual neglect of duties, absenteeism, insubordination, revealing secrets of the establishment, when employee violates customs, traditions, and laws of ________________ and/or terms of this Agreement. The employee shall shoulder the repatriation expenses.

B. Termination by employee:
The employee may terminate this Contract without serving any notice to the employer for any of the following just causes: serious insult by the employer or his representative, inhuman and unbearable treatment accorded the employee by the employer of his representative, commission of a crime/offense by the employer of his representative and violation of the terms and conditions of employment contract by the employer or his representative. Employer shall pay the repatriation expenses back to the point of origin.

B1. The employee may terminate this Contract without just cause by serving one (1) month in advance a written notice to the employer. The employer upon whom no such notice was served may hold the employee liable for damages. In any case, the employee shall shoulder all the expenses relative to his repatriation back to his point of origin.

C. Termination due to illness:
Either party may terminate the Contract on the ground of illness, disease or injury suffered by the employee. The employer shall shoulder the cost of repatriation.

15. Settlement of Disputes:
All claims and complaints relative to the employment contract of the employee shall be settled in accordance with Company policies, rules and regulations. In case the employee contests the decision of the employer, the matter shall be settled amicably with the
participation of the Uganda Mission Official or any other authorized representative of ____________ Embassy or Consulate General nearest the site of employment. In case the amicable settlement fails, the matter shall be submitted to the competent or appropriate body in (host country) or ____________ if permissible by the host country laws at the option of the complaining party.

16. The employee shall observe employer’s company rules and abide by the pertinent laws of the host country and respect its customs and traditions.

17. **Applicable law:** Other terms and conditions of employment, which are consistent with the above provisions, shall be governed by the pertinent laws of ____________.

**IN WITNESS WHEREOF THE PARTIES HAVE THE DAY AND YEAR SET FORTH THEIR RESPECTIVE SIGNATURES.**

**SIGNED BY:-**

------------------------------------------------------------------------
ON BEHALF OF THE EMPLOYER                       DATE

------------------------------------------------------------------------
ON BEHALF OF RECRUITING COMPANY                   DATE

------------------------------------------------------------------------
EMPLOYEE                                           DATE

**ANNEX II: FEES**
<table>
<thead>
<tr>
<th>SERVICE</th>
<th>UG.SHs</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Application Form</td>
<td>100,000</td>
</tr>
<tr>
<td>License</td>
<td>500,000</td>
</tr>
<tr>
<td>Bank Guarantee</td>
<td>50,000,000</td>
</tr>
<tr>
<td>Fine for Late Renewal of License</td>
<td>200,000</td>
</tr>
<tr>
<td>Certificate of Good Conduct (Interpol)</td>
<td>67,000</td>
</tr>
<tr>
<td>Administration costs (Recruitment Agencies)</td>
<td>50,000</td>
</tr>
</tbody>
</table>
ANNEX III: REPORT FORMAT

Employment

i. Number recruited (disaggregated by sex and occupation);

ii. Number trained (disaggregated by sex);

iii. Number deployed (disaggregated by sex, occupation and destination country);

iv. Number terminated (disaggregated by sex, occupation, cause and destination country);

v. Number resigned (disaggregated by sex, occupation, cause and destination country);

Accidents/death

Number involved (disaggregated by sex, occupation and destination country)

Cause of accident/death;

Compensation

Number involved (disaggregated by sex, occupation and destination country)

Remittances

Amount remitted in the reporting month where applicable
ANNEX IV

BILATERAL AGREEMENT
ON
EMPLOYMENT
## CONTENTS

Preamble ........................................................................................................... 3

Article
1. Definitions ................................................................................................. 4
2. Scope of the Agreement .............................................................................. 4
3. Control Authority ....................................................................................... 4
4. Collective States’ Obligation ................................................................. 5
5. Equality of Opportunity and Treatment ............................................ 6
6. Protection of Health of Migrant Workers ............................................ 6
7. Workmen’s Compensation for Accidents .............................................. 7
8. Reunification of Families ........................................................................... 7
9. Employment and Residence .................................................................... 8
10. Return to the State of Origin ................................................................... 8
11. Settlement of Disputes .......................................................................... 9
12. Amendment ............................................................................................. 9
13. Termination ............................................................................................ 9
14. Duration and Renewal .......................................................................... 10
15. Entry into force ....................................................................................... 10
BILATERAL AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF UGANDA

AND

THE GOVERNMENT OF…………………………………...

CONCERNING THE RECRUITMENT AND EMPLOYMENT OF
UGANDAN MIGRANT WORKERS

PREAMBLE
The Government of the Republic of Uganda (hereinafter referred to as “the State of Origin”) and the Government of…………………..(hereinafter referred to as “ the State of Employment”) hereinafter jointly referred to as the “Parties” and in singular as “Party”.

