



# DECENT WORK CHECK

## **UGANDA** 2023

Iftikhar Ahmad

## **WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)**

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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## **Acknowledgements**

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Uganda. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which works on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

Minimum Wage Database and Labour Law Database are maintained by the Centre for Labour Research, Pakistan, which works as WageIndicator Labour Law office. The team comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Seemab Haider Aziz, Sobia Ahmad, Shanza Sohail, and Tasmeena Tahir.

## **Bibliographical information**

Ahmad I (2023) *Uganda Decent Work Check 2023*. Amsterdam, WageIndicator Foundation, May.

For an updated version in the national language, please refer to <https://mywage.org/uganda/>

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## **WageIndicator Foundation, 2023**

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# INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. The Constitution of Uganda, 1995 (revised in 2005)
2. The Employment Act, 2006
3. Public Holidays Act 1965
4. Employment Regulations 2011
5. Employment and Labour Relations Act, 2004
6. Occupational Safety and Health Act, 2006
7. Workers' Compensation Act, 2000
8. National Social Security Fund Act, 1985
9. Persons with Disabilities Act, 2019
10. Employment (Sexual Harassment) Regulations 2012
11. Penal Code Act
12. Labour Unions Act, 2006
13. Public Health (Control of COVID-19) Rules, 2020 (SI 52 of 2020)

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Uganda has ratified Convention 95 only.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- The Employment Act, 2006

### Minimum Wage

Statutory minimum remuneration is fixed by a Wages Regulation Order. Wages Regulation Order includes any order made by the President and the Minister. Minister appoints a minimum wage advisory board from time to time for any specified area or for group of workers in any occupation, where it is desirable to fix a minimum wage and other conditions of employment. The Minister decides the statutory minimum wage on the basis of wage regulation proposals made by a board or council. The Minister causes the order to be published in the Gazette and from the date of the publication or the other date as the order may prescribe.

The minimum wage was last updated in 1984 and set at 6,000 Ug.Shs. It has not been revised thereafter. In essence, Uganda currently has no minimum wage. A new Minimum Wage Bill was tabled in the parliament for discussion in 2015.

Compliance with minimum wage is ensured by the labour inspectorates. If an employer fails to pay the required remuneration to an employee or fails to observe any of the conditions of employment prescribed in the order, he or she commits an offence and is liable on conviction to a fine of at least 500 shillings for each offence.

Source: §2 & 13 of the Minimum Wages Advisory Boards and Wages Councils Act 1964

## Regular Pay

Wages are remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable under an oral or written contract of service for work done or to be done, or for services rendered or to be rendered but excluding any contributions made or to be made by the employer in respect of his or her employee's insurance, medical care, welfare, education, training, invalidity, retirement pension, post-service gratuity or severance allowance.

The Employment Act, 2006 regulates the payment of wages to all classes of workers. The Act requires an employer to make timely payment of remuneration to the employees. If a worker is hired for a day, he is to be paid wages at the end of that day. Similarly, if he is hired for a week, he should be paid wages at the end of that week. An employee who is engaged to be paid on fortnightly or monthly basis must be paid wages at the end of each fortnight or month. Similarly, an employee who is engaged to be paid by piece of work done or by results must be paid by intervals of not more than one fortnight.

The wages should be paid in legal tender to the worker at workplace or with prior written consent of the worker, wages may be paid by bank cheque, postal order, money order or by direct payment to the worker's bank account. This means that law does not usually allow in-kind payment of wages. However, Minister may make regulations in this regard after consultation with Labour Advisory Board.

Deduction from wages (either direct or indirect) for the purpose of obtaining or retaining employment is not allowed. Deduction from wages is permitted in case of any tax, rate, subscription or contribution imposed by law and in any other case where worker has agreed to the deduction. Union dues may also be deducted from the wage, provided that the amount of deduction must not exceed two-third of the wages due in respect of that pay period.

An employer should provide itemised pay statement to all workers in writing, in a form and language that is understandable by the worker. These pay slips should contain the worker's gross salary and the details related to the amount and purpose of deductions made.

Source: §2, 43-50 of the Employment Act 2006



# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Uganda has not ratified the Convention 01 and 171.**

### *Summary of Provisions under ILO Conventions*

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

## Regulations on compensation:

- Employment Act 2006
- Public Holidays Act 1965

## Overtime Compensation

Normal working hours are 8 per day and 48 per week. Workers may be required to work overtime, provided that total working hours, inclusive of overtime, must not exceed 10 hours per day or fifty-six hours per week except when persons are employed in shifts. It is permissible to employ shift workers in excess of ten hours in any one day or 48 hours in any one week (without paying overtime), where the average number of hours over a period of three weeks may not exceed 10 hours per day and 56 hours per week.

An employer is required to pay overtime at the rate of one and a half times the normal rate of pay (150% of normal wage rate). This rate is for working overtime on normal week days. If workers are required to do overtime work on a gazetted public holiday, they are paid two times the rate of normal pay (200% of the normal wage rate).

The Minister may, after consultation with the Labour Advisory Board, regulate the maximum number of hours per week including overtime work, which may be worked in any industry or occupation and may, by order, provide for temporary exceptions in extraordinary situations where the public interest so requires. However, no such order could be located.

Source: §53 of the Employment Act 2006

## Night Work Compensation

There is no provision in the law that requires an employer to make premium payment to the night workers.

## Compensatory Holidays / Rest Days

No provision could be identified in laws to require an employer to provide compensatory rest day for working on weekly rest day. However, Section 54 of the Employment Act requires an employer to provide a compensatory holiday with full pay to a worker who works on a public holiday.

Source: §54 of the Employment Act 2006

## Weekend / Public Holiday Work Compensation

If workers have to work on a public holiday, they are entitled to 200% of the normal rate of wages within a month after public holiday. However, workers can either receive a compensatory holiday or receive higher compensation for working on a public holiday.

If a worker performs work for part only of a public holiday, an employer pays the proportion of the remuneration for a full day's work on that day if that day had not been a public holiday, represented by the number of hours for which the worker has performed work.

There is no provision in the law for weekend work compensation.

Source: §53-54 of the Employment Act 2006, §3 of the Public Holidays Act 1965

# 03/13 ANNUAL LEAVE & HOLIDAYS

## ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Uganda has not ratified the Conventions 14, 47, 106 and 132.**

### *Summary of Provisions under ILO Conventions*

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.

## Regulations on annual leave and holidays:

- Employment Act, 2006
- Public Holidays Act 1965

## Paid Vacation / Annual Leave

The Employment Act provides annual leave for all workers on completion of at least six months of service. A worker, working weekly for sixteen or more hours, is entitled to 21 working days paid annual leave at the rate of 7 days for each period of continuous 4 months of service on completion of 12 months of continuous service. The time to take annual leave has to be agreed between the parties.

A worker is entitled to paid holidays proportionate to the length of service for which he/she has not received such a holiday or compensation for any of the unused annual leave in the event of employment termination.

Source: §54 of the Employment Act 2006

## Pay on Public Holidays

Workers are entitled to paid Festival (public and religious) holidays. Festival holidays are announced by Ugandan Government at the start of calendar year (usually 13 in number).

The public holidays are regulated under the Public Holidays Act, 1965. These are New Year's Day (January 01), NRM Day (January 26), Women's Day (March 08), Good Friday (April 18), Easter Monday (April 21), Labour Day (May 01), Memorial Day (May 26), Martyrs' Day (June 03), National Heroes Day

(June 09), Eid al-Fitr (End of Ramadan), Eid al-Adhuha (Feast of Sacrifice), Christmas Day (December 25) and Boxing Day (December 26).

In addition to these holidays, the President may declare any other day to be a public holiday, and may limit the observation of any such public holiday to any area or place in Uganda.

Source: §54 of the Employment Act 2006, §1-3 of the Public Holidays Act 1965

## Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. The weekly rest may be taken on customary rest day (Sunday) or as agreed between the two parties.

Workers holding managerial positions and those working in family establishments employing not more than five dependent relatives may be excluded from weekly rest day by regulations issued by the Minister.

Rest Break of 30 minutes is granted to the employees working for at least 8 hours per day.

Source: §51 & 53(6) of the Employment Act 2006

# 04/13 EMPLOYMENT SECURITY

## ILO Conventions

Convention 158 (1982) on employment termination

**Uganda has ratified the Convention 158.**

### *Summary of Provisions under ILO Convention*

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on employment security:

- Employment Act, 2006
- Employment Regulations 2011

## Written Employment Particulars

Employment contract is any contract, whether oral or in writing, whether expressed or implied, where a person agrees to work for an employer in return for remuneration. It includes a contract of apprenticeship as well.

Ugandan Labour Law requires that contract of employment should be in writing and written statement of particulars should be provided to a worker within twelve weeks of the commencement of employment.

Employment contract must include the following: full name and addresses of the contracting parties; date of employment commencement; job title; workplace; wages including payment intervals and other deductions; rate of overtime pay; employee's normal hours of work and the shifts or days of week on which such work is to be performed; the number of days annual leave and wages during the period; terms relating to incapacity for work due to sickness or injury; length of notice; and sick pay. Employer is required to provide above information in language that a worker can easily understand.

In case of any amendment in the employment contract, the employer must issue a written notice to the worker to inform him/her about the amendment. Employer may also retain a copy of written particulars and the amendments in them and provide it to the labour officer on demand.

Source: §25 & 59 of the Employment Act 2006

## Fixed Term Contracts

Ugandan Labour Law does not prohibit hiring fixed term contract workers for tasks of permanent nature. There is no regulation of fixed term contracts (their maximum duration or renewals) in the Employment Act. The Employment regulations of 2011 also do not regulate the use of fixed term contracts. They do however contain provisions on specific categories of temporary employees, namely casual employee, piece work employees and task work employees.