TAKING into account the principles embodied in the basic instruments of The United Nations concerning human rights and standards set forth in the relevant instruments elaborated within the framework of the International Labour Organisation;

REALISING the importance and extent of migration phenomenon of workers;

AWARE of the impact of the flows of migrant workers on the social, economic and political development of both the State of Origin and the State of Employment;

CONSIDERING that migrant workers who are not documented or in an irregular situation are frequently employed under less favorable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition at the workers’ expenses;

RECOGNIZING the significance of this Agreement in respect to the socio-economic development of countries and their citizens.
NOW IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

ARTICLE 1

Definitions

For the purpose of this Agreement the following terms:

(a) “Uganda migrant worker” means a Ugandan citizen who is to be engaged, or has been engaged in remunerated activity in the State of Employment.

(b) “documented migrant worker” or “migrant worker in a regular situation” means that migrant worker who is authorised to enter, to stay and engage in remunerated activity in the State of Employment pursuant to this Agreement.

ARTICLE 2

Scope of the Agreement

2.1 The Agreement is applicable to all Ugandan migrant workers without distinction of any kind based on ethnicity, origin, sex, religion, economic position, colour, marital status and other status.

2.2 The Agreement shall apply during the training process, recruitment, migration and employment of migrant workers which comprises of preparation for migration, departure, transit and entire period of stay and remunerated activity in the State of Employment as well as return to the State of Origin.

ARTICLE 3

Control Authority

3. Each party shall designate and regulate a public authority to control all activities related to the migrant workers including:
(a) collecting, updating and furnishing the other party with the latest information from their labour information centres and data banks or the equivalent, concerning the availability of employment opportunities and labour as the case may be;

(b) facilitating the workers in terms of provision and acquisition of legal migration and settlement documents;

(c) monitoring the effectiveness of the recruitment and employment exercises of the preceding year and if necessary, determine what changes should be made in the plan of operations;

(d) ensuring that the migrant workers have access to social services and other services;

(e) periodically reviewing and evaluating, and where necessary, revising the entire social policy in respect to the migrant workers; and

(f) examining complaints by the migrant workers and securing their correction by conciliation or by alternative dispute resolutions.

**ARTICLE 4**

**Collective States’ Obligations**

4.1 The parties shall take all necessary measures to offer relevant training to the migrant workers so that they are equipped with the required occupational skills and qualifications.

4.2 The parties shall take the necessary measures to introduce the migrant workers to the language as well as the economic, social and cultural environment of the State of Employment before their departure from the State of Origin.
4.3 The parties shall promote the migrants’ adaptation to society of the State of Employment and assist and encourage the efforts of migrant workers to preserve their national and ethnic identity and cultural ties with the State of Origin.

4.4 The parties shall facilitate migrant workers to transfer their earnings and savings from the State of Employment to the State of Origin.

4.5 The parties shall organise and encourage organisations and associations of migrant workers for the exchange of information and experience.

4.6 The State of Employment shall facilitate repatriation to the State of Origin of the remains of the deceased migrant workers.

ARTICLE 5
Equality of Opportunity and Treatment

5. The State of Employment guarantees that migrant workers shall enjoy equality of opportunity and treatment with its nationals in respect of:

(a) access to vocational guidance and placement services;

(b) access to vocational training and employment;

(c) security of employment, the provision of alternative employment, relief worker and retraining;

(d) advancement in accordance with their individual character, experience, ability and diligence;

(e) remuneration for work of equal value;
(f) conditions of work, including hours of work, rest period, annual holiday with pay, safety and health measures, welfare facilities and benefits provided in connection with employment;

(g) membership to trade unions and exercise of trade union rights;

(h) conditions of life, including housing and benefits of social services and educational and health facilities.

ARTICLE 6
Protection of the Health of Migrant Workers

6.1 The State of Employment shall take all appropriate measures to prevent any special health risks to which migrant workers may be exposed.

6.2 The State of Employment shall ensure that:

(a) migrant workers receive training in occupational safety and health in connection with their practical training or other work preparation and be provided with sufficient information on essential elements of laws and regulations concerning protection of workers as well as safety and health regulations and procedures;

(b) the employer takes all possible measures to ensure that migrant workers fully understand instructions, warnings, symbols and other signs related to safety and hazards at work.

ARTICLE 7
Workers Compensation for Accident
7.1 The State of Employment undertakes to grant the same treatment to the migrant workers who may suffer personal injury due to industrial accidents as it grants its own nationals.

7.2 Compensation for industrial accidents happening to migrant workers shall be governed by the laws of the State of Employment.