The casual employees may be employed for a maximum of 4 months. If these workers are engaged continuously for 4 months, a casual employee ceases to be a casual employee and all rights and benefits enjoyed by other employees shall apply to him/her (Reg. 39). The piece work employee may be engaged for a maximum period of 3 months unless the person has a contract (Reg. 40)

Source: §39, 40, 41 of the Employment Regulations 2011

## Probation Period

Probationary contract is a contract of employment which is not of more than 6 months duration. It is concluded in writing and states that it is for probationary period.

Maximum length of probation period is 6 months but it may be extended to 1 year with the consent of a worker. An employer may not place the same worker twice under probation. A probationary contract may be terminated by either party after giving at

least 14 days' notice or by the employer after paying 7 days' wages in lieu of notice.

Source: §67 of the Employment Act 2006

## Notice Requirement

Termination of employment is the discharge of a worker from an employment at the initiative of the employer for justifiable reasons other than misconduct. The employment of a worker terminates on expiry of employment contract; or expiry of contract for a fixed term or completion of specific task without renewal. A worker may terminate an employment contract with or without notice in case of misconduct on the part of the employer; and also, before expiry of termination notice period.

A worker may be terminated after serving due notice period or paying in lieu of notice. The required notice period depends on the worker's length of service as follows:

- i. 2 weeks for service of more than 6 months but less than 1 year; ii- 1 month for service of more than 12 months but less than 5 years;
- ii. 2 months for service of more than 5 years but less than 10 years;
- iii. 3 months for service of 10 years or more.

In all instances, termination should be based on fair reasons (including termination by notice). It is prudent for an employer to follow a fair hearing/consultation procedure and explain reasons for termination prior to terminating a contract. A worker can still claim unfair termination and it is the duty of the employer to prove that the termination was fair and procedures were followed.

Worker terminated unfairly is compensated

by a basic compensation order for four weeks' wages.

Source: §58 of the Employment Act 2006

## Severance Pay

There is a provision in the law regarding severance pay but this compensation is subject to negotiation between the employer and the worker. Severance pay is entitled to the worker after continuous service (of a particular employer) for at least 6 months. It is due in the following circumstance: unfair dismissal of the worker by the employer; death of the worker at work not attributable to any misconduct of the worker; termination by the worker due to physical incapacity not attributable to any misconduct of his own; termination by reason of the death or insolvency of the employer; termination by a labour officer following the inability or the refusal of the employer to pay wages; and other cases as provided by the Minister.

No severance allowance is paid when an employee is summarily dismissed with justification, when an employee is first dismissed but later is offered reemployment which he/she unreasonably refuses; and in case where employee abandons his employment and absconds the workplace for a period of more than 3 days without any explanation given to the employer. Severance pay is also not payable on termination of the probationary contract.

Amount of severance pay is negotiable between the employer and the worker or the labour union that represents them.

Source: §87-92 of the Employment Act 2006

# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Uganda has not ratified the Convention 156.**

### ***Summary of Provisions under ILO Convention***

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.



## **Regulations on family responsibilities:**

- Employment Act, 2006

### **Paternity Leave**

A male employee, after birth of child or miscarriage of a wife, is entitled to fully paid 4 working days of paternity leave in a year.

Source: §57 of the Employment Act 2006

### **Parental Leave**

There is no provision in the law on paid or unpaid parental leave.

### **Flexible Work Option for Parents / Work-Life Balance**

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

# 06/13 MATERNITY & WORK

## **ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Uganda has not ratified both the Conventions 103 and 183.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Employment and Labour Relations Act, 2004
- Employment Regulations 2011
- Employment Act 2006

## Free Medical Care

There is no mention in the above act about the free medical care that has to be provided by the employer.

## No Harmful Work

In accordance with Employment Regulations 2011, a pregnant woman is not allowed to be involved in hazardous or harmful work that is detrimental to her health. Regulations also require that an employer may give an expectant working mother any of the following options of flexible hours of work, lighter work load and alternative arrangements of work.

Source: §42 of the Employment Regulations 2011

## Maternity Leave

Female employees are entitled to 60 working days (eight and a half weeks) of fully paid maternity leave. The compulsory leave is four weeks after child birth or miscarriage. The worker must give a written notice of at least 7 day (or even shorter period under certain circumstances) prior to proceeding on maternity leave on a specific date and to return to work thereafter. Worker may also have to provide a certificate of her medical condition from a qualified medical practitioner or midwife, if required by the employer.

Maternity leave may be extended in case of sickness arising out of pregnancy or confinement, affecting either the mother or the baby, and making the mother's return to work inadvisable, the right to return is available to the worker within eight weeks after the date of childbirth or miscarriage (thus adding 4 more weeks of maternity leave).

Source: §56 of the Employment Act 2006

## Income

The maternity leave is granted with full pay. It includes at least four weeks after childbirth or miscarriage and may be extended by 20 working days under special circumstances. The pay during leave period is financed by the employer.