ARTICLE 8

Reunification of Families

8.1 Both parties shall facilitate the reunification of migrant workers with their families.

8.2 A migrant worker who has been employed for at least one year and cannot be joined by his or her family shall be entitled to visit the family during the paid annual leave to which he or she is entitled under the law and practice of the State of Employment.

ARTICLE 9

Employment and Residence

9.1 The State of Employment shall not withdraw authorisation of residence from a migrant worker who loses his or her employment on account of his or her employer’s lack of means to provide employment or owing to redundancy of the employer.

9.2 A migrant worker who has lost his or her employment shall be allowed sufficient time to find alternative employment and the authorisation of residence shall be extended accordingly.

9.3 A migrant worker who has lost his or her employment shall be entitled to unemployment benefits as prevailing in the State of Employment.

9.4 A migrant worker who has lodged an appeal against the termination of his or her employment or who is the object of an expulsion order, under such procedure as may be available, shall be allowed sufficient time to obtain a final decision thereon.
If it is established that the termination of employment was not justified, the migrant worker shall be entitled, on the same terms as the national worker, to reinstatement or to compensation for loss of wages or of other payment, or to access to a new job with a right to indemnification and shall be allowed sufficient time to find alternative employment.

Where any claim under this Article is in dispute, the migrant worker shall have his or her interest presented before a competent body and enjoy equal treatment in regard to legal assistance.

Upon termination of the contract of employment, a migrant worker shall be free to enter the State of Origin and be admitted to employment in accordance with the national laws and regulations.

ARTICLE 10

Return to State of Origin

10. The State of Employment shall guarantee that a migrant worker who returns to the State of Origin shall be entitled:

(a) to any outstanding remuneration for work performed, including any severance payment due;

(b) to benefits which may be due in respect of any employment injury suffered;

(c) access to any social security benefits.

ARTICLE 11

Settlement of Disputes
11.1. If any dispute arises between the parties relating to the interpretation or application of this Agreement, the parties shall in the first place endeavour to settle such dispute amicably.

11.2. If the parties fail to reach an agreement in accordance with paragraph 11.1 above, the dispute shall at the request of either party, be submitted for arbitration in accordance with the United Nations Commission on International Trade Law (UNITRAL) within thirty (30) days.

11.3. The parties shall comply with any decision given under 11.2 of this Article.

ARTICLE 12

Amendments

12. The parties may by mutual consent amend this Agreement and any such amendment shall be by exchange of notes.

ARTICLE 13

Termination

13. Either of the parties may withdraw from this Agreement after providing the other party with a one (1) year notice of intention to withdraw in writing and such action shall not relieve the withdrawing party from the obligations assumed herein prior to the effective date of withdrawal.

ARTICLE 14

Duration and Renewal

14. This Agreement shall be for a period of …………………… years and ……………………… migrant workers per year will be permitted.
14.1. This Agreement may be renewed at the instance of either party.

ARTICLE 15

Entry into Force

15. This Agreement shall enter into force upon signature of both parties.

IN WITNESS whereof the undersigned, duly authorised by their respective Governments have signed this Agreement on the date below mentioned.

SIGNED at ---------------- this day of ................. in the year .............

In ------------------------ language(s), both texts being equally authentic.

..............................................................................  ..............................................
FOR FOR
THE GOVERNMENT OF THE THE GOVERNMENT OF
REPUBLIC OF UGANDA ..............................................
Migrant Worker's Registration Form

1. First name............................................ Surname........................................
   Other names................................................................................................

2. Date of birth....................................... Sex....................... Age...................

3. Physical Address...........................................................

4. Passport No.................................. Nationality............................................

5. Marital Status (Please tick)
   Single                         Married                        Divorced                        Widowed

6. Qualifications...........................................................................................................

7. Husband/Wife..........................................................................................................

8. Children (1)...................................... (2)...................................
   (3).................................................... (4)...........................................

9. Father............................................. Mother.........................................

10. Next of kin............................................................ Age.................................

11. Recruitment Agency...........................................................

12. Have you ever worked outside your country? (Please tick) Yes □ No □

13. Have you ever been deported or refused to work outside your country? If yes, specify which country..............................................................

14. Country of destination...........................................................................................

15. Referees
   i) Name................................................... ii) Name.................................
   Address..................................................... Address...........................................
   Tel.............................................................. Tel..................................................
   Email.......................................................... Email...............................

For Official Use Only

Country of Destination..............................................................................................
Job Order No............................................................................................................
Recruitment Agency.................................................................................................
EEU Issuing Officer..................................................................................................
   Name..................................................................................................................
   Signature..............................................................................................................
   Date......................................................................................................................
APPLICATION FOR FOREIGN EMPLOYMENT (to be filled in quadruplicate)

1. PERSONAL PARTICULARS

SURNAME: .............................................................................................................

Other Names: ...........................................................................................................

Sex: ................................................................................................................. Age: ..........................................