Source: §56 of the Employment Act 2006; ISSA Country Profile Uganda, 2017

## Protection from Dismissals

It is illegal for an employer to dismiss a female worker due to her pregnancy.

Source: §75 of the Employment Act 2006

## Right to Return to Same Position

A female worker has the right to return to same job/position or to a reasonably suitable alternative job on terms and conditions which would have applied if she had not been on maternity leave. Right to return to the same position is available within 8 weeks after the date of childbirth or miscarriage.

Source: §56 of the Employment Act 2006

## Breastfeeding

There is no provision of nursing breaks for working mothers.

# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Uganda has ratified the Convention 81 only.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- Occupational Safety and Health Act, 2006

## Employer Cares

In accordance with section 13 of Occupational Safety and Health Act, 2006, it is obligatory for an employer to ensure health, safety and welfare of persons at workplace.

Employer must take measures to keep the workplace pollution-free by employing technical measures, applied to new plant or processes in design or installation, or added to existing plant or process; or by employing supplementary organisational measures.

Employer must ensure safe working environment including its vicinity. Proper arrangements should be made to ensure safety and absence of health risks related to the use, handling, storage and transport of articles and substances. Provision and maintenance of workplace which is adequate regarding facilities and arrangements for the welfare of worker is also important.

Employer should provide and maintain safe and risk-free means of access to and exit from the workplace. Workers must be well informed of the real and potential dangers associated with the use of the substance or machinery and they must be well equipped with personal protective equipment to prevent the risks of accidents or of adverse effects on health.

Source: §13 of Occupational Safety and Health Act 2006

## Free Protection

In accordance with the provisions of the Occupational Safety and Health Act, it is the responsibility of employer to provide free protective equipment including clothing to the workers involved in hazardous work. The type of PPE needed varies depending on the nature of work being performed. The right use of PPE reduces risk of accident and the adverse effects on health.

It is also a duty of the employer to provide instructions for the use of personal protective equipment and make sure that they are used whenever required.

Source: §13(2g), 19, 91 & 95(7) of Occupational Safety and Health Act 2006

## Training

In accordance with the Occupational Safety and Health Act, it is the responsibility of an employer to provide instruction, training and supervision as is necessary to ensure health and safety at work of his workers.

Source: §13(2c) of Occupational Safety and Health Act 2006

## Labour Inspection System

Labour inspection system is present in Uganda. Occupational Safety and Health Act provides for a vibrant labour inspection system (part II).

The Commissioner is responsible for the administration of Occupational Safety and Health Act to improve and ensure health, safety, security and good working conditions at the enterprises, inspecting enterprises and ensuring the law enforcement.

The national legislation provides inspectors the power to enter, inspect and examine the work premises at any time during day or night; inspect any machinery, plant, appliance, fitting or chemical in the workplace; take measurements, photographs, samples and make recordings for the purpose of examination and investigation; ask for registers, documents, certificates and notices to inspect, examine and copy them; interview any one; make all the necessary examination and inquiry; if the inspector is a medical practitioner he/she may carry out medical examinations; and may take police officer along with him/her if necessary. Labour inspector is also authorised to dismantle the substance or to subject it to any process or test if it appears to have caused or likely to cause danger to safety and health.

If an employer or his representatives do not facilitate the inspector and obstruct the execution of his duties, he/she commits an offence and is liable to a fine up to forty-eight currency points or to imprisonment up to one year or to both.

Inspector must not disclose any information obtained during the course of his/her duty.

### **Reforms Related to COVID-19**

During the pandemic, Uganda issued some rules and regulations, and granted powers to the medical officer for inspection as well as taking required action against COVID-19 in Public Health (Control of COVID-19) Rules, 2020 (SI 52 of 2020). It also included rules for the employers on showing an immediate response while dealing with a patient of COVID-19 in their occupational

premises by informing the medical officer or medical practitioner on immediate basis.

Source: § 3-9 of Occupational Safety and Health Act 2006; Public Health (Control of COVID-19) Rules, 2020 (SI 52 of 2020)

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Uganda has not ratified the Conventions 102, 121 & 130.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.



## Regulations on sick leave & Employment Injury Benefits:

- Employment Act, 2006
- Workers' Compensation Act, 2000

### Income

In accordance with the Employment Act 2006, a worker, working at least sixteen hours a week, is entitled to pay sick leave on completion of one month of service with the employer. When a worker is incapable of work because of sickness or injury, he/she is entitled to fully paid sick leave for the first month of illness and worker and his/family avails all other benefits mentioned in the employment contract.

In order to avail sickness benefits, the worker must notify the employer about the reason of absence as early as possible and employer may request the worker to provide certificate of incapacity to work and duration of incapacity, signed by a qualified medical practitioner.

Source: §55 of the Employment Act 2006; ISSA Country Profile Uganda, 2017

### Medical Care

Medical benefits are available for insured workers and these include general medical care, specialist care, medicine, hospitalization, and transportation.

Source: §1 of the Worker's Compensation Act 2000

### Job Security

In accordance with the section 55 of the Employment Act, an employer may not

dismiss a worker during his/her first two months of sickness, or on account of pregnancy or disability. However, if a worker's sickness continues after two months of sick leave, the employer is entitled to terminate the contract of the worker.

Source: §55(1b) of the Employment Act 2006

### Disability / Work Injury Benefit

A worker is eligible for work injury benefit if a work-related injury results in permanent incapacity or an incapacity lasting at least three consecutive days that results in the loss of earnings. If a worker is eligible for workers compensation/ work injury benefit under the Workers' Compensation Act, the employer has to defray all the reasonable costs associated with medical expenses, transport expense and other incidental expenses.

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity, amount of compensation paid to the worker is a lump sum equal to 60 months' earnings. If the insured requires the constant attendance of others to perform daily functions, 25% of the lump-sum benefit (but not less than a predetermined minimum) is paid.

In the case of permanent partial disability, amount of compensation depends on the assessed degree of disability.

In the case of temporary disability, amount

of benefit depends on circumstances of accident, assessed degree of disability, loss of earnings and estimated duration of incapacity. The benefit is paid up to 96 months either periodically or as a lump sum amount. The duration of benefit may be extended depending on a medical examination.

In the case of fatal injury, the full benefit (60 months of earnings) minus 50% of the value of any disability benefits paid to the insured for the same accident before his or her death is paid to the survivors/dependents of a worker. The full benefit is paid to fully dependent survivors. Expenses related to medical care provided to the deceased and the cost of the funeral is paid by the employer if there are no dependents.

Source: §3-7 of the Workers' Compensation Act 2000; ISSA Country Profile Uganda, 2017

# 09/13 SOCIAL SECURITY

## ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Uganda has not ratified the Conventions 102, 121, 128, 130 and 168.**

### *Summary of Provisions under ILO Conventions*

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## Regulations on social security:

- National Social Security Fund Act, 1985

## Pension Rights

National Social Security Fund Act, 1985 provides for old age benefit to a worker who has attained the age of 55 years. An early retirement benefit can also be claimed at the age of 50 years. For different benefits under the Social Security Act, a worker contributes 5% of his gross monthly earnings while an employer contributes 10% of a worker's gross monthly earnings. A lump sum of total employer & employee contributions plus interest is paid.

Source: §20 of the National Security Act 1985; ISSA Country Profile Uganda, 2017

## Dependents' / Survivors' Benefit

National Social Security Fund Act provides survivor benefit to dependents including surviving spouse, dependent children, parents and brothers, grandparents or next-of-kin and the person who had paid for the funeral. A lump sum of total employee and employer contributions plus interest is paid to the dependents as survivors' benefit if an insured worker dies before retirement.

Source: §24 of the National Security Act 1985; ISSA Country Profile Uganda, 2017

## Unemployment Benefits

No provision in law for unemployment insurance and benefits.

## Invalidity Benefits

National Social Security Fund Act provides for invalidity benefit in the case of occupational accident resulting into permanent total invalidity for any work that he or she was able to perform before the disability began or permanent partial invalidity that prevents the worker from earning a reasonable living. A lump sum of total employee and employer contributions plus interest is paid in the case of permanent disability.

Source: §22 of the National Security Act 1985; ISSA Country Profile Uganda, 2017

# 10/13 FAIR TREATMENT

## **ILO Conventions**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Uganda has ratified the Conventions 100 and 111.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- The Constitution of Uganda, 1995 (revised in 2005)
- Employment Act, 2006
- Employment (Sexual Harassment) Regulations 2012
- Penal Code Act
- Labour Union Act

## Equal Pay

The Constitution of Uganda, 1995 recognizes the right to equal pay for work of equal value. In accordance with section 6 of the Employment Act, every worker should receive equal pay for work of equal value.

Source: §40 of the Constitution of Uganda 1995 (revised in 2005), §6 of the Employment Act 2006

## Sexual Harassment

Sexual harassment at workplace is prohibited by law. Sexual Harassment at workplace is a direct or implicit request to a worker for any form of sexual favour to get preferential treatment at workplace; or threaten the worker of detrimental treatment on present or future employment status of the worker. It also includes use of filthy language (unwelcome verbal advances, sexual oriented comments, request for sexual favours, jokes of a sexual nature, offensive flirtation or obscene expressions of sexual interest that are addressed directly to the person), visual material of sexual nature (sexually suggestive pictures, objects or written materials or sexually suggestive gestures) and showing physical behaviour of sexual nature (unwanted and unwelcome touching, patting, pinching or any other

unsolicited physical contact). All these have a detrimental effect on worker's employment, job performance and job satisfaction.

In an establishment with more than 25 workers, employer may issue a policy statement on sexual harassment, which clearly defines sexual harassment and states that the workplace is free of sexual harassment. Employer must take measure to ensure that workers are not subjected to sexual harassment and take appropriate disciplinary measures against the person involved in sexual harassment.