Date of Birth: .......................................................... Place of Birth: ................................

Profession: ........................................................................................................

Village: .......................................................... Parish: ............................................

Sub-County: .......................................................... District: ....................................

Nationality: ........................................................................................................

Identity Card No: .......................................................... Date of issue: ....................

Passport Number: .......................................................... Date of issue: .................

Contact address:

Tel. No: ............................................................................................................

E-mail: .............................................................................................................

Marital Status: ..............................................................................................

2. SPOUSE DETAILS

SURNAME: .............................................................................................................

Other names: ...........................................................................................................

Date of Birth: .......................................................... Place of Birth: ................................

Place of Residence: ............................................................................................

Village: .......................................................... Parish: ............................................

Sub-County: .......................................................... District: ....................................

Nationality: ........................................................................................................

Identity Card No: .......................................................... Date of issue: ....................

Passport Number: .......................................................... Date of issue: .................

Contact address:

Tel. No: ............................................................................................................

E-mail: .............................................................................................................

Ministry of Gender, Labour and Social Development
P.O. Box 7136, Kampala, Uganda.

60
3. FAMILY BACKGROUND

a. PARENTS
   i. Father's Name: ........................................................................................................
      Village: ........................................ Parish: ........................................
      Sub-County: .............................. District: ..............................
      Nationality: ............................... Place of Residence: ......................
   ii. Mother's Name: ....................................................................................................
      Village: ....................................... Parish: ........................................
      Sub-County: .............................. District: ..............................
      Nationality: ............................... Place of Residence: ......................

b. SIBLINGS
   i. Brothers:
      .................................................................................................................................
      .................................................................................................................................
      .................................................................................................................................
   ii. Sisters:
      .................................................................................................................................
      .................................................................................................................................
      .................................................................................................................................

4. EDUCATION BACKGROUND (attach photocopies of certificates/ awards attained)

a. PRIMARY YEAR: ............................. YEAR: .............................
   ................................................................. YEAR: .............................

b. SECONDARY
   i) ................................................................. YEAR: ........ QUALIFICATION: ........
   ii) ................................................................. YEAR: ........ QUALIFICATION: ........

c. TERTIARY
   i) ................................................................. YEAR: ........ QUALIFICATION: ........
   ii) ................................................................. YEAR: ........ QUALIFICATION: ........
   iii) ................................................................. YEAR: ........ QUALIFICATION: ........

d. OTHER COURSES OR TRAINING (CIVIL/MILITARY)
   i) ................................................................. YEAR: ........ QUALIFICATION........
   ii) ................................................................. YEAR: ........ QUALIFICATION........
   iii) ................................................................. YEAR: ........ QUALIFICATION........

5. EMPLOYMENT RECORD
a. **Employer**
   i. .................................  Designation...............  Duration.............
       Address.......................  Tel. No.....................  Location.............
   
   ii. .................................  Designation...............  Duration.............
       Address.......................  Tel. No.....................  Location.............
   
   iii. .................................  Designation...............  Duration.............
       Address.......................  Tel. No.....................  Location.............

   d. Have you ever been employed by any Security Agency? (YES/NO)
   If yes, state:
      
      Name of Agency..........................  Duration..........................
      Rank ...................................  Appointment......................
      Date of discharge........................  Reason for discharge..............

6. **TRACK RECORD**
   a. Have you ever been convicted of any criminal offence in courts of law? (YES/NO)
      If yes, state:
   
   b. Particulars of the offence..........................................................
   
   c. Duration of the sentence..........................  Date of discharge..............

7. **HEALTH DETAILS**
   a. Do you have any chronic diseases? (YES/NO)
      If yes, state:
   
   b. Type of disease.................................................................

   c. Do you have any physical defects? (YES/NO)
      If yes, specify .................................................................
8. **REFEREES (Give 02)**

   a. Name………………………………………………..  
      Address………………………………………………  
      Tel. Contact…………………………………………

   b. Name………………………………………………..  
      Address………………………………………………  
      Tel. Contact…………………………………………

9. **DECLARATION**

I……………………………………………………………………………….. on this………………day of……… 20… , declare that the information given above is correct to the best of my knowledge.

Signed………………………………………………………………………..Date…………………………………………………..

(APPLICANT)

10. **RECOMMENDATIONS**

   i. **LC I CHAIRMAN**  
      Name…………………………………………………..Signature………………………………Stamp...........

   ii. **LC III CHAIRMAN**  
      Name…………………………………………………..Signature………………………………Stamp...........

   iii. **GISO**  
      Name…………………………………………………..Signature…………………………………………………..

   iv. **DISO**  
      Name…………………………………………………..Signature………………………………….Stamp

   v. **RDC**  
      Name…………………………………………………..Signature……………………………………………….stamp