The policy statement must also describe the procedure through which worker may bring the complaints of sexual harassment to the attention of the Labour officer. The officer must keep confidential all the information related to the complainant except where disclosure is necessary for the purpose of investigation or taking disciplinary measures. Each worker should be well aware of the provisions of the policy statement.

In accordance with the Penal Code, any person who intends to insult the modesty of any woman or girl, utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman or girl, or intrudes upon the privacy of such woman or girl, commits a misdemeanour and is liable to imprisonment for one year.

Employment (Sexual Harassment) Regulations 2012 prescribes that those who contravene the sexual harassment related provisions commit an offence and are liable, on conviction, to a fine not exceeding six currency points or imprisonment not

exceeding three months or both.

Source: §128(3) of the Penal Code Act; §7 of the Employment Act 2006; §19 of the Employment (Sexual Harassment) Regulations 2012

## Non-Discrimination

In accordance with article 21 of the Constitution of Uganda, all human beings are equal before the law and no person can be discriminated against on any ground including sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

The Employment Act also prohibits discrimination on the basis of sex, race, colour, religion, political opinion, national extraction or social origin, the HIV status or disability. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements of that particular job is not however to be deemed to be discrimination.

In accordance with the provisions of the Persons with Disabilities Act 2019, employers cannot discriminate against any person on the ground of a disability in all employment related matters including hiring, remuneration, promotion, and termination of contract. Employers are further required to facilitate persons with disabilities in work through “reasonable accommodation”. Government, in consultation with National Council for Persons with Disabilities and employers’ organizations, may agree on employment quota for persons with disabilities every two years. In the event of contravention of provisions of law, employer is liable, on conviction, to a maximum fine of one

hundred currency points or imprisonment (maximum one year) or both.

The Labour Unions Act prohibits anti unions discrimination.

In accordance with the Whistle-blower Protection Act, a person must not be subjected to any victimization by his or her employer or by any other person on account, or partly on account, of having made a protected disclosure. A whistle-blower cannot be subjected to occupational detriment because of a protected disclosure. A whistle-blower is considered victimized on account of making a protected disclosure if he/she is subjected to a discriminatory or other adverse measure by the employer or a fellow employee.

Source: §21 of the Constitution of Uganda 1995 (revised in 2005); §6 of the Employment Act 2006; §4(c) of the Labour Union Act; §9 of the Persons with Disabilities Act, 2019; §9 of the Whistle-blower Protection Act, 2010

## Equal Choice of Profession

Women can work in the same industries as men. No restrictions could be located in laws. In accordance with article 40 of the Constitution, “every person in Uganda has the right to practise his or her profession and to carry on any lawful occupation, trade or business”.

Source: §40 of the Constitution of Uganda 1995 (revised in 2005)

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Uganda has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.



## Regulations on minors and youth:

- The Employment Act, 2006
- Employment Regulations 2012

## Minimum Age for Employment

In accordance with provisions of Employment Act, a child under the age of 14 years may not be employed except for light work carried out under the supervision of an adult aged over 18 years and work which does not affect child's education. Light work is the work which is not harmful to a child's health; not harmful to child's development; not prejudicial to child's attendance at school; not prejudicial to child's participation in vocational training; and not in excess of 14 hours per week. A list of light activities is contained in regulations.

Child labour is defined under the Children (Amendment) Act of 2016 as "work that is mentally, socially or morally dangerous and harmful to a child and the circumstances under which it is performed jeopardizes the health, safety, morals and education of a child". The minimum age for employment is set as 16 years.

A child must undergo a medical examination before engaging in any job and then after every six months. Before hiring a child between fifteen to seventeen years, authorization from Commissioner is obligatory. Commissioner verifies child's age; parental permission; prior instruction and training in the required job; availability and use of protective clothing and a medical certificate before authorisation. Employer must also maintain a register as prescribed in the schedule 5 of the employment regulations.

Children's exploitation is also prohibited under the Children (Amendment) Act 2016 and it is defined as "employment of a child in activities from which other people derive a benefit, whether financial, sexual or political and includes activities such as child trafficking, child prostitution, child pornography and involvement of children in armed conflict.

Source: §32 of the Employment Act 2006; §2-4 of the Employment Regulations 2012; §8 of the Children (Amendment) Act of 2016, amending the Children Act, Cap 59 of 1997

## Minimum Age for Hazardous Work

The minimum age for hazardous work is 18 years. A child, under the age of 18 years, may not be employed to do work which is injurious, dangerous, hazardous or in the worst forms of child labour. Overtime work is prohibited for a child aged between fifteen to seventeen years.

A child may not be employed at night between the hours of 19:00 and 07:00. The Regulations contain restrictions on the employment of children, penalties for violations (up to three months imprisonment or a fine or both), a list of hazardous activities prohibited to children under 18. The list of hazardous activities includes prohibitions by different age groups of tasks in a variety of areas including several agricultural sectors, construction, mining, domestic services, entertainment and urban informal work.

Sources: §32 of the Employment Act, §5-6 & 11-12 of the Employment (Employment of Children) Regulations 2012

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Uganda has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- The Constitution of Uganda, 1995 (revised in 2005)
- Employment Act, 2006
- Penal Code

## Prohibition on Forced and Compulsory Labour

Article 25 of the Constitution of Uganda prohibits forced labour.

The Employment Act 2006 also prohibits all forms of forced or bonded labour. In accordance with the Penal Code, any person who unlawfully compels any person to labour against the will of that person commits a misdemeanour.

A person who recruits, hires, maintains, confines, transports, transfers, harbours or receives a person or facilitates the aforementioned acts through force or other forms of coercion for the purpose of engaging that person in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude, death bondage, forced or arranged marriage commits an offence and is liable to imprisonment for fifteen years.

Forced labour is defined as all work or service, which is exacted from any person under the threat of any penalty and for which the said person has not offered him/herself voluntarily.

Source: §25 of the Constitution of Uganda 1995 (revised in 2005); §5 of the Employment Act 2006; §253 of the Penal Code; §2-3 of the Prevention of Trafficking in Persons Act, 2009

## Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice to their employer.

For more information, please refer to the section on employment security.

## Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty-eight hours per week and eight hours a day. However, total hours of work inclusive of overtime must not exceed ten hours a day and fifty-six hours a week.

The Minister may, after consultation with the Labour Advisory Board, regulate the maximum number of hours per week including overtime work, which may be worked in any industry or occupation and may, by order, provide for temporary exceptions in extraordinary situations where the public interest so requires. However, no such order could be located. For more information on this, please refer to the section on compensation.

Sources: §56 of the Employment Act 2006

# 13/13 TRADE UNION

## **ILO Conventions**

Freedom of association and protection of the right to organize: Convention 87 (1948)  
Right to Organize and Collective Bargaining: Convention 98 (1949)

**Uganda has ratified both Conventions 87 & 98.**

### ***Summary of Provisions under ILO Conventions***

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- The Constitution of Uganda, 1995 (revised in 2005)
- Labour Unions Act, 2006

## Freedom to Join and Form a Union

Labour unions are organisations of workers created by workers to represent their rights and interests. The Constitution of Uganda provides for freedom of association while Labour Unions Act allows the workers to establish and join unions.

Workers are allowed to participate in union activities outside working hours. Every worker has a right to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests; to collective bargaining and representation; and to withdraw his or her labour according to law.

Union members are free to elect their representatives and formulate their work program. They may draw up their own statutes and administrative regulations, as long as these are not contrary to laws in effect and public order.

The unions must get registered with the Ministry by filing 3 copies of their statutes; titles, names, ages, addresses and occupations of its officers; number of members; and a revenue stamp of an amount prescribed by the Minister. A trade union is considered registered after the registrar register a trade union and issue a certificate of registration. The registration process must be done within 90 days from the date of submission of the application.

An employer is not allowed to interfere in the formation or administration of a

registered trade union and to support a union that is under the control of the employer or an employer's organization. Employer may deduct union dues from the wages of the members only after their written consent. Discriminatory behaviour is prohibited for the employer on the basis of union affiliation or participation in union activities. An employer who does not abide by these rules and regulations commits an offence and is liable to a fine up to 96 currency points or imprisonment up to four years or both. In case of a continued offence, the employer is liable to a fine up to two currency points for every day or part of a day during which the offence continues.

Source: §29 & 40 of the Constitution of Uganda 1995 (revised in 2005); §2-18 of the Labour Union Act 2006

## Freedom of Collective Bargaining

The Constitution of Uganda and the Labour Unions Act allow workers to bargain collectively through their representatives.

Collective agreement is a written agreement relating to the terms and conditions of employment concluded between one or more labour unions and one or more employers, or between one or more labour unions and one or more employer's organisation.

The terms of collective agreement must be concluded in writing and contain a reference to the manner and date when it may be reviewed. A copy of collective agreement and any amendment/variation made to the agreement must get registered with a Labour officer. Even if it is not registered, it remains enforceable between the parties to the agreement. Signed agreement must be lodged with the

Registrar of Labour Unions within 28 days from the date the agreement is made.

A person who acts against these provisions commits an offence and is liable to a fine up to 24 currency points or imprisonment up to one year or both.

The terms of registered collective agreement are incorporated in the employment contract of the workers.

Labour Advisory Board (LAB) is a tripartite body that was established to provide technical advice and information to the Minister responsible for Labour. Currently, LAB consists of 13 members; two representatives each from the employers' and trade unions organizations and six ministries are represented. The board advises the Minister of Labour on labour legislation and employment matters, oversees the labour inspectorates, implementation of labour policy, among others.

Source: §40 of the Constitution of Uganda 1995 (revised in 2005); §3 of the Labour Union Act 2006; §3 & 38-39 of the Labour Disputes (Arbitration and Settlement) Act 2006

## Right to Strike

Right to strike is recognized by Constitution however this right is strictly regulated.

According to the Labour Union Act, strike means to 'go slow' and 'a sit down' by a body of persons employed and acting in combination or a concerted refusal or a refusal under a common understanding, of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means

of compelling the employer, or to aid other workers, to accept or not to accept terms or conditions affecting the employment.

Worker has the right to organise themselves in any labour union and may withdraw their labour and take industrial action. There is a compulsory 30-day mediation period before lawful strike action may be taken.

Strikers must not threaten non-strikers. Strikers cannot stop other employees who want to go to work during a strike from doing so. Ugandan law maintains a list of essential services where strike action is prohibited without written notice given to the employer, not earlier than 14 days and not later than 22 days from the intended strike. The Labour Disputes (Arbitration and Settlement) Act requires employers not to take civil action against the strikers.

Strike is considered illegal if it is not peaceful and does not comply with the provisions of labour law. It is illegal to start strike in order to force an employer to revise a CBA or arbitral award which is still in force.

A person that induces a strike where it has been declared unlawful by the Labour Officer commits an offence and is liable to a fine up to 24 currency points or imprisonment up to 1 years or both.

Source: §40 of the Constitution of Uganda 1995 (revised in 2005); §3 of the Labour Union Act 2006; §8 of the Labour Disputes (Arbitration and Settlement) Act 2006

# QUESTIONNAIRE

## DECENTWORKCHECK.ORG

## Check

Decent Work Check Uganda is a product of WageIndicator.org and  
www.mywage.org/uganda



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

|   | NR | Yes                      | No                       |
|---|----|--------------------------|--------------------------|
| 1. I earn at least the minimum wage announced by the Government           |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly) |    | <input type="checkbox"/> | <input type="checkbox"/> |

## 02/13 Compensation

|  |  |                          |                          |
|--|--|--------------------------|--------------------------|
| 3. Whenever I work overtime, I always get compensation<br><i>(Overtime rate is fixed at a higher rate)</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Whenever I work at night, I get higher compensation for night work                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. I get compensatory holiday when I have to work on a public holiday or weekly rest day                   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it                   |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 03/13 Annual Leave &amp; Holidays

|   |  |  |   |
|---|--|--|---|
| 7. How many weeks of paid annual leave are you entitled to?*                |  | <input type="checkbox"/> 1<br><input type="checkbox"/> 2 | <input type="checkbox"/> 3<br><input type="checkbox"/> 4+ |
| 8. I get paid during public (national and religious) holidays               |  | <input type="checkbox"/>                                 | <input type="checkbox"/>                                  |
| 9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week |  | <input type="checkbox"/>                                 | <input type="checkbox"/>                                  |

## 04/13 Employment Security

|  |  |                          |                          |
|--|--|--------------------------|--------------------------|
| 10. I was provided a written statement of particulars at the start of my employment  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature<br><i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>        |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. My probation period is only 06 months  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. My employer offers severance pay in case of termination of employment<br><i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 05/13 Family Responsibilities

|   |  |                          |                          |
|---|--|--------------------------|--------------------------|
| 15. My employer provides paid paternity leave<br><i>This leave is for new fathers/partners and is given at the time of child birth</i>  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. My employer provides (paid or unpaid) parental leave<br><i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. My work schedule is flexible enough to combine work with family responsibilities<br><i>Through part-time work or other flex time options</i>  |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 06/13 Maternity &amp; Work

|   |  |                          |                          |
|---|--|--------------------------|--------------------------|
| 18. I get free ante and post natal medical care                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. My maternity leave lasts at least 14 weeks                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |







- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |













## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



## 10/13 Fair Treatment

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion   |  | <input type="checkbox"/> | <input type="checkbox"/> |




\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

|    |  |   |                          |                          |
|----|--|---|--------------------------|--------------------------|
|    | Nationality/Place of Birth   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Social Origin/Caste  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Family responsibilities/family status  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Age  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Disability/HIV-AIDS  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Trade union membership and related activities  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Language   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Sexual Orientation (homosexual, bisexual or heterosexual orientation)                              |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Marital Status   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Physical Appearance  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Pregnancy/Maternity  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 40 | I, as a woman, can work in the same industries as men and have the freedom to choose my profession |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 11/13 Minors & Youth

|     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 41. | In my workplace, children under 15 are forbidden                    |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. | In my workplace, children under 18 are forbidden for hazardous work |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 12/13 Forced Labour

|     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 43. | I have the right to terminate employment at will or after serving a notice     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. | My employer keeps my workplace free of forced or bonded labour                 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. | My total hours of work, inclusive of overtime, do not exceed 56 hours per week |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 13/13 Trade Union Rights

|     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 46. | I have a labour union at my workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. | I have the right to join a union at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 48. | My employer allows collective bargaining at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 49. | I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Uganda scored 36 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